

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1858.

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN THREE VOLUMES.

VOL. II.

SYDNEY:

PRINTED BY WILLIAM-HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

—o—
1858.

TABLE OF CONTENTS.

(Arranged as the Papers should be bound.)

Vol. I.

LEGISLATIVE—	PAGE.
Title Page	
Table of Contents	
Index	
Votes and Proceedings, from No. 1 to No. 127	1 to 592
Weekly Reports of Divisions in Committee of the whole House, from No. 1 to No. 29	593 to 750
Weekly Abstracts of Petitions received, from No. 1 to No. 29	751 to 810
General Summary of ditto	811
Alphabetical Register of Bills..	825
Ditto ditto Addresses and Orders for Papers	827
Ditto ditto Other Addresses (separate and joint)	833
Standing and Select Committees appointed during the Session	837
Business of the Session..	839
Report from Committee of Elections and Qualifications, Pye v. Oakes..	885
Ditto ditto ditto embodying for the opinion of	
House certain Resolutions in reference to the Petition of T. G. Rusden, Esquire..	
Report from Committee of Elections and Qualifications in reference to the Special	
Return made to the Writ for the Election and Return of a Member for Moreton,	903
Wide Bay, Barnett, and Maranoa	
Special Return to Writ—Report from Select Committee	917
Committee of Elections and Qualifications—Petition of Mr. T. G. Rusden	942
Alleged disqualification of Mr. Moriarty—Petition of Mr. T. G. Rusden	945
T. G. Rusden, Esquire—Petition	947
Report from Standing Orders Committee, with Draft Standing Orders	949
Ditto ditto —Expenses of Witnesses	961
Proposed Dispatch of Artillery to India—Question of Privilege—Report from Select	965
Committee	
Management of the Survey Department—Question of Privilege—Progress Report	973
Ditto ditto from Select Committee	
Ditto ditto —2nd Progress Report from Select Committee	977
Copy of Judgment on Appeal of Fenton & Fraser v. Hampton, from Supreme Court	993
of Tasmania to Her Majesty's Privy Council ..	
ELECTORAL—	
Electoral Law Amendment Bill—Petition of John Williams, Esq., Chairman of Public	995
Meeting in Sydney	
Ditto —Petition of certain Electors of Sydney	997
Ditto ditto of certain Inhabitants of Sydney and its	999
neighbourhood	
Ditto ditto of certain Citizens of Sydney	1001
Ditto ditto of Mr. Edward M'Enroe	1003
Ditto ditto of James Pemell, Chairman of Public	1005
Meeting of Inhabitants of the Glebe ..	
Ditto ditto from Balmain ..	1007
Ditto ditto Pyrmont ..	1009
Ditto ditto Newtown ..	1011
Ditto ditto Paddington ..	1013
Ditto ditto Hunter's Hill ..	1015
Ditto ditto Windsor ..	1017
Ditto ditto Richmond and its vicinity	1019
Ditto ditto Richmond ..	1021
Ditto ditto Parramatta ..	1023
Ditto ditto West Camden ..	1025
Ditto ditto ditto ..	1027
Ditto ditto Berrima ..	1029
Ditto ditto the Manning River ..	1031
Ditto ditto Port Macquarie ..	1033
Ditto ditto Wollongong ..	1035
Ditto ditto Illawarra Liberal Political Association	1037
James Ewan, Chairman, and Peter	
Dean, Secretary of the Northumber-	1039
land Liberal Political Association..	
Ditto ditto Morpeth, Hinton, Largs, and the	
Eastern portion of the Police District	1041
of Maitland ..	
Ditto ditto Largs and Dunmore ..	1043
Ditto ditto Raymond Terrace ..	1045
Ditto ditto Northumberland Boroughs ..	1047
Ditto ditto Murrumbidgee ..	1049
Ditto ditto Hanging Rock and Peel River Gold	1051
Fields ..	
Ditto ditto Tenterfield ..	1053
Ditto ditto Scone ..	1055
Ditto ditto Rocky River Gold Fields ..	1057
Ditto ditto Bathurst and Kelso ..	1059
Ditto ditto G. F. Wise, Chairman of Public Meet-	1061
ing at Bathurst ..	
Ditto ditto Orange ..	1063
Ditto ditto ditto ..	1065
Ditto ditto ditto ..	1067
Ditto ditto Binalong ..	1069

ELECTORAL—(continued.)		PAGE.
Electoral Law Amendment Bill—Petition from Binalong		1071
Ditto ditto Macleay River		1073
Ditto ditto Macleay District		1075
Ditto ditto Wagga Wagga		1077
Ditto ditto Yass		1079
Ditto ditto H. S. Lewes, Chairman of Public Meeting at Moama		1081
Ditto ditto Deniliquin		1083
Ditto ditto Albury		1085
Adult Male Population in the Electoral Districts—Return to Order		1087
Adult Male and Female Population in the Police Districts—Return to Order		1095
Statements Explanatory of the proposed Division of Electoral Districts		1103
Comparative Return of the Population in the Southern, Middle, Northern, and Metropolitan Electoral Districts of the Colony		1111
Return of Electors for 1858-9		1117
Exercise of the Elective Franchise by Government Officers—Return to Address		1121
Conduct of the Returning Officer for the Western Boroughs—Return to Address		1123
ADMINISTRATION OF JUSTICE—		
Rules of Court promulgated 7 and 24 Nov., and 1 and 21 Dec., 1857, and 6 Feb., 1858		1133
Ditto ditto 27 Feb., 12 and 14 June, 5 and 7 July, 1858		1139
Ditto ditto 27 October, 1858		1143
Ditto ditto 10 September, 1858		1145
Ditto ditto 13 November, 1858		1147
Ditto Moreton Bay, promulgated in October and December, 1857, and January and March, 1858		1149
Ditto ditto ditto in May, June, and July, 1858		1151
Ditto ditto ditto 19 October, 1858		1153
Ditto ditto ditto 27 September, 1858		1155
Letter from His Honor the Chief Justice, having reference to the Appointment of a Fourth Judge		1157
Proposed Appointment of a Fourth Judge—Petition of Solicitors of Sydney		1161
Moreton Bay Judge's Appointment Bill—Report from Select Committee		1163
Correspondence relative to Mr. Justice Milford having left Moreton Bay		1203
Correspondence in reference to the Address on the subject of Writs issued from the Supreme Court, adopted on motion of Mr. Murray, on 13 July, 1858		1205
Comparative Return of the number of persons sentenced to the Roads, from 1 May, 1850, to 30 April, 1858		1207
Secondary Punishment—Evidence taken by Select Committee of last Session		1209
Liberation of Wm. Bird Evans—Message No. 5		1251
Ditto ditto —Return to Address		1253
Reprieve of Joseph Wilkes—Return to Address		1295
Insolvencies—Part Return to Order		1297
Ditto —Further Return to Order		1305
Ditto ditto		1311
Correspondence respecting the Returns from Official Assignees, ordered to be laid on the Table on 30 March, 1858		1317

Vol. II.

	PAGE.
Landed Property in cases of Intestacy Descent Bill—Progress Report from Select Committee	1
Gundagai Assize Court—Petition	61
Tamworth Court of Assize—Petition from Liverpool Plains	63
Court and Resident Judge at Albury—Petition	65
District Court at Wagga Wagga—Petition	67
Ditto at Yass	69
Establishment of a Court of Civil and Criminal Jurisdiction at Deniliquin—Petition	71
Progress Report from Select Committee on the State of the Magistracy, Pearce v. Bayly	73
State of the Magistracy—Expenses of Witnesses—Second Progress Report from Select Committee	81
State of the Magistracy—Final Report from Select Committee	85
Cases in which the Attorney General declined to prosecute—Return to Address	195
Pearce v. Bayly—Return to Address	199
Inquiry into the conduct of Charles Luke Bayly, Esq., J. P.—Return to Address	203
A. E. Halloran, Esq.—Petition of E. B. Uhr, Esq., J. P.	211
Dr. Harris—Return to Address	213
Mr. Charles Wentworth Bucknell—Petition	229
The Queen v. Bucknell, and the Queen v. Lewis and Abigail—Return to Address	231
Report from Board of Inquiry into the Management of Cockatoo Island	243
Return of Work performed by Prisoners in H. M. Gaol, Darlinghurst, from 1 January, 1854, to 31 July, 1858	367
Similar Return, Parramatta Gaol, from 1 April, 1854, to 31 December, 1855	375
Ditto ditto from 1 January, 1856, to 31 July, 1858	379
Correspondence respecting a case of Kidnapping said to be perpetrated by the Master of a vessel recently sailing out of the Port of Sydney	389
POLICE—	
Returns of the Metropolitan Police, for the year 1857	395
Police Guard for Cockatoo Island—Message No. 4, with Explanatory Statement	403
Letter from the Government Resident, at Brisbane, Moreton Bay, dated 8th July, 1858, enclosing Returns of the Expense, Strength, and Distribution of the Native Police	405
Ditto ditto ditto dated 21 July, 1858, in reference to the Native Police	409
Correspondence respecting Recruits for the Native Police, and the State of that Corps	411
CHURCH—	
Erection of a Church at Albury—Petition	419
New Mariners' Church—Petition	421
Rev. Dr. Lang—Petition	423
Ditto —Petition of certain Ministers of the Synod of Australia	427
Ditto —Petition of Dr. Fullerton	429
Ditto —Petition of certain Members of the Scots' Church, Sydney	431

EDUCATION—(continued.)		PAGE.
Return of Receipts and Expenditure upon the Sydney University Buildings, for the year 1857		433
Report of the Proceedings of the University of Sydney, for 1857		435
Sydney University, Message No. 48, with Despatch		441
By-Law passed by the Council of St. John's College		443
St. John's College Act—Return to Address		445
Affiliated Colleges Partial Endowment Act Amendment Bill—Petition from Warden and Fellows of St. Paul's College		451
Ditto ditto —Petition of the Professors of the Faculty of Arts in the University of Sydney		453
Ditto ditto —Petition of the Professors, Graduates, and Undergraduates of the University of Sydney		455
Ditto ditto —Petition of Thomas Barker, on behalf of one moiety of the Presbyterian College Committee		457
Ditto ditto —Petition of Presbyterians of Balmain		459
Ditto ditto —Members of various Religious Denominations in Sydney		461
Proposed Presbyterian College—Petition of Revd. John Dunmore Lang, D.D.		463
Ditto ditto —Report from Select Committee		465
Third Report of the Trustees of the Sydney Grammar School		511
A Letter from the Hon. Sec. to the Sydney Grammar School, rendering Statement of the Accounts and Disbursements of that Institution for the year 1857		513
Grammar School at Bathurst—Return to Address		515
Report of the Board of National Education for the year 1857		519
Letter from National Education Board, dated 3 June, on the subject of Non-Vested Schools		533
Correspondence relative to the Removal of Mr. Plunkett from the Board of National Education		535
Proposed Reinstatement of the late Chairman of the Board of National Education—Petition		549
Further Papers relating to the Removal of Mr. Plunkett from the Board of National Education		551
Further Correspondence respecting do. do.		555
Proceedings of the Executive Council in relation to the same matter—Return to Address		557
Appendix to Denominational School Board's Report for 1856		559
Denominational School Board's Report for 1857		571
Appendix to ditto ditto		585
Mr. Robert Vining Gale—Petition		591
Introduction of Teachers under Immigration Regulations—Return to Address		593
Grant for Education—Petition of Members of Church of England, Parish of St. John's, Glebe		603
Do. do. —Petition from Dunmore		605
Do. do. —Petition from Clarence Town		607
Do. do. —Petition of Members of Church of England in District of Araluen		609
CHARITABLE INSTITUTIONS—		
Rules of Destitute Children's Society, with List of Board of Directors		611
Infants received into the Benevolent Asylum—Return to Order		613
MUSEUM—		
Report from the Trustees of the Australian Museum, for 1857		625
BOTANIC GARDENS—		
Report from Director, for the year 1857		627
LEICHHARDT EXPEDITION—		
Report of the Proceedings of the Expedition in search of Dr. Leichhardt under the direction of A. C. Gregory, Esquire		637
Communications in reference to ditto ditto		647
SURVEY—		
Instructions for laying out Towns and Villages—Return to Address		649
Amended Instructions for Marking the Boundaries of Allotments and portions of Land measured by Officers of the Survey Department		651
Mr. Licensed Surveyor Sanderson—Petition		657
Mr. Assistant Surveyor Darke—Petition		659
CROWN LANDS—		
Date of Leases of Crown Lands held under Orders in Council—Return to Address		661
Retirement from Office of Police Magistrates or Commissioners of Crown Lands—Return to Address		667
Copy of a Judgment of the Judicial Committee of the Privy Council, in the matter of J. A. Robertson's Appeal against the decision of the Local Government in removing him from the office of C. C. L.—Despatch		677
Lands measured and sold at Orange—Return to Address		679
Bathurst Town and Suburban Allotments—Return to Address		685
Despatches in reference to a proposed Annexation of a portion of New South Wales to South Australia		687
LAND CLAIMS—		
Mr. Francis O'Meara—Petition		691
Mr. Edwd. James Howes Knapp—Petition		693
Mr. Wm. Sims Bell—Petition		695
TIMBER OF N. S. WALES.		
Report from Captain Ward on the Elasticity and Strength of the Timber of N. S. Wales		697
ALLUVIAL LANDS OF THE HUNTER—		
Report from Select Committee		701
ASSESSMENT ON STOCK—		
Petition from New England		757
Petition from New England and Macleay		759
Pastoral Lands Assessment and Rent Act—Petition of Mr. Frederick Gardiner		761
Ditto ditto —Assent to. Return to Address		763
SHEEP AND CATTLE—		
Scab and Catarrh in Sheep—Report from Select Committee		767
Mr. John Giblett—Petition		825
Scab in Sheep Prevention Bill—Petition		827
Driving Cattle through E. and W. Maitland—Petition		829

IMPOUNDING—	PAGE.
Impounding Bill—Petition of Isaac Shepherd	831
Ditto —Petition from Ipswich	833
Pounds and Poundkeepers, Moreton Bay—Return to Order	835
Stock sold out of Sofala Pound—Return to Order	839
ABORIGINES—	
Murders by the Aborigines on the Dawson River—Report from Select Committee ..	843
IMMIGRATION—	
Progress Report of the Immigration Board on the case of the Immigrants per } "Stebonheath"	911
Report of ditto ditto	913
Return shewing the number of Immigrants who arrived in the Colony of New South } Wales during the several years 1851 to 1856 inclusive, and the proportion in which } they were selected from each division of the United Kingdom	921
Unassisted and Assisted Government Immigration—Return to Address	923
Correspondence in relation to the conveyance of Immigrants to the Country Districts	925
Port of Bristol, England—Petition	927
German Immigration—Petition	931
Irish Female Immigrants—Petition	933
Ditto —Return to Address	935
Chinese Immigration Bill—Petition of John Smith, Merchant, of Sydney	939
Ditto ditto the firm of Merrill and Leavitt	941
Ditto ditto from Sydney	943
Chinese Immigration—Petition from the Meroo Gold Fields	945
Ditto ditto Rocky River Gold Fields	947
UNEMPLOYED—	
Papers relating to Unemployed Mechanics and Laborers in Sydney	949
Further ditto ditto	953
Final Report of the Committee appointed for the relief of ditto	963
Statement of the Receipts and Expenditure of the Unemployed Laborers Committee ..	965
GOLD—	
Gold Fields Regulations, promulgated 5 August, under Act 20 Vict. No. 29	969
Letter of Instructions, under date 5 August, to the several Gold Commissioners ..	977
Report from Commissioner in charge of Western Gold Fields, for the half-year ended } 30 June, 1858	979
Letter from Mr. Commissioner M'Lean, dated 9 October, 1858, respecting the Western } Gold Fields	985
Discovery of Gold in the Macintyre Brook—Letter from Surveyor General	987
Correspondence relative to the discovery of Gold Fields at Port Curtis	989
Correspondence respecting the Canoona Gold Fields, Port Curtis	993
Letter from Mr. Crown Lands Commissioner Wiseman, dated 26 August, in reference } to ditto	999
Letter from Captain O'Connell, dated Gladstone, 20 September, 1858, respecting the } Canoona Gold Fields, Port Curtis	1001
Letter from Captain O'Connell, dated 27 September, on the Canoona Gold Fields, } Port Curtis	1003
Ditto ditto same date, ditto	1005
Ditto ditto 13 and 16 October, ditto	1007
Letter from Colonial Architect, reporting shipment of Buildings, &c., to Port Curtis ..	1011
Return for the Port of Rockhampton, of the Ships and Passengers, Inwards and Out- } wards, since 2 October, 1858	1013
MINT—	
Branch of Royal Mint—Return to Address	1015
Returns from the Deputy Master of the Sydney Branch of the Royal Mint—Despatch ..	1019
Despatches and Papers relating to Coinage at the Sydney Branch of the Royal Mint ..	1021
POSTAL—	
Return of the Country Post Offices and Postmasters, with the Salary and Allowances } (if any) attached to each office	1025
Postal Communication between Sydney and the Macdonald River—Petition	1029
Papers relative to a Steam Postal Service via New Zealand and Panama	1031
Correspondence with the Chamber of Commerce, respecting the Steam Postal Service	1037
Papers relating to the Charter of the "City of Sydney" for the conveyance of the } Mails, in the place of the E. and A. R. M. Co.'s contract vessel, the "European" }	1045
Despatches respecting the unsatisfactory manner in which the Mails between England } and Australia have been conveyed by the E. and A. R. M. Co.	1049
Despatch of 23 March, respecting the manner in which the Mail contract has hitherto } been performed by the European and Australian Royal Mail Co.	1051
Correspondence announcing the dissolution of the Contract with the E. and A. R. M. } Co., and reporting the temporary arrangement made for conducting the Mail } service with Australia, until a new Contract can be entered into	1053
Letter from W. C. Wentworth, Esq., Chairman of the General Association for the } Australian Colonies, respecting a proposal for the extension of the existing con- } tract for the Mail service between England and the Australian Colonies	1055
Steam Postal Communication with England—Message No. 26	1057
Despatches relative to Steam Postal Communication, dated 16 July and 16 Aug., 1858	1065
Despatch, dated 9 September, 1858, respecting the continuance of the Australian } Steam Postal Service for two months beyond the period first agreed for	1069
BANK AND OTHER STATISTICS—	
Assets and Liabilities of Banks for Quarter ended 31 December, 1857	1071
Annual Statistics for the year 1857	1073
Abstract of the state of Shipping registered in the Colony for the year ended 31 } December, 1857	1159
TRUST ACCOUNTS—	
Randwick and Coogee Road Trust Accounts, from 1 July to 31 December, 1857	1161
South Head ditto ditto ditto	1163
Parramatta ditto ditto ditto	1165
Liverpool ditto from 1 July to 31 December, 1856; from } 1 January to 30 June, 1857; and from 1 July to 31 December, 1857	1167
Campbelltown ditto from 1 July to 31 December, 1857	1171
Windsor ditto ditto ditto	1173
Richmond ditto ditto ditto	1177
Narrellan Road Trust Accounts for Half-year ended 31 December, 1855	1179
Ditto ditto ditto 31 December, 1856	1181
Ditto ditto from 1 July to 31 December, 1857	1183
Penrith ditto for Half-year ended 31 December, 1856	1185
Penrith ditto from 1 January to 30 June, 1857; and from 1 July } to 31 December, 1857	1187

NAVIGATION—

	PAGE.
Removal of Captain Peckley and Mr. Drew—Return to Address	649
Papers in reference to the New Steam Dredge and the Progress made in deepening the River Hunter	663
Breakwater at Stockton—Return to Order	665
Removal of Signal Staff, Newcastle—Petition	671
Do. do. —Return to Order	673
Letter from Mr. Commissioner Wiseman, dated Leichhardt, 17 September, 1858, on the Navigation of the Casuarina Creek	683
Navigation of the Murray and its Effluents—Return to Address	685
Further Correspondence from the South Australian Government, respecting the Snag Boat lately constructed for clearing the River Murray	699
Navigation of the River Murray—Report from Select Committee	703
Mr. George Underwood Alley—Petition	779
Navigation of the Shoalhaven River—Petition	781
Mr. Surveyor Debenham's Report on the obstructions existing in the Crookhaven River, and upon the best method of removing them	783
Mr. Surveyor Debenham's Report upon Kiama Harbour	787
Steam Dredge—Return to Order	789

WOODLARK ISLAND AND ISLAND OF TANNA—

Communication from Captain Loring, of H. M. Ship "Iris," on the subject of the Murder of the Master and two of the crew of the schooner "Anne and Jane," on the Island of Tanna, in December, 1857, and also, with reference to the Massacre of the crew of the "Gazelle," at Woodlark Island, in 1855	791
---	-----

RAILWAYS—

Despatches and Correspondence relative to the appointment of an Officer of the Royal Engineers and Staff, to superintend the construction of Railways and other Public Works in New South Wales	793
Government Railway Officers and Servants—Return to Order	801
Letter from Captain Martindale, on the subject of Auditing the Government Railway Accounts	805
Railway Extension—Petition from Sydney	807
Railway Extension to Singleton—Petition	809
Branch line of Railway to Windsor—Petition	811
Extension of Railways to Picton, Penrith, and Singleton—Return to Order	813
Further Extension of Western and Southern Railways—Petition	815
Correspondence in reference to a plan shewing the line of Railway Extension from Parramatta to the Interior	817
Letter from Captain Martindale, dated 8th November, in reference to the alleged loss of Plans of Railway Extension to the Westward	821
Further Correspondence ditto ditto	823
Railway crossing in Abbott-street, West Maitland—Petition	829
Wallis' Creek—Petition	831
Land taken for Railway purposes at Honeysuckle Point, Newcastle—Petition	833
Railway Terminus at Parramatta—Petition	835
Government Railways Bill—Petition of Municipal Council of Sydney	837
Ditto —Report from City Engineer relative to the powers over the Streets of the City, proposed to be granted to the Commissioner of Railways by	839
Reports and Evidence upon the Accident on the Great Southern Railway on the 10th July, 1858	843
Commission appointing Captain Denham, R.N., M. B. Pell, Esq., B.A., and E. O. Moriarty, Esq., C.E., to inquire into the causes of the late fatal Accident on the Great Southern Railway	857
Commission extending the time for Inquiry by Commission into the recent Railway Accident	861
First Progress Report from the Commission of Inquiry into the recent Accident upon the Great Southern Railway	863
Second Progress Report from ditto ditto	869
Final Report from ditto ditto	873
Railway Accident—Progress Report from Select Committee	921
Ditto —Final Report from Select Committee	925
Correspondence relative to the Time Table and Scale of Fares on the Great Southern Railway	1031
Railway Charges—Petition from Parramatta	1033
Late Railway Carriers—Petition	1035
Railway Services of Thomas Woore, Esq.—Report from Select Committee	1037

ELECTRIC TELEGRAPHS.

Regulations for the management of the New South Wales Electric Telegraphs	1065
Captain Martindale's Report on the construction of lines of Electric Telegraph to Bathurst and the Hunter	1067
Progress and present state of the Electric Telegraph in the Australian Colonies— Return to Address	1069
Electric Telegraph between Great Britain and Australia—Petition	1077
Paper addressed to the Government of New South Wales by Messrs. John W. Brett and J. R. Carmichael, proffering the establishment of Oceanic Telegraphic Com- munication between Australia and Ceylon, upon certain conditions for payment of Interest upon the Capital employed in the undertaking	1079

PUBLIC ROADS, WORKS, AND BUILDINGS—

Second Report on the Internal Communications of New South Wales	1081
Appendix to ditto ditto	1111
Report on the Great Northern Road, by Captain Martindale, Commissioner for Roads	1141
High Road, near Horse Flat, Collector—Return to Order	1153
Tenterfield Road and Road Trust—Return to Order	1157
Tolls collected on the Road between Drayton and Ipswich—Return to Order	1171
Bridges in the Wide Bay and Burnett Districts—Petition	1173
Bridge over the Murray at Albury—Petition	1175
Ditto —Return to Address	1177
Bridge at Cockfighter's Creek—Petition	1203
Bridges erected upon the Main Line of Road—Return to Order	1205
Pymont Bridge Company's Works—Return to Address	1207
Ferry at Bumaderry Point, Shoalhaven River—Petition	1211
Supply of Water to Woilongong—Return to Address	1213

PUBLIC ROADS, WORKS, AND BUILDINGS—(continued.)		PAGE.
Mr. Moriarty's Report on the best source from which to draw a supply of Water for the Inhabitants of the Town of Wollongong		1216
Slaughter Houses in Sydney, and Abattoirs on Glebe Island—Petition from Sydney ..		1223
Abattoirs on Glebe Island—Petition of Butchers of Sydney		1225
Buildings occupied as Government Offices in Sydney—Return to Address		1227
Report from the Civil Engineer on the state of the Dry Dock at Cockatoo Island ..		1229
Hyde Park Improvement Committee—Return to Order		1233
MUNICIPAL—		
Report from Municipal Council relative to the Sewerage and Water Supply		1237
Appointment of Justices under the Municipalities Bill—Petition from Wollongong ..		1247
MEDICAL—		
Report from Medical Adviser to Government, on Vaccination, for the year 1857 ..		1249
Duties of Health Officer of Port Jackson		1253
Report of ditto ditto for the year 1857		1257
Ditto ditto Moreton Bay, ditto		1263
ORDNANCE—		
Returns of Moneys, Lands and Buildings, rendered pursuant to 4 Vict. No. 2		1265
MILITARY—		
Correspondence respecting the Military Force this Colony would be disposed to entertain		1267
COMMUTED PENSIONERS—Petition		1269
MORETON BAY—		
Separation of Moreton Bay—Return to Address		1271
Ditto ditto —Despatch, dated 16 July, 1858		1299
Ditto ditto —Return to Address of Session 1857		1301
MARRIAGE OF THE PRINCESS ROYAL—Message No. 36, with Despatch		1311
INDIA—		
Purchase of Horses for Artillery drafted to India—Message No. 3, with Despatch ..		1313
Despatches in reference to the proposed dispatch of Artillery to India		1315
Dispatch of Troops to India —Message No. 22, with Despatch		1317
Ditto ditto —Return to Address		1319
PRIVATE BILLS—		
Bathurst School of Arts Bill—Report from Select Committee		1323
St. Philip's Parsonage Bill—Report from Select Committee		1329
Pymont Bridge Company's Bill—Report from Select Committee		1335
Kiama Steam Navigation Company's Bill—Report from Select Committee		1351
Australian Gas Light Company's Bill—Report from Select Committee		1357

INDEX

TO THE

VOTES AND PROCEEDINGS

OF THE

SESSION OF 1858,

AND TO THE

PAPERS ORDERED TO BE PRINTED DURING THE SESSION.

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
ARATTOIRS on Glebe Island	41, 46, 209, 214	3	1223, 1225	
Abbott-street, Railway crossing in, West Maitland	213, 224	3	829	
Abigail, Lewis and.—The Queen v.	497, 587	2	231	
Aborigines, Murders by the, on the Dawson River	257, 313, 321, 345, 357, 401	2	843	
Absence of Chairman of Committees. (See also "Leave of Absence.")	22, 31, 109, 224			
Abstinence—(See "Total Abstinence.")				
Abstract of the state of the Shipping Registered in the Colony, for the Year ended 31 December, 1857	237	2	1159	
Abstracts Explanatory, Nos. 1 and 2, of the Amounts respectively Estimated, Voted, and Embodied in the Appropriation Act 22 Vict., No. XXI., for the service of the year 1857-8.		3	203	
Abstracts of Petitions received		1	751 to 810	
of the Public Accounts of the Colony of New South Wales for the Year 1857. (See also "Bank Abstracts.")	151	3	1	
Accident on the Great Southern Railway, on the 10th July, 1858.	313, 317, 321, 327, 328, 341, 388, 409, 413, 447, 501	3	843, 857, 861, 863, 869, 873, 921, 925	
Account Current, Estimated, of Revenue and Expenditure, carried to 31 December, 1858	36	3	73	
Current with the Trust Money Deposits	101	3	147	
Loans, Balance Sheet from January to December 1857	36	3	73	
Accounts—(See "Road Trusts," "Treasury," "Railway," "Abstract," "Public.")				
Acts Shortening Act Amendment Bill	206, 221, 395, 448, 458, 471, 490			
Additional Estimate for 1858	399	3	189	
Supplementary Estimate for 1858	527	3	201	
Address of thanks to Her Majesty the Queen—Sydney University to Her Majesty the Queen, and His Royal Highness the Prince Consort—Marriage of the Princess Royal.	210, 220, 224	2	441	
Addresses, Alphabetical Registers of, and Orders for Papers	134			
Other—(Separate and Joint)		1	827	
Addresses to His Excellency the Governor General—(See "Alphabetical Register of Addresses and Orders for Papers.")		1	831	
Ad Eundem Degrees Bill	267, 393			
Adjournment for Easter Holidays	31			
for Prorogation	587			
for Refreshment	565			
Adjournments Extraordinary	3, 31, 120, 128, 134, 217, 221, 244, 248, 253, 261, 286, 311, 315, 325, 374, 389, 401, 414, 433, 451, 454, 462, 465, 467, 469, 475, 478, 483, 486, 490, 493, 497, 503, 505, 508, 515, 518, 521, 531, 556, 565, 569, 573, 577, 589			
for want of a Quorum:—				
In Committee	120, 221, 486, 490, 493, 508			
In the House	217, 244, 253, 261, 325, 374, 414, 433, 451, 454, 467, 469, 475, 478, 497, 505, 515, 518, 521, 531, 556, 565, 573, 577			
Proposed	228, 343, 483, 541			
Upon Division in Committee	286, 389, 465, 569			
Upon Division in the House	401, 462, 503, 559			
Administration of Justice, Moreton Bay, Act Amendment Bill	507, 517, 568, 582			
Adult Male and Female Population in Police Districts	180, 233	1	1095	
Population in Electoral Districts	102, 125	1	1087	
Advances—(See "Statement of Advances")				
Adviser—(See "Medical Adviser")				
Affiliated Colleges, Land granted to Sydney University for	555			
Partial Endowment Act Amendment Bill	126, 180, 189, 197, 363, 367, 378, 421			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Affiliated Colleges Partial Endowment Act Amendment Bill:—				
Petition of H. J. Hose, M.A., Warden, and Fellows of St. Paul's College	151, 179	2	451	
Petition of Members of various Religious Denominations in Sydney	188, 213	2	461	
Petition of Minister and Office Bearers of Congregation of Presbyterians at Balmain	187, 213	2	459	
Petition of Professors, Graduates, and Under-graduates of University of Sydney	169, 189	2	455	
Petition of Professors of the Faculty of Arts in the University of Sydney	169, 180	2	453	
Petition of Thomas Barker, on behalf of one moiety of the Presbyterian College Committee	187, 196	2	457	
Agreement—(See "Special Agreement.")	139, 152, 447, 537	3	1175, 1177	
Albury, Bridge over the Murray at	133, 151	2	65	
Court and Resident Judge at	353, 357	2	419	
Erection of a Church at	219, 224	1	1085	
Petition from,—Electoral Bill	443, 467			
Alienation, Crown Lands, in certain cases Bill	146			
Allen, George	133, 147	3	779	
Alley, Mr. George Underwood, of Shoalhaven	219, 224, 318, 341	3	597, 605	
Alliance for the suppression of Intemperance	75, 84, 567	2	701	
Alluvial Lands of the Hunter		1	827	
Alphabetical Register of Addresses and Orders for Papers		1	831	
Other Addresses (Separate and Joint)		1	825	
Bills				
Amendment (See "Acts Shortening Act Amendment Bill," "Affiliated Colleges Partial Endowment Act Amendment Bill," "Deserted Wives and Children's Act Amendment Bill," "City Port and Hamlets Police Act Amendment Bill," "Electoral Law Amendment Bill," "Law of Evidence Amendment Bill," "Law of Larceny Amendment Bill," "Masters and Servants Act Amendment Bill," "Moreton Bay Administration of Justice Act Amendment Bill," "Pilotage Rates Amendment Bill," "Publican's Licensing Act Amendment Bill," "Sydney Mechanics' School of Arts Acts Amendment Bill.")	257			
Amendments, Proposed, amended by Consent	62, 114, 295, 443			
upon Amendments				
"Anne and Jane," Murder of the Master and two of the Crew of the, at the Island of Tanna	463	3	791	
Annexation, Proposed, of a portion of New South Wales to South Australia	481, 511	2	687	
Annual Expenditure of the Civil Service from 1850 to 1858	220			
Statistics for the Year 1857	435	2	1073	
Appeal, Copy of Judgment on, of Fenton and Fraser v. Hampton from Supreme Court of Tasmania, to Her Majesty's Privy Council	237	1	993	
(See also "Robertson, Mr. J. A.")				
Appointment of Fourth Judge, Proposed	21, 303, 342	1	1157, 1161	
(See also "Moreton Bay Judge's Appointment Bill.")				
Justices under the Municipalities Bill	119, 127	3	1247	
Appropriation Bill for 1857-8	560, 564, 567, 582, 584, 591			
Appropriations for Roads and Bridges, Expenditure of	481			
(See also "Receipts and Appropriations," "Statements.")				
Approval of Standing Orders	81			
Araluen, District of, Church of England in the	45, 55	2	609	
Gold Fields of, Petition from—Electoral Bill	139			
Archdeacon Cowper, The Venerable, Death of	311			
Architect—(See "Colonial Architect.")				
Armidale, Salary for Police Magistrate at	126, 189			
Arnold, William Mannings, Esq.,	13, 36, 224			
Articles of Food Inspection Bill	406, 432, 437, 440, 503			
Artillery, Proposed Dispatch of, to India	55, 67, 73, 82, 89, 388	1	965	
Purchase of Horses for, drafted to India	35	3	1315	
Arts—(See "Bathurst School of Arts Bill," "Sydney Mechanics' School of Arts Acts Amendment Bill.")		3	1313	
Assembly, Legislative:—				
Abstracts of Petitions received from, No. 1 to 29		1	751 to 810	
General Summary of do.		1	811	
Address in reply to Governor General's Opening Speech ..	9, 10			
Adjournments Extraordinary—(See "Adjournments.")				
Alphabetical Register of Addresses and Orders for Papers ..		1	827	
Bills		1	825	
Other Addresses (Separate and Joint)		1	831	
Bar of the House, Mr. T. G. Rusden heard at the	252			
Business of the Session	13, 18, 22, 31, 36, 109, 224, 343, 345			
Chairman of Committees	17, 45, 74			
Clerk, The, summoned	14			
Counting the House	22			
Custody of Papers	14			
Days for Dispatch of Business appointed	465, 478, 493			
during remainder of Session		1	593 to 750	
Divisions in Committee of the whole House from No. 1 to 29 ..	17, 53, 54, 61, 125, 151, 159, 195, 209, 214, 237, 252, 289, 303, 477, 481, 490	1	839, 885, 903	
Elections and Qualifications Committee	6			
Governor General's Opening Speech	13			
Acknowledgment of Address in reply ..				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Assembly, Legislative (continued):—				
Leave of Absence.....	201, 321, 322, 341, 377,			
Library Committee	393, 405, 435			
Members take the Oath and subscribe the Roll.....	14			
Questions of Order	3, 6, 9, 17, 21, 35, 74, 89,			
	271, 465, 587			
	18, 29, 41, 227, 263, 264,			
	290, 299, 313, 317, 321,			
	401, 409, 427, 567, 568,			
	573, 582			
(See also "Questions of Orders.")				
Privilege	73, 82, 89, 467, 478, 482,			
	502, 555	1	965, 973, 979	
(See also "Questions of Privilege.")				
Sessional Orders	13, 14, 465			
Speaker, Commission to, to Administer Oath	5			
Election of.....	3			
Presentation of, to Governor General	5			
Special Return to Writ	29, 41, 213, 238	1	903, 917	
Standing and Select Committees appointed during the Session		1	833	
Standing Orders	14, 29, 36, 61, 81	1	949	
Committee	14, 29, 531, 547	1	949, 961	
Of last Parliament, temporary observance of	14			
Suspended	75, 126, 146, 219, 223, 272,			
	317, 321, 507, 517			
Transmission of Messages between the two Houses.....	14			
Vacant Seats	485, 493, 559			
Votes and Proceedings from No. 1 to No. 127		1	1 to 592	
Words taken down by the Clerk	538, 401			
(See also "Parliament.")				
Assent to Bills	591			
(See also "Alphabetical Register of Bills.")				
Treasury Bills Bill.....	30			
Assessment and Rent, Pastoral Lands, Bill	388, 409, 417, 427, 443,			
	448, 485, 502, 547, 560,	2	761, 763	
	573			
on Stock—Petition from New England.....	267, 271	2	757	
and Macleay	289, 296	2	759	
Assets and Liabilities of Banks—(See "Bank.")				
Assignees—(See "Official Assignees.")				
Assistance, Bank, to Government.....	22, 35, 201	3	113, 133	
Assize Court, Gundagai—Petition	35, 45	2	61	
Assizes, Tamworth—Petition	21, 46	2	63	
Association, Celtic	159, 297	2	933	
General, for the Australian Colonies, in London.....	81	2	1055	
Hunter River Vineyard	217, 220	3	637	
Illawarra Liberal Political	223, 228	1	1037	
Northumberland Liberal Political	133, 146	1	1039	
Young Men's Christian, of Sydney	237, 244	3	599	
Asylum, Benevolent, Infants received into the	126, 327	2	613	
Attendance of Members of Legislative Council—(See "Council.")				
President of ditto —(See "Council.")				
Attorney General, Cases in which the, declined to prosecute.....	238, 313	2	195	
Resignation of office of, by Mr. Martin.....	541, 547, 559			
Auditing the Railway Accounts—Letter from Capt. Martindale	41	3	805	
Auditor of Railway Accounts	30			
Australia, and Ceylon, Oceanic Telegraphic Communication between	577	3	1079	
Electric Telegraph between Great Britain and	145, 188	3	1077	
(See also "South Australia")				
Synod of	477, 481, 485, 502, 512	2	423, 427, 431	
Australian Colonies, Electric Telegraph in the, Progress and present state of the.....	74, 399	3	1069	
General Association for the, in London	81	2	1055	
European and, Royal Mail Co., Despatch respecting the manner in which the Mail Contract has been hitherto performed by the	255	2	1051	
European, and Royal Mail Co., Dissolution of Contract with the	409	2	1053	
European, and Royal Mail Co., Mails between England and Australia conveyed by.....	201	2	1049	
Gas Light Company's Bill.....	146, 179, 189, 329, 379,	3	1357	
	395, 422, 440, 489			
Museum, Report of Trustees of, for 1857	133	2	625	
Naval Station, Establishment of an, at Port Jackson.....	177			
Steam Postal Service, Continuance of the, for two months beyond the period first agreed for.....	577	2	1069	
BADHAM, Mr. John Downes	101			
Balance Sheet, Actual Deficit of Revenue, on 31 Dec., 1856, and Estimated Deficit on 31 Dec., 1857	36	3	73	
Loans Account from Jan. to Dec., 1857	36	3	73	
Ballot for Select Committees:—				
Extension of Railway to Windsor	342			
Moreton Bay Judge's Appointment Bill	30			
Murders by the Aborigines on the Dawson River.....	256			
Proposed Presbyterian College	313			
Question of Privilege—Proposed Dispatch of Artillery to India	73			
Railway Accident	317			
Treasury Iron Chest and Accounts	22			
Ballot Paper, Right of Tendering—Question of Order.....	313			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.	PAGE.	VOL.	PAGE.
Balmain, Petition from—Electoral Bill	233, 238	.....	1	1007
Presbyterians of—Affiliated Colleges Partial }	187, 213	.....	2	459
Endowment Act Amendment Bill	13	.....	2	1071
Bank Assets and Liabilities for Quarter ended 31 Dec., 1857	22, 35, 201	.....	3	113, 133
Assistance to Government	30, 56, 170, 190	.....	
Bankers, Fraudulent Trustees and, Better Punishment Bill	187, 196	.....	2	457
Barker, Thomas	146	.....	
Barney, George	252	.....	
Bar of the House, Mr. Rusden heard at the	108, 213	.....	2	767
Bartlett, Mr. Arthur Charles	73, 102, 314	.....	3	411
Bate, Mr. John Murray	413, 417	.....	1	1059
Bathurst and Kelso, Petition from—Electoral Bill	395	.....	3	1067
Electric Telegraph to—Capt. Martindale's Report on the }	102, 133	.....	2	515
Construction of Line of	36, 45	.....	
Grammar School at	101, 109	.....	1	1061
Irregular Conveyance of Mails to	75, 108, 109, 127, 238, 257	.....	3	1323
Petition from—Electoral Bill	268, 285, 305, 335	.....	2	685
School of Arts Bill	127, 247	.....	2	203
Town and Suburban Allotments	353, 431	.....	2	73, 199
Bayly, Ch. Luke, Esq., J.P., Inquiry into the Conduct of }	314, 339, 447	.....	
Pearce v.	146	.....	1	1007
Beames Walter	233, 238	.....	2	695
Beit, Mr. John N.	421, 437	.....	2	613
Bell, Mr. Wm. Sims	126, 327	.....	1	1029
Benevolent Asylum, Infants received into the	53, 62	.....	
Berrima, Petition from—Electoral Bill .....		.....
Bills—(See "Alphabetical Register of Bills," "Assent to Bills," } .....		.....
"Treasury Bills," "Treasury Bills Bill.")	169, 180	.....	1	1069
Binalong, Petition from—Electoral Bill	187, 205	.....	1	1071
Do. do. do.	233, 238, 243	.....	3	641
Bingle John .....		.....
Births, Deaths, and Marriages (See "Registrar General.")	349, 357, 394, 399	.....	2	1219
Bishop, the Lord, of Sydney—Compensation to Secretary to the }	108, 177	.....	
Bishop's Registrar, Transfer of Registers of, to Registrar General	417, 423	.....	3	1035
Biss, John L.	243	.....	
Black Rod—(See "Usher of the Black Rod.")	435	.....	3	1335
Wattle Creek	339, 353, 406, 437, 448, 462,	.....	
Blue Book for 1857	490	.....	
Board of National Education Bill .....		.....
(See also "Education.")	55, 81	.....	3	423
Bonded Stores in Sydney, Fees from, from 1 April, 1857	31, 46, 56, 84, 108	.....	
Warehouses Act Repeal Bill	21, 31	.....	3	421
Petition from Bonded Storekeepers of Sydney .....		.....
Book—(See "Blue Book.")	317	.....	2	627
Botanic Gardens, Report from Director of, for 1857	372	.....	
Botany, Proposed Road to .....		.....
Boundaries of Allotments—(See "Survey Department.")	108, 213	.....	2	767
Bowman, Mr. William	233	.....	
Braidwood, Road from, to Shoalhaven	35, 45	.....	3	811
Branch Line of Railway to Windsor	46, 67, 151, 543	.....	2	1015, 1019,
of Royal Mint	67, 75, 107	.....	3	1021
Breakwater at Stockton	577	.....	3	665
Brett, Mr. John W.	251, 255	.....	3	1079
Bridge over Cockfighter's Creek	139, 162, 447, 537	.....	3	1203
the Murray at Albury	146, 179, 189, 210, 329,	.....	
Pymont, Company's Bill	358, 378, 394, 418, 422,	.....	3	1175, 1177
(See also "Pymont.")	467, 482, 517	.....	
Works	401, 417	.....	3	1335
Bridges, Expenditure of Appropriations for Roads and }	481	.....	
upon Roads, and Ferries in 1856-7	18	.....	3	1207
in the Wide Bay and Burnett Districts	219, 224	.....	3	139
upon the Main Lines of Road	189, 439	.....	3	1173
Bristol, Port of, England	133, 161	.....	3	1205
British, Graduates of, Universities Bill	364, 528	.....	2	927
Browne, Capt., P. M. at Mudgee	553	.....	
Buckley, Henry, Esq.	201	.....	
Bucknell, Mr. Charles Wentworth	477, 481, 497	.....	2	229
The Queen v., and The Queen v. Lewis and Abigail	497, 687	.....	2	231
Buildings occupied as Government Offices in Sydney	206, 243	.....	3	1227
(See also "Ordnance," "University.") .....		.....
Bumaderry Point, Ferry at, Shoalhaven River	263, 267	.....	3	1211
Burnett, Bridges in the Wide Bay and, Districts	219, 224	.....	3	1173
(See also "Wide Bay and Burnett.") .....		.....
Barwood, Petition of Members of Church of England at—Grant for }	30	.....	
Education	14, 465, 478, 493	.....	1	837
Business, Days for Dispatch of .....		.....
of the Session	209, 214	.....	3	1225
Butchers of Sydney, Petition from the—Abattoirs on Glebe Island	467	.....	2	443
By-Law passed by Council of St. John's College, on 9 August, 1858. }	35	.....	
Byrnes, James, Esq.	261, 273, 283, 591	.....	
CABINET Ministers, Crown Law Officers as	501	.....	
Call, Proposed, of the House	263, 271	.....	3	603
Callaghan, Samuel	223, 228	.....	1	1025
Camden, West, Petition from—Electoral Bill	227, 234	.....	1	1027
Do. do. do.	219	.....	1	1085
Campbell, H. E.	425	.....	
John, Esq.	2, 3, 425	.....	
The Hon. Robert, Esq. .....		.....

INDEX.

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. 1.		VOL.	PAGE.
	PAGE.			
Campbelltown Road Trust Account.....	471.		2	1171
Canoona Gold Fields	477, 485, 493		2	989, 993, 999, 1001, 1003, 1005, 1007
(See also "Fitz Roy River," "Rockhampton.")				
Caplin—(See "Harris, Dr.")				
Carmichael, Mr. J. R.	577.		3	1079
Carr, George Bowness	145.			
Carriers, late Railway	417, 422		3	1035
Cases in which the Attorney General declined to prosecute	238, 313		2	195
Casting Vote of Speaker	126, 588			
Casuarina Creek	477.		3	683
Catarrh, Scab and, in Sheep	108, 213		2	767, 825
Cattle, Driving, through E. and W. Maitland	477, 481		2	829
(See also "Impounding Bill.")				
Cattley, J. G.	219, 224		3	597
Central Police Office Clerks	36, 201, 588		3	393, 405
Ceylon, Australia and, Oceanic Telegraphic Communication between.....	577		3	1079
Chairman of Committees	13, 18, 36			
Do. do. Absence of	22, 31, 109, 224, 345			
Do. do. Illness of	343			
(See also "National School Board.")				
Chamber of Commerce, Sydney—Correspondence with, respecting } the Steam Postal Service	53		2	1037
Petition from—Publicans' Licensing Bill	238, 244		3	611
Newcastle	233, 238, 243, 247		3	495, 641
Chapel, Surry Hills Wesleyan Methodist	237, 244		3	621
Waverly Methodist	237, 244		3	631
Charges against Parramatta Gaol Officials.....	481, 501			
(See also "Railway Charges.")				
Cheques, Remedies on, Facilitation Bill.....	234, 252, 257, 294, 335			
Chest—(See "Iron Chest.")				
Children—(See "Destitute Children's Society," "Deserted Wives and Children.")				
Chinamen, Petition of, relative to Seizure of Gold Dust on board } the "Ethereal" and "Mary Nicholson"	53		3	431
Do. do. do.	73			
Chinese Immigration Bill	41, 47, 201, 210, 269, 279, 294, 306			
Petition from Merco Gold Fields	293, 299		2	945
Rocky River Gold Fields	377, 393		2	947
Sydney	269, 279		2	943
of John Smith of Sydney, } Merchant	210, 220		2	939
R. D. Merrill & T. R. Leavitt, } Merchants, of Sydney	219, 224		2	941
Christian Total Abstinence Society.....	263, 271		3	603
Young Men's Association, of Sydney	237, 244		3	599
Church, Erection of, at Albury.....	353, 357		2	419
New Mariners'	435, 440, 462		2	421
of England and Ireland Records Registration Bill.....	305, 330, 399, 465, 502, 515, 518			
at Burwood and Enfield	30			
in the District of Araluen	45, 55		2	609
Parish of St. John's, Glebe	35, 55		2	603
(See also "Scot's Church.")				
Churches, State paid	560.			
Circular Quay, Portion of, for use of Ocean Postal Steamers.....	537			
City Engineer	41		3	839
"City of Sydney," Charter of the, for the Conveyance of Mails	53		2	1045
City, Port, and Hamlets Police Act Amendment Bill	146, 180, 314			
Civil, Court of, and Criminal Jurisdiction at Deniliquin, establish- } ment of a	523, 528		2	71
Service, Annual Expenditure of the, from 1850 to 1858	220			
Claims—(See "Land Claim.")				
Clarence Town, Petition from—Grant for Education	35, 46		2	607
Clerk of Legislative Assembly summoned	17, 45, 74			
Council, Attendance of	273, 285			
Clerks of Petty Sessions, at Deniliquin and Moulamein.....	417			
(See also "Central Police Office Clerks.")				
Cockatoo Island	6, 54		2	243, 403
Report from the Civil Engineer on the state of the } Dry Dock at	573		3	1229
Cockfighter's Creek, Bridge over.....	251, 255		3	1203
Coinage at the Sydney Branch of the Royal Mint, Despatches } relative to	543		2	1021
Collector, High Road, near Horse Flat	289, 313		3	1153
College, Presbyterian Committee.....	187, 196		2	457
Proposed Presbyterian	288, 290, 313, 477		2	463, 465
St. John's, Act—Return to Address	461, 471		2	445
By-Law passed by Council of, 9th August, 1858.....	467		2	443
St. Paul's	151, 179		2	451
Colleges, Affiliated, Partial Endowment Act Amendment Bill	126, 151, 169, 179, 180, 187, 188, 189, 197, 213, 363, 367, 378, 421.....		2	451, 453, 455, 457, 459, 461
(See also, "Affiliated.")				
Colonies—(See "Australian Colonies.")				
Colonial Architect, Report from, on shipment of buildings, &c., to } Port Curtis	481		2	1011
Commission appointing Captain Denham, R.N., M. B. Pell, Esq., } B.A., and E. O. Moriarty, Esq., C.E., to inquire } into the causes of the late fatal accident on } the Great Southern Railway	327		3	857
(See also "Reports.")				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Commission extending time for Inquiry, by Commission, into the recent Railway Accident	409	.....	3	861
for opening Parliament	1	.....	
of Inquiry into recent Railway Accident	409, 447, 501	.....	3	863, 869, 873
Speaker's, to administer the Oath	5	.....	
Commissioner, Chief, for Railways, Report from, on the Internal Communications of New South Wales	119	.....	3	1081, 1111
for Roads, Report from the, on the Great Northern Road	477	.....	3	1141
in charge of the Western Gold Fields, Reports from, for the half-year ended 30th June, 1858	357, 515	.....	2	979, 985
Mr. C. L. C. Wiseman	477	.....	2	999
(See also "Robertson, Mr. J. A.")	1	.....	
Commissioners for opening Parliament	367	.....	2	977
Gold, Letter of Instructions to, dated 5 August	74, 255	.....	2	667
of Crown Lands, Retirement from Office of Police Magistrate or		.....	
of Railways, Powers proposed to be granted to the, over the Streets of Sydney, by the Government Railways Bill	41	.....	3	839
(See also "Crown Lands.")		.....	
Committee, Hyde Park Improvement	501, 588	.....	3	1233
of Elections and Qualifications	17, 53, 54, 61, 125, 151, 159, 195, 209, 214, 237, 252, 289, 303, 477, 481, 490	.....	1	839, 885, 903, 943
Select, Power of, to adjourn from place to place	321	.....	
(See also "Divisions in Committee," "Supply," "Ways and Means," and "Unemployed Laborers.")		.....	
Committees, Chairman of—(See "Chairman.")	363, 367, 395	.....	
Common Lodging Houses Bill		.....	
Commons—(See "House of Commons.")		.....	
Communication—(See "Postal Communication," "Telegraphic Communication.")		.....	
Communications—(See "Internal Communications.")	81, 102	.....	3	1269
Commuted Pensioners	349, 357, 394, 399	.....	2	1219
Compensation to the Secretary to the Lord Bishop of Sydney	342, 349, 437	.....	
Compulsory Vaccination Bill	95, 96	.....	
Confidence, Vote of	372	.....	
Consolidated Revenue Fund, Issues out of the, without Parliamentary sanction	210, 239	.....	
Consolidation, Customs, Bill		.....	
Contract—(See "Mail Contract.")	36, 45	.....	
Conveyance, Irregular, of Mails to Bathurst	328, 541	.....	2	925
of Immigrants into the Country Districts	387	.....	
Conveyances, Stamps on, Bill		.....	
Convicts—(See "Roads.")	471	.....	2	1161
Coogee, Randwick and, Road Trust	3	.....	
Cooper, The Hon. Sir Daniel	587	.....	
Coroner for McDonald River		.....	
Correspondence :—		.....	
Address on the subject of Writs issued by the Supreme Court, adopted, on motion of Mr. Murray, on 13th July	587	.....	1	1205
Canoea Gold Fields, Port Curtis	493	.....	2	989, 993,
Case of Kidnapping, said to be perpetrated by the Master of a vessel recently sailing out of the Port of Sydney	317	.....	2	389
Conveyance of Immigrants to the Country Districts	541	.....	2	925
Discovery of Gold Fields at Port Curtis	367	.....	2	989
Dissolution of the Contract with the European and Australian Royal Mail Company	409	.....	2	1053
Letter from Board of National Education, dated 3rd June, on the subject of non-vested schools	263	.....	2	533
Letter from Capt. Martindale, on the subject of auditing the Government Railway Accounts	41	.....	3	805
Letter from Captain Martindale, dated 8 Nov., in reference to the alleged loss of Plans of Railway Extension to the westward	541	.....	3	821
Further Correspondence ditto ditto	573	.....	3	823
Letter from Chief Justice, relative to the appointment of a fourth Judge	21	.....	1	1157
Letters from Government Resident, at Brisbane, Moreton Bay, in reference to the Native Police	313, 345	.....	2	405, 409
Letter from W. C. Wentworth, Esq., on the Mail Service between England and the Australian Colonies	81	.....	2	1055
Military Force this Colony would be disposed to entertain	493	.....	3	1267
Mr. Justice Milford leaving Moreton Bay	10	.....	1	1203
Plan showing Line of Railway Extension from Parramatta to the Western Interior	537	.....	3	817
Recruits for the Native Police, and the state of that Corps	417	.....	2	411
Removal of Mr. Plunkett from the Board of National Education	14, 67, 96	.....	2	535, 551, 555
Returns from Official Assignees, ordered to be laid on the Table on 30 March, 1858	541	.....	1	1317
Snag-boat lately constructed for clearing the River Murray	247	.....	3	699
Steam Postal Service	53	.....	2	1037
Time Table and Scale of Fares on the Great Southern Railway	367	.....	3	1031
Unemployed Mechanics and Laborers	81, 367, 501	.....	2	949, 953

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Council, Legislative:—				
Attendance of Clerk of	273, 285			
Members of.....	189, 196, 221, 224, 228, 239, 264, 268, 273, 285, 317, 318, 328, 336, 357, 363, 533, 542			
President of	178, 196			
Leave to attend Committee of	425			
Mr. John Murray Bate, First Clerk of.....	73, 102, 314	3	411	
(See also "Messages," "Municipal Council," "Parliament," "Orders in Council," "Privy Council," "St. John's College.")				
Counting the House.....	14			
Count out—(See "House counted")				
Country Districts Conveyance of Immigrants into the	328, 541.....	2	925	
Post Offices and Postmasters.....	145.....	2	1025	
Court and Resident Judge at Albury	133, 151.....	2	65	
Establishment of a, of Civil and Criminal Jurisdiction at } Deniliquin	523, 528.....	2	71	
Supreme, Writs issued from the	314, 587.....	1	1205	
(See also "Assize Court," "District Court," "Rules of Court.")				
Courts, District, Bill	161, 210, 221, 233, 238, 290, 389, 405, 439, 454, 471, 472, 518, 531, 533, 555			
Cowper, The Honorable Charles, Esquire	2, 3			
Venerable Archdeacon, Death of	311			
Cox, A. Esq., J. P.	583			
George Henry, Esq.	89			
Criminal—(See "Civil and Criminal Jurisdiction.")				
Crookhaven River, Obstructions in the—Mr. Surveyor Debenham's } Report on the	279.....	3	783	
Cross, Mr. David	125, 180			
Crouch, George John	213, 224.....	3	597	
Crown Lands Alienation in certain cases Bill	443, 467			
Bill, Proposed Basis for	82			
Commissioner, Mr. Wiseman's Report in reference to } the Gold Discovery on the Fitz Roy River	461.....	2	989	
Leases of, held under Orders in Council.....	223.....	2	661	
Measured and Sold at Orange	237, 357	2	679	
Proposed Apportionment of net proceeds of sale of, } to local purposes	178			
Tenders or Applications for Leases of, or Licenses to } occupy	187			
(See also "Commissioners," "Robertson, Mr. J. A.")				
Crown Law Officers as Cabinet Ministers	251, 273, 283, 591			
Custody of Papers.....	22			
Customs Consolidation Bill	210, 239			
Department	84, 512, 573	3	501	
DALLEY, The Honorable William Bede, Esquire	17, 559, 587			
Darke, Mr. Assistant Surveyor	413, 436	2	659	
Darling Downs, Proposed Salary for Police Magistrate at	178			
Darlinghurst Gaol, Work performed by Prisoners in, from 1 January, } 1854, to 31 July, 1858	490.....	2	367	
Darling, Navigation of the	55, 107, 127, 283, 523, 393	3	685, 699, 703	
River District	283, 357			
Sir Ralph, Death of	248			
Dawson River, Murders by the Aborigines on the	256, 313, 321, 345, 357, 401	2	843	
Days for the Dispatch of Business appointed	14			
during remainder of Session	465, 478, 493			
Death of Sir Charles Fitz Roy	134			
Sir Ralph Darling	248			
The Venerable Archdeacon Cowper	311			
Deaths, Births, and Marriages—(See "Registrar General.")				
Registered in the Office of the Registrar for the City	210.....	2	1217	
Debenham, Mr. Surveyor	279, 347.....	3	783, 787	
Debentures, Interminable, Exchange Bill	388, 389, 506			
(See also "Government Debentures," "Railway Debentures.")				
Debt, Statement shewing the Total, of the Colony	36	3	73	
Debts, Payment of, out of Real Estate Act Extension Bill	73, 127, 147, 263			
Deficit, Actual, of Revenue, on 31 December, 1856, and Estimated } Deficit, on 31 December, 1857	36	3	73	
Degrees, Ad Eundem, Bill.....	267, 393			
Delamore, John Wortley	145.....	3	1077	
Denham, Captain, R.N.	327.....	3	857, 861	
Deniehy, D. H., Esq.	435			
Deniliquin, Clerks of Petty Sessions at, and Moulamein.....	417			
Establishment of a Court of Civil and Criminal Juris- } diction at	523, 528.....	2	71	
Petition from—Electoral Bill	169, 180	1	1083	
Denominational Education—(See "Education.")				
Denominations, Religious, Designation of Heads of.....	523, 528, 555, 577, 588			
Department—(See "Customs," "Harbour Master," "Land and "Public Works," "Survey.")				
Deposits—(See "Trust Money Deposits.")				
Deserted Wives and Children Act Amendment Bill.....	145, 220, 258, 273, 284, 363, 421			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Despatches:—				
Appointment of an Officer of the Royal Engineers and Staff, to superintend the construction of Railways and other Public Works in New South Wales	399		3	793
Branch of the Royal Mint	151, 543		2	1019, 1021
Continuance of the Australian Steam Postal Service for two months beyond the period first agreed for	577		2	1069
Dispatch of Troops to India	35, 388, 421		3	(1313, 1315, 1317, 1319
Dissolution of Contract with E. and A. R. M. Co.	409		2	1053
Mails between England and Australia, conveyed by the E. & A. R. M. Co.	201		2	1049
Manner in which the Mail Contract has hitherto been performed by the E. & A. R. M. Co.	255		2	1051
Marriage of the Princess Royal	511		3	1311
Mr. J. A. Robertson's appeal against the decision of the Local Government in removing him from the office of Commissioner of Crown Lands	515		2	677
Proposed Annexation of a portion of New South Wales to South Australia	481		2	687
Separation of Moreton Bay	501		3	1299
Steam Postal Communication	507		2	1065
University of Sydney	581		2	441
Destitute Children Society, Rules of, and List of Board of Directors	133		2	611
Devereaux J. W.	511			
Dickson James, Esquire	6			
Dioceses of Sydney and Newcastle Lands Investment Bill	349, 378, 394, 431			
Directors, Trustees and, Frauds Prevention Bill	485, 502, 512, 527			
Disbursements, Proposed Weekly Statement of without Parliamentary Sanction	371, 373			
(See also "Receipts and Disbursements.")				
Discharged Order	437			
Discovery—(See "Gold.")				
Dispatch of Business—(See "Assembly.")				
Troops to India	421, 436, 453		{ 1 3	965 1315
District Court at Wagga Wagga	177, 189		2	67
Yass	233, 238		2	69
District Courts Bill	161, 210, 231, 233, 238, 290, 389, 405, 439, 454, 471, 472, 518, 531, 533, 555			
Districts—(See "Electoral Districts," "Police Districts.")				
Division, Adjournment for want of Quorum upon:—				
In Committee	286, 389, 465, 569			
the House	401, 462, 503, 589			
Bell	14			
Proposed, of Electoral Districts, Statements Explanatory of	41			
Divisions in Committee of the whole House from No 1 to No. 29			1	593 to 750
Divisions in the House:—				
Adjournment	228, 229, 343			
Adjournment for Prorogation	587			
Appropriation Bill for 1857-8	568			
Articles of Food Inspection Bill	503			
Bathurst School of Arts Bill	258			
Bonded Warehouses Act Repeal Bill	46, 56, 84			
Chairman of Committees	14			
Chinese Immigration Bill	47, 201, 295, 296, 306, 307			
Church of England and Ireland Records Registration Bill	331			
Committee of Elections and Qualifications	252, 253, 303			
Common Lodging Houses Bill	395			
Conveyance of Immigrants into the Country Districts	328			
Crown Law Officers as Cabinet Ministers	273			
Days for Dispatch of Business during remainder of Session	465			
Designation of Heads of Religious Denominations	524, 529, 589			
District Courts Bill	534			
Dr. Harris	583			
Elective Legislature	400			
Electoral Law Amendment Bill	139, 160, 195, 426, 427			
Establishment of an Australian Naval Station at Port Jackson	177			
Extension of Railway to Windsor	342			
First Electoral Rolls Bill	486			
Increased Military Force	568			
Inquest on the Remains of those Killed by Railway Accident	329			
Insolencies	538			
Issues out of Consolidated Revenue Fund without Parliamentary sanction	373			
Kiama Steam Navigation Company	272			
Landed Property in cases of Intestacy Descent Bill	304, 305			
Liberation of Wm. Bird Evans	74			
Line of Railway Extension to Penrith	588			
Main Roads Bill	62, 96			
Moreton Bay Judge's Appointment Bill	453, 457			
Mr. Assistant Surveyor Darke	437			
Mr. John Downes Badham	101			
Mr. John Murray Bate	314			
Murders by the Aborigines on the Dawson River	401			
New Mariners' Church	462			
Pastoral Lands Assessment and Rent Bill	410, 443, 448, 449			
Prerogative—Liberation of Wm. Bird Evans	206			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Divisions in the House (<i>continued</i>) :—				
Proposed Apportionment of Net Proceeds of Sale of Crown Lands to Local Purposes.....	178			
Dispatch of Artillery to India.....	55			
Extension of Railways.....	188			
Restoration of Mr. Plunkett to the Chairmanship of the Board of National Education.....	108, 114, 115			
Salary for Police Magistrate at Armidale.....	126, 189			
Do. do. Darling Downs.....	179			
Do. do. Grafton.....	179			
Do. do. Tamworth.....	83			
Weekly Statement of Disbursements without Parliamentary Sanction.....	373			
Publicans' Licensing Act Amendment Bill.....	389			
Question of Privilege—Proposed Dispatch of Artillery to India.....	90			
Railway Accident.....	321, 413			
and other Public Works Loan Bill of 1858.....	582			
Railway to Morpeth.....	437			
Retrenchment in the Public Expenditure.....	82			
Rusden T. G., Esquire.....	409, 490			
Scab in Sheep Prevention Bill.....	330			
Seizure of Gold Dust on board the "Ethereal" and "Mary Nicholson".....	256, 432			
Separation of the Northern Districts.....	414			
St. Philip's Parsonage Bill.....	220			
Steam Communication with England <i>via</i> India.....	372			
Supply.....	331			
Supply for 1859.....	560			
Tenders for Flour for Indian Government.....	329, 462			
University of Sydney.....	327			
Vote of Confidence.....	95, 96			
Dock—(See "Dry Dock.")				
Donaldson, The Hon. Stuart A., Esquire.....	401			
Drainage, Floods and—Hunter River.....	84	2	701	
Drayton and Ipswich, Road between, Tolls collected on.....	46, 61	3	1171	
Dredge, New Steam.....	18	3	663	
Steam.....	248, 263	3	789	
Drew, Mr.—Removal of.....	188, 223	3	649	
	42, 74, 75, 90, 109, 126, 188, 196, 197, 205, 214, 219, 238, 277, 315, 417, 437, 502, 524, 534, 537, 585			
Dropped Motions.....				
Dry Dock at Cockatoo Island.....	573	3	1229	
Dungog, Mr. Robert Mason of.....	321, 330	3	643	
Dunlop's, Mr., Conduct, Investigation into.....	22, 201			
Dunmore, Petition from—Electoral Bill.....	227, 234	1	1043	
—Grant for Education.....	35, 45	2	605	
Duty—(See "Seizure of Gold Dust," "Hunter River Tonnage Duty Act.")				
Easter Holidays, Adjournment for.....	31			
Education :—				
Appendix to Denominational School Board's Report for 1856.....	219	2	559	
Board of National Education Bill.....	339, 353, 406, 437, 448, 462, 490			
Letter from, dated 3 June, on the subject of Non-Vested Schools.....	263	2	533	
Report from.....	45	2	519	
Denominational School Board's Report for the year 1857.....	219	2	571	
Appendix to ditto.....	349, 393	2	585	
Gale, Mr. R. V.....	133, 147, 290, 435	2	591	
Grammar School at Bathurst.....	102	2	515	
Sydney, Receipts and Disbursements for 1857.....	432	2	513	
Report from Trustees.....	279	2	511	
Grant for, Petition from Church of England at Araluen.....	45, 55	2	609	
at Burwood & Enfield in the parish of St. John's Glebe.....	30			
at Clarence Town.....	35, 55	2	603	
at Dunmore.....	35	2	607	
Removal of Mr. Plunkett from Board of National Education.....	14, 53, 62, 67, 84, 96, 102, 107, 113	2	535, 549, 551, 555, 557	
Teachers, Introduction of, under Immigration Regulations.....	303, 353	2	593	
University of Sydney.....	159, 169, 180, 189, 210, 220, 224, 237, 327, 555, 581	2	433, 435, 441, 453, 455	
Edward, Navigation of the.....	55, 107, 127, 283, 393, 523	3	685, 699, 703	
Election of Speaker.....	3			
Petitions :—				
James Pye against George Oakes.....	6	1	839	
Thomas George Rusden against Abram Orpen Moriarty.....	6			
Ditto ditto.....	61	1	885	
William Butler Tooth.....	53	1	903	
Election Petition, deposit in case of—(See "Questions of Orders.")				
	17, 53, 54, 61, 125, 151, 159, 195, 209, 214, 237, 252, 289, 303, 477, 481, 490	1	839, 885, 903, 943	
Elections and Qualifications Committee.....	18, 53	1	1121	
Elective Franchise—Exercise of the, by Government Officers.....	399			
Legislature.....	102, 125	1	1087	
Electoral Districts—Adult Male Population in.....				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Electoral Districts of the Colony—Comparative Return of the Population in the Southern, Middle, Northern, and Metropolitan	439		1	1111
Proposed Division of, Statements Explanatory of First Rolls Bill	41		1	1103
	471, 483, 486, 493, 508, 538 22, 25, 139, 145, 151, 159, 195, 201, 224, 227, 233, 243, 247, 263, 264, 277, 296, 299, 331, 335, 336, 339, 343, 353, 363, 367, 383, 405, 422, 426, 528, 533, 537, 541, 559, 563, 581			
Electoral Law Amendment Bill	219, 224		1	1085
Petition from Albury	139			
Araruen	233, 238		1	1007
Balmain	101, 109		1	1061
Bathurst	413, 417		1	1059
Bathurst and Kelso	53, 62		1	1029
Berrima	169, 180		1	1069
Binalong	187, 205		1	1071
Deniliquin	169, 180		1	1083
Glebe	187, 197		1	1005
Hanging Rock and Peel River Gold Fields	159, 169		1	1051
Hunter's Hill	113, 126		1	1015
Illawarra Liberal Political As- sociation	223, 228		1	1037
Largs and Dunmore	227, 234		1	1043
McEncroe Edward	113, 127		1	1003
Macleay River District	223, 228		1	1075
Ditto ditto	223, 228		1	1073
Manning River	133, 161		1	1031
Moama	151, 180		1	1081
Morpeth, Hinton, Largs, and the northern portion of the Police District of Maitland	151, 180		1	1041
Murrumbidgee	227, 234		1	1049
Newtown	227, 234		1	1011
Northumberland Boroughs Political Association	229, 303 133, 146		1	1047 1039
Orange	96, 102		1	1063
Do.	119, 127		1	1065
Do.	133, 140			1067
Paddington	255, 264		1	1013
Parramatta	293, 303		1	1023
Port Macquarie	133, 161		1	1033
Pymont	227, 234		1	1009
Raymond Terrace	247, 252		1	1045
Richmond and its vicinity	169, 180		1	1019
Do. do.	233, 238		1	1021
Rocky River Gold Fields	377, 383		1	1057
Scone	219, 224		1	1055
Shoalhaven	177			
Sydney	107, 127		1	997
Do.	119, 127		1	995
Do.	139, 146		1	999
Do.	247, 252		1	1001
Tenterfield	169, 180		1	1053
Wagga Wagga	151, 180		1	1077
West Camden	227, 234		1	1025
Do.	223, 228		1	1027
Windsor, exclusive of Richmond	113, 126		1	1017
Wollongong	119, 127		1	1035
Yass	271, 314		1	1079
Electors, Return of, for 1858-9	533		1	1117
Electric Telegraph between Australia and Ceylon	577		3	1079
Great Britain and Australia	145, 188		3	1077
Sydney and the South Head	179			
Construction of Lines of, to Bathurst and the Hunter in the Australian Colonies, Progress and present state of	395 74, 399		3	1067 1069
Regulations for the Management of the New South Wales	29		3	1065
Employed, Men on the Great South Road	102			
Endowment—(See "Affiliated Colleges Partial Endowment Act Amendment Bill.")				
Enfield, Petition of Members of Church of England at—Grant for Education	30			
Engineers—(See "Royal Engineers.")				
England, Port of Bristol	133, 161		2	927
(See also "Church of England," "Steam Communication.")				
Equity, Proceedings in, Facilitation Bill	462, 474, 482, 502, 527			
Estate—(See "Real Estate.")				
Estimate, Additional, for 1858	399		3	189
Supplementary, for 1858	527		3	201
Amended, for Lands and Public Works Department	293		3	161
Statement Explanatory of ditto	294		3	175
Supplementary, for 1858	489		3	199
Estimated Account Current of Revenue and Expenditure, carried on to 31 December, 1858	36		3	73
Deficit of Revenue on 31 December, 1857	36		3	73

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Estimated Revenue derivable from Lands and Rents, and of Expenses chargeable thereon, for 1858	36		3	73.
Estimates of Revenue and Expenditure for 1858	17		3	159
Ways and Means for 1858	36		3	73
Supplementary, for 1857	17		3	159
(See also "Finance," "Supply.")				
"Ethereal," Seizure of Gold Dust on board the	53, 255, 393, 432		3	431
European and Australian R. M. Co., Dissolution of Contract with	409		2	1053
Mails between England and	201		2	1037, 1049
Australia conveyed by				
Manner in which the Mail				
Contract has been hitherto	255		2	1051
performed by the				
"European," E. and A. R. M. Co.'s Vessel, Charter of the "City	53		2	1045
of Sydney" in place of				
Evans, William Bird, Liberation of	74, 169, 206, 209, 293		1	1251, 1253
Evidence, Law of, Amendment Bill	336, 342, 358, 373, 421			
Ewan, James	133, 146		1	1039
Peter D.	133, 146		1	1039
Exchange, Interminable Debentures, Bill	388, 389, 508			
Execution—(See "Sentence and Execution.")				
Exhibition—(See "Paris Exhibition.")				
Expedition in Search of Dr. Leichhardt under direction of A. C.	439, 457		2	637, 647
Gregory, Esq., Reports of Proceedings of the	220			
Expenditure, Annual, of the Civil Service, from 1856 to 1858.	267, 299		3	149
Authorized and Unauthorized by Vote since 30 April,	393, 435		3	151
1858.	481			
Ditto ditto 18 June	81, 417, 523		3	239
of Appropriations for Roads and Bridges.	18		3	139
Public, Retrenchment in the	432			
upon Roads, Bridges, and Ferries in 1856-7	364, 371		3	153
without Parliamentary Sanction				
Warrant authorizing				
(See also "Estimates," "Revenue and Expenditure,"				
"Receipts and Expenditure.")				
Expense of Government Printing Office	205, 263		2	1295
Expenses of Witnesses	531, 547		1	961
Explanation, Ministerial	547, 559		2	81
Extension, Further, of Southern and Western Railways	527, 534		3	815
of Railway to Windsor	341, 378, 418		3	811
of Railways—Petition of Citizens of Sydney	321, 329		3	807
to Picton, Penrith, and Singleton	341, 399, 418, 482, 497		3	813
to Singleton	345, 353		3	809
Proposed, of Railways	188			
Line of Railway, from Parramatta to Western	482, 502, 537, 541, 560,		3	817, 821, 823
Interior	573, 588			
(See also "Railways.")				
Extraordinary—(See "Adjournment Extraordinary.")				
FAIRFAX, John	146			
Fares—(See "Railway.")				
Faucett, Peter, Esquire	21			
Fees from Bonded Stores in Sydney, from 1 April, 1857	55, 81		3	423
Female, Irish, Immigrants	159, 197, 219, 228, 279,		2	933, 935
	329, 533			
Population, Adult Male and, of Police Districts	180, 233		1	1095
Fenton and Frazer v. Hampton, Copy of Judgment on appeal of	237		1	993
Ferries—(See "Expenditure.")				
Ferry at Bumaderry Point, Shoalhaven River	263, 267		3	1211
Finance	17, 22, 31, 41, 68, 97, 109,			1, 73, 85,
	120, 126, 127, 170, 190,			109, 111,
	195, 213, 217, 221, 223,			113, 133,
	239, 258, 293, 294, 299,			139, 145,
	318, 322, 349, 358, 379,			147, 149,
	396, 399, 406, 453, 457,		3	151, 153,
	472, 473, 477, 489, 493,			155, 159,
	507, 508, 517, 527, 529,			161, 175,
	531, 543, 545, 548, 559,			189, 199,
	560, 563, 564, 582, 584,			201, 203,
	591			229, 231,
First Electoral Rolls Bill	471, 483, 486, 493, 508, 538			233, 239
Fitz Roy Dock—(See "Dry Dock.")				
River, Gold Discovery on the—Letter from Mr. C. L. C.	461		2	989
Wiseman				
(See also "Canoea," "Port Curtis," and "Rockampton.")				
Fitz Roy, Sir Charles, Death of	134			
Flood Edward, Esquire	3, 321			
Floods and Drainage—Hunter River	84			
Flour, Tenders for, for Indian Government.	283, 317, 329, 357, 421, 462			
Food, Articles of, Inspection Bill	406, 432, 437, 440, 503			
Force, Military	493, 568		3	1267
Forster, William, Esquire	9			
Franchise—(See "Elective Franchise.")				
Fraser, Fenton and, v. Hampton	237		1	993
Frauds, Trustees and Directors, Prevention Bill	485, 502, 512, 527			
Fraudulent Trustees and Bankers better Punishment Bill	30, 56, 170, 190			
"Freak" brig, Seizure and Release of the	457, 467, 512		3	497
Free Presbyterians of Shoalhaven, Petition from—Publicans'	271, 277			
Licensing Bill				
Fullerton, James, Minister of the Established Church of Scotland	210, 485, 502		2	429
Fund—(See "Consolidated Revenue Fund.")				
Funds—(See "Trust Funds Security Bill.")				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.	PAGE.	VOL.	PAGE.
Fyfe, John	227		1	1009
GALE, Mr. Robert Vining	133, 147, 290, 435		2	591
Gallery—(See "Reporter's Gallery.")				
Geol, Darlinghurst, Work performed by Prisoners in from 1 January, 1856, to 31 July, 1858	490		2	367
Parramatta, Officials—Charges against	481, 501			
Work performed by Prisoners in, from 1 April, 1854, to 31 December, 1855	490		2	375
Do. do. from 1 January, 1856, to 31 July, 1858	490		2	379
Gardens, Botanic, Report from Director of, for 1857	317		2	627
Gardiner, Mr. Frederic	485, 502		2	761
Gas Light, Australian, Company's Bill	146, 179, 189, 329, 379, 395, 422, 440, 489		3	1357
"Gazelle," Massacre of the Crew of the, at Woodlark Island	453		3	791
German Immigration	81, 103		2	931
Giblett, Mr. John	108, 213, 327, 341		2	825
Glebe Island, Abattoirs on	41, 46, 209, 214		3	1223, 1225
Petition from the,—Electoral Bill	187, 197		1	1005
—Pymont Bridge Company's Bill	243		3	1335
of T. T. Smith of the, do.	243		3	1335
St. John's	35, 55		2	603
Gold Commissioners, Letter of Instruction to, dated 5 August	367		2	977
Discovery of, on the Fitz Roy River	461		2	989
on the M'Intyre Brook	159		2	987
Dust, Seizure of	53, 73, 255, 393, 432		3	431
Fields, Araluen	139			
at Port Curtis	367, 461, 477, 485, 493, 515		2	989, 993, 999, 1001, 1003, 1005, 1007
(See also "Canooa.")				
Hanging Rock and Peel River	159, 169		1	1051
Meroo	293, 299		2	945
Regulations, promulgated 5 August, under 20 Vict., No. 29	367		2	969
Rocky River, Petition from—Chinese Immigration	377, 393		2	947
—Electoral Bill	377, 383		1	1057
Western, Report from Mr. Commissioner M'Lean	357		2	979
Do. do. do.	515		2	985
"Specimens of, for the Paris Exhibition—Statement of Advances from Treasury for purchase of	497		3	229
Gordon, Samuel Deane, Esq.	54			
Goulburn, Petition from—Electoral Bill	271			
of Wholesale Wine and Spirit Merchants of—Publicans' Licensing Bill	243, 248		3	645
Government, Bank Assistance to	22, 35, 201		3	113, 133
Debentures and Treasury Bills from 1 September, 1857	22, 35		3	109
from April, 1857	18, 21		3	85
Immigration, Unassisted and Assisted, from 1842	244, 471		2	923
Loan Bill of 1858	228, 274, 279, 299, 335		3	1227
Offices in Sydney, Buildings occupied as	206, 245			
Officers, Exercise of the Elective Franchise by	18, 53		1	1121
Printing Office, Expense of the	205, 263		2	1295
Paper used in	205, 267		2	1299
Railway Officers and Servants	209, 477		3	801
Railways Bill	6, 31, 41, 128, 406, 425, 439, 497, 507, 511, 517, 524, 547, 581			
Petition of J. Williams, Esq., Mayor of Sydney	341			
Municipal Council	345, 350		3	837
Report from City Engineer relative to the powers over the Streets of the City, proposed to be granted to the Commissioners of Railways by	41, 333, 39		3	839
Resident, Moreton Bay, Letter from, dated 21 July, 1858, in reference to the Native Police	345		2	409
Do. do. do.	313		2	405
(See also "Medical," "Indian," "Railway.")				
Governor General:—				
Commission to administer Oath	2			
to open Parliament	1			
to Speaker to administer Oath	5			
Congratulation to Speaker on his Election	5			
Speech on opening Parliament	6			
Acknowledgment of Address in reply	13			
(See also "Messages.")				
Graduates of British Universities Bill	364, 528			
Grafton, Proposed salary of Police Magistrate at	179			
Grammar School at Bathurst	102, 133		2	515
Sydney, Receipts and Disbursements for 1857	432		2	513
Report from Trustees	279		2	511
Grant for Education	30, 35, 45, 55		2	603, 605, 607, 609
Great Britain, Electric Telegraph between, and Australia	145, 188		3	1077, 1079
(See also "Steam Postal Communication.")				
Southern Railway—(See "Railway.")				
Gregory, A. C., Esquire	439, 457		2	637, 647
Guard, Police, for Cockatoo Island	54		2	403
Guards, Northern Mail	125			
Gundagai Assize Court, Petition	35, 45		2	61
HALLORAN, Arthur E., Esq.	243, 321, 327, 345		2	211
Hamilton's Trust Bill	296, 315, 330, 394			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Hamlets, City, Port, and, Police Act Amendment Bill	146, 180, 314			
Hampton, Fenton & Fraser v., Copy of Judgment on Appeal of	237	1	993	
Hanging Rock and Peel River Gold Fields	21, 159, 169	1	1051	
Harbour Master's Department at Newcastle, Inquiry into the	205, 267			
Hard Labor Bill	119, 196, 207, 268, 274, 294			
Harris, Dr., J. P.	511, 541, 583	2	213	
John, of Shane's Park, South Creek	210	3	1347	
Hay, the Hon. John, Esq.	54			
Heads of Religious Denominations, Designation of	523, 528, 555, 577, 588			
Health Officer of Port Jackson, Duties of	223	3	1253	
Report from, for 1857	237	3	1257	
Moreton Bay, Do. do.	237	3	1263	
Herald—(See "Sydney Morning Herald.")				
Hinton, Petition from—Electoral Bill	151, 180	1	1041	
Hodgson, Arthur, Esq.	21			
Holidays, Easter, Adjournment for	31			
Hollinworth, Mr.	22			
Holt, Badham, v.	101			
Thomas	237	3	609	
Honeysuckle Point, Newcastle, Land taken for Railway purposes at	457, 461	3	833	
Horse Flat, High Road near, Collector	289, 313	3	1153	
Horses, purchase of, for Artillery drafted to India	85	3	1313	
Hose, Henry J., M. A., Warden of St. Paul's College	151	2	451	
Houlding, J. R.	322, 329	3	615	
House counted out	120, 217, 221, 244, 253, 286, 374, 389, 401, 414, 433, 454, 462, 465, 467, 478, 486, 490, 493, 497, 503, 508, 515, 518, 531, 556, 565, 569, 573, 577, 589			
Counting the	14			
No	261, 325, 451, 469, 475, 505, 521			
of Commons, Standing Rules and Orders of the	29			
Proposed Call of the	501			
resumes, to enable the Speaker to decide Question of Order	227, 263			
sits after Midnight	89, 113, 269, 589			
(See also "Adjournment for want of Quorum," "Assembly," "Bar.")				
Houses, Transmission of Messages between the two	14			
(See also "Common Lodging Houses Bill.")				
Hunter, Alluvial Lands of the	75, 84, 567	2	701	
Electric Telegraph to the, Capt. Martindale's Report on }	395	3	1067	
the construction of Line of				
River, Deepening the	18	3	663	
Floods and Drainage	84			
Tonnage Duty Act	233, 238	3	495	
Vineyard Association	217, 220	3	637	
Hunter's Hill, Petition from—Electoral Bill	113, 126	1	1015	
Hyde Park Improvement Committee	501, 588	3	1233	
ILLAWARRA Liberal Political Association	223, 228	1	1037	
Steam Navigation Company. (See "Kiama.")				
Immigration:—				
Board, Progress Report from, on the case of Immigrants }	61	2	911	
per "Stebonheath"				
Final do. do. do.	53	2	913	
Chinese, Bill	41, 47, 201, 210, 269, 279, 294, 306	2	939, 941, 943, 945, 947	
(See also "Chinese.")				
Petition from Meroo Gold Fields	293, 299	2	945	
Rocky River Gold Fields	377, 393	2	947	
Sydney	271, 279	2	943	
Conveyance of Immigrants into Country Districts	328, 541	2	925	
Funds, Administration of, Petition from Port of Bristol, }	133	2	927	
England				
German, Petition	81, 103	2	931	
Government, Unassisted and Assisted, from 1842	244, 471	2	923	
Irish Female Immigrants	159, 197, 219, 228, 279, 329, 533	2	933, 935	
Regulations, Introduction of Teachers under	303, 353	2	593	
Return shewing the number of Immigrants who arrived in }	219	2	921	
the Colony of New South Wales during the several }				
years from 1851 to 1856 inclusive, and the proportions }				
in which they were selected from each division of the }				
United Kingdom				
Impounding Bill	83, 84, 239, 268, 286, 304, 315, 330			
Petition from Ipswich	417, 422	2	833	
of Isaac Shepherd	271, 314	2	831	
Improvement—(See "Hyde Park.")				
India—(See "Harris, Dr.")				
India, Dispatch of Troops to	421, 436, 453	3	1317, 1319	
proposed Dispatch of Artillery to	55, 67, 73, 82, 89, 388	1	965	
Purchase of Horses for Artillery drafted to	35	3	1315	
(See also "Steam Communication.")		3	1313	
Indian Government, Tenders for Flour for the	283, 317, 329, 357, 421, 462			
Infants received into Benevolent Asylum	126, 327	2	613	
Inquest on the Remains of those killed by Railway Accident	328			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Inquiry into Conduct of Ch. Luke Bayly, Esq., J. P.	353, 431		2	203
Harbour Master's Department at Newcastle	205, 267			
Management of Cockatoo Island	6		2	243
(See also "Railway.")				
Insolvencies	22, 313, 534, 538, 541, } 563, 587		1	{ 1297, 1305, 1311
Inspection, Articles of Food, Bill	406, 432, 437, 440, 503			
Instruments, Registered, Better Preservation Bill	160, 213, 331, 533, 548			
Instructions, Amended, for marking the Boundaries of Allotments and Portions of Land measured by Officers of the Survey Department	399		2	651
for laying out Towns and Villages	109, 159		2	649
Letter of, to Gold Commissioners, dated 5 August	367		2	977
Intemperance, Alliance for the Suppression of	219, 224, 318, 341		3	597, 605
Interior—(See "Western Interior.")				
Interminable Debentures Exchange Bill	388, 389, 508			
Internal Communications of New South Wales—Report from Chief Commissioner for Railways	119		3	1081
Appendix to do. do.	399		3	1111
Interval between Sentence and Execution, Proposed Extension of ..	414, 432, 437			
Intestacy, Landed Property in cases of, Descent Bill	108, 125, 268, 304, 342, 531		2	1
Investigation into Mr. Dunlop's Conduct	22, 201			
Ipswich, Petition from—Impounding Bill	417, 422		2	833
Road between Drayton and, Tolls collected on	46, 61		3	1171
Ireland—(See "Church of England and Ireland")				
"Iris," H. M. Ship	453		3	791
Irish Female Immigrants	159, 197, 219, 228, 279, } 329, 533		2	933, 935
Iron Chest, Treasury, and Accounts	22, 29			
Issues out of the Consolidated Revenue Fund without Parliamentary Sanction	372			
JAMISON, Robert Thomas, Esq.	54			
Jenkins, Robert Lewis, Esq.	405			
Jones, Richard, Esq.	3, 22, 31, 54, 109			
Judge, Appointment of a fourth, Proposed	21, 303, 342		1	1157, 1161
Resident, Court and, at Albury	133, 151		2	65
Judge's, Moreton Bay, Appointment Bill	30, 54, 62, 435, 453, 457..		1	1163
Judges, Petition praying the removal of their Honors the	101			
Jurisdiction—(See "Civil and Criminal Jurisdiction.")				
Justice—(See "Administration of Justice.")				
Justices, Appointment of, under the Municipalities Bill	119, 127		3	1247
KELSO, Bathurst and, Petition from—Electoral Bill	413, 417		1	1059
Kiama, Harbour, Mr. Surveyor Debenham's Plan of and Report upon Steam Navigation Company's Bill	347 244, 272, 296, 304, 314, 342 353, 358, 374, 405, 440, 489		3	787 1351
Kidnapping, Case of, said to be perpetrated by the Master of a vessel recently sailing out of the Port of Sydney	317		2	389
Knapp, Mr. Edward James Howes	233, 238		2	693
LABOR, Hard, Bill	119, 196, 207, 268, 274, 294			
Laborers, Unemployed, and Mechanics in Sydney	81, 119, 367, 501, 523...		2	{ 949, 953, 963, 965
"Lady Kennaway"—Irregularities on board the	228, 279		2	935
Land and Rents, Estimated Revenue derivable from, and of the expenses chargeable to persons, for 1858	36		3	73
Land Claim of Edward James Howes Knapp	233, 238		2	693
Francis Omeara	21, 31		2	691
William Sims Bell	421, 437		2	695
(See also "James Pegg.")				
granted to Sydney University for Affiliated Colleges	555			
measured—(See "Survey Department.")				
taken for Railway purposes at Honeysuckle Point, Newcastle..	457, 461		3	833
Titles to, Bill	46, 127, 147, 239, 294 108, 125, 268, 304, 342, 531		2	1
Landed Property in cases of Intestacy Descent Bill	293, 294		3	161, 175
Lands and Public Works Department, Amended Estimate for				
(See also "Alluvial Lands," "Crown Lands," "Dioceses of "Sydney and Newcastle Lands," "Ordinance," "Pastoral "Lands.")				
Lane, Mr., Secretary, to the Treasury	22			
Lang, Rev. John Dunmore, D.D.	283, 289, 477, 481, 485, } 502, 512		2	{ 423, 427, 429, 431, 463, 465
Larceny—(See "Law of Larceny.")				
Largs, Petition from—Electoral Bill	151, 180		1	1041
Ditto ditto	227, 234		1	1043
Law of Evidence Amendment Bill	336, 342, 358, 373, 421 349, 353, 379, 389, 431			
Larceny Amendment Bill				
(See also "Crown Law Officers," "Electoral Law Amend- ment Bill.")				
Lawson, Mr. A. B.	108, 213		2	767
Leases of Crown Lands held under orders in Council	223		2	661
Tenders or Applications for	187			
Leave of Absence	201, 321, 322, 341, 377, 393, 405, 435			
to attend Select Committee of Legislative Council	425			
Leavitt Thomas Roger	219, 224		2	941
Legislative Assembly—(See "Assembly.")				
Council—(See "Council.")				
Legislature, Elective	399			
Leichhardt, Dr., Report of Proceedings of the Expedition in search of..	439, 457		2	637, 647
Lewes, Henry S.	151, 180		1	1081
Lewis and Abigail, The Queen v.	497, 587		2	231
Liabilities of Banks—(See "Banks.")				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Liberation of William Bird Evans	74, 169, 206, 209, 293	14	1	1251, 1253
Library Committee				
Licenses—(See "Leases.")				
Licensing, Publicans, Act Amendment Bill	293, 306, 315, 360, 374, 389, 396			
(See also "Publicans Licensing Act Amendment Bill.")				
Publicans, Bill	102, 107, 284, 293			
(See also "Publicans Licensing Bill.")				
Line (See "Railway," "Road.")				
Liverpool Plains—Petition from—Tamworth Court of Assize	21, 46		2	63
Road Trust Account	471		2	1167
Loan Acts, Sums authorised to be raised by certain of the, and amounts raised under each respectively, on 31 December, 1855, Bill, Government, of 1858	36		3	73
Railway and other Public Works, Bill of 1858	228, 274, 279, 299, 335 439, 569, 573, 582, 588, 591			
Loans Account Balance Sheet, from January to December, 1857	36		3	73
(See also "Railway.")				
Local purposes, Proposed apportionment of net proceeds of sale of Crown Lands to	178			
Lodging Houses, Common, Bill	363, 367, 395			
Lord's Day Observance Society at Maitland, Petition from—Publicans' Licensing Bill	209, 220		3	639
Lord's Day Observance Society, Petition from—Publicans' Licensing Bill	243, 247		3	601
Loring, Captain, of H. M. Ship "Iris"	453		3	791
Lutwyche, The Hon. A. J. P., Esquire	547			
MACARTHUR, The Hon. James, Esquire	377			
Macdonald River, Coroner for the	587			
Postal Communication between Sydney and the	515, 518		2	1029
MacEncroe, Mr. Edward, Petition of—Electoral Bill	113, 127		1	1003
MacGuiggan, Mr.	102			
Machattie, Mr. Richard	108, 223		1	1123
MacIntosh, Mr. J. N.	108		1	1123
MacIntyre Brook, Discovery of Gold in the	159		2	987
Mackenzie Mr., J. P.	313		1	1302
Maclean, Mr. Commissioner	357, 515		2	979, 985
Macleay, New England and, Petition from Districts of—Assessment on Stock	289, 296		2	759
River District, Electors Corresponding Committee for the, Petition of—Electoral Bill	223, 228		1	1073
Petition of Landholders and others—Electoral Bill	223, 228		1	1075
Macquarie, Petition from District of—Electoral Bill	133, 161		1	1033
street (See "Bell, Mr. Wm. Sims.")				
Magistracy, State of the	188, 224, 313, 321, 339, 345, 431, 447, 511, 531, 543, 547		2	73, 81, 85
Magistrates (See "Police Magistrates.")				
Mail Contract, manner in which the, has been hitherto performed by the E. and A. R. M. Co.	255		2	1051
(See also "Royal Mail Co.")				
Guards, Northern	125			
Service between England and the Australian Colonies—Letter from W. C. Wentworth, Esq.	81		2	1055
with Australia	409		2	1053
Mails between England and Australia conveyed by the E. & A. R. M. Co. Irregular conveyance of, to Bathurst	201		2	1049
Main Lines of Road, Bridges upon the	36, 45			
Roads Bill	189, 439		3	1205
Maitland Branch of the Lord's Day Observance Society	18, 47, 61, 96, 178, 196, 264			
East and West, Driving Cattle through	209, 220		3	639
Petition from Wesleyan Methodists of—Publicans' Licensing Bill	477, 481		2	829
Eastern portion of Police District of, Petition from—Electoral Bill	267, 271		3	627
Railway from East to West—Damming up of Wallis' Creek	151, 180		1	1041
West, Railway crossing in Abbott-street	267, 271		3	831
Male Adult, and Female Population of Police Districts	213, 224		3	829
Population, Adult, in Electoral Districts	180, 233		1	1095
Maltby, William W.	102, 125		1	1087
Management of Cockatoo Island	417, 422		3	1035
Electric Telegraph	6		2	243
Survey Department	29		3	1065
Railway	125, 140, 383, 461, 467, 478, 482, 502		1	973, 979
Manning River, Petition from—Electoral Bill	482			
Mansfield, Ralph	133, 161		1	1031
Mariners' New Church	146			
Marriage of the Princess Royal	435, 440, 462		2	421
Marriages, Births, Deaths, and—(See "Registrar General.")	134, 511		3	1311
Martin, the Hon. James, Esq.	2, 3, 401, 541, 547, 559			
Martindale, Capt., R. E.	41, 395, 399, 477, 541		3	805, 821, 825, 1067, 1081, 1111, 1141
"Mary Nicholson," Seizure of Gold Dust on board the	53, 73, 255, 393, 432		3	431
Mason, Robert, of Dungog	321, 330		3	643
Masterman, Henry	145		3	1077
Masters' and Servants' Act Amendment Bill	30, 56, 61			
Mayor of Sydney, John Williams, Esq.	341		1	995
Mechanics', Sydney, School of Arts Acts Amendment Bill	233, 290, 305, 335			
Unemployed, and Laborers in Sydney	81, 119, 367, 501, 523		2	949, 953, 963, 965

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Medical Adviser to Government. Report from, on Vaccination	36		3	1249
Members—(See "Assembly," "Council.")				
Merchants—(See "Wine and Spirit Merchants.")				
Merewether, the Hon. F. L. S., Esq.	126			
Meroo Gold Fields, Petition from—Chinese Immigration	293, 299		2	945
Merrill, Robert Dodge	219, 224		2	941
Message from Commissioners for opening Parliament	1			
Message from Legislative Assembly to Governor General:—				
Railway Accident	341			
Messages from Governor General to Legislative Assembly:—				
Acts Shortening Act Amendment Bill	490			
Additional Estimate for 1858	399		3	189
Affiliated Colleges Partial Endowment Act Amendment Bill	421			
Amended Estimate for Lands and Public Works Department	293		3	161
Assent to Hamilton's Trust Bill	394			
Treasury Bills Bill	30			
Australian Gas Light Company's Bill	489			
Bathurst School of Arts Bill	335			
Board of National Education Bill	490			
Compensation to Secretary to Lord Bishop of Sydney	399			
Deserted Wives' and Children's Act Amendment Bill	421			
Dioceses of Sydney and Newcastle Lands Investment Bill	431			
Dispatch of Troops to India	421		3	1317
District Courts Bill	555			
Electoral Law Amendment Bill	581			
Estimates for 1857-8	17		3	159
Government Loan Bill of 1858	335			
Railways Bill	581			
Hard Labor Bill	294			
Kiama Steam Navigation Company's Bill	489			
Law of Evidence Amendment Bill	421			
Larceny Amendment Bill	431			
Liberation of William Bird Evans	169		1	1251
Main Roads Bill	264			
Marriage of the Princess Royal	511		3	1311
Municipalities Bill	517			
On Opening Parliament	5			
Pastoral Lands Assessment and Rent Bill	547			
Payment of Debts out of Real Estate Act Extension Bill	263			
Pilotage Rates Amendment Bill	336			
Police Guard for Cockatoo Island	54		2	405
Prerogative:—Liberation of William Bird Evans	209			
Proceedings in Equity Facilitation Bill	527			
Purchase of Horses for Artillery drafted to India	35		3	1313
Pymont Bridge Company's Bill	517			
Remedies on Cheques Facilitation Bill	335			
Scab in Sheep Prevention Bill	489			
Sillitoe's Trust Bill	490			
Steam Postal Communication Bill	527			
with England	431		2	1057
St. Philip's Parsonage Bill	547			
Supplementary Estimate for 1858	489		3	199
Additional do. do.	527		3	201
Sydney Mechanics' School of Arts Acts Amendment Bill ..	335			
University	581		2	441
Titles to Land Bill	294			
Trustees and Directors Frauds Prevention Bill	527			
Trust Funds Security Bill	264			
Unsatisfactory state of the Postal Service between New } South Wales and Great Britain	209			
Messages from Legislative Assembly to Legislative Council:—				
Acts Shortening Act Amendment Bill	458			
Affiliated Colleges Partial Endowment Act Amendment Bill ..	197, 378			
Appropriation Bill for 1857-8	582			
Articles of Food Inspection Bill	432			
Attendance of Clerk of Legislative Council	273			
Members of Legislative Council	189, 221, 228, 264, 273, 317, 328, 357, 533			
President of Legislative Council	178			
Australian Gas Light Company's Bill	395, 422			
Bathurst School of Arts Bill	268, 285			
Board of National Education Bill	448			
Chinese Immigration Bill	807			
Deserted Wives' and Children's Act Amendment Bill	284			
Dioceses of Sydney and Newcastle Lands Investment Bill ..	394			
District Courts Bill	472, 534			
Electoral Law Amendment Bill	426, 541, 563			
Fraudulent Trustees and Bankers Better Punishment Bill ..	190			
Government Loan Bill of 1858	279			
Railways Bill	439, 511, 524			
Hamilton's Trust Bill	330			
Hard Labor Bill	207, 274			
Impounding Bill	330			
Kiama Steam Navigation Company's Bill	374, 405			
Law of Evidence Amendment Bill	373			
Larceny Amendment Bill	389			
Main Roads Bill	97, 196			
Masters and Servants Act Amendment Bill	61			
Moreton Bay Judge's Appointment Bill	54			
Municipalities Bill	444, 493			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
Messages from Legislative Assembly to Legislative Council (<i>continued</i>)	PAGE.			
Pastoral Lands Assessment and Rent Bill	449			
Payment of Debts out of Real Estate Act Extension Bill	147			
Pilotage Rates Amendment Bill	140, 274			
Proceedings in Equity Facilitation Bill	503			
Publicans' Licensing Act Amendment Bill	396			
Pymont Bridge Company's Bill	418, 422, 482			
Railway and other Public Works Loan Bill of 1858	588			
Remedies on Cheques Facilitation Bill	257			
Scab in Sheep Prevention Bill	343, 448			
Sillitoe's Trust Bill	432, 458			
Steam Postal Communication Bill	482, 507			
St. Philip's Parsonage Bill	374, 405, 425			
Sydney Mechanics' School of Arts Act Amendment Bill	306			
Titles to Land Bill	147			
Trustees and Directors Frauds Prevention Bill	512			
Trust Funds Security Bill	207			
Messages from Legislative Council to Legislative Assembly:—				
Acts Shortening Act Amendment Bill	206, 471			
Affiliated Colleges Partial Endowment Act Amendment Bill	363			
Attendance of Clerk of Legislative Council	285			
Member of do.	196, 224, 239, 268, 285,			
President of do.	318, 336, 363, 542			
Appropriation Bill	196			
Articles of Food Inspection Bill	584			
Australian Gas Light Company's Bill	406, 440			
Bathurst School of Arts Bill	422, 440			
Board of National Education Bill	285, 305			
Church of England and Ireland Records Registration Bill	339, 462			
Common Lodging Houses Bill	305			
Deserted Wives' and Children's Act Amendment Bill	363			
Dioceses of Sydney and Newcastle Lands Investment Bill	145, 363			
District Courts Bill	349			
Electoral Law Amendment Bill	161, 518			
Government Loan Bill of 1858	528, 559			
Railways Bill	299			
Graduates of British Universities Bill	497, 517, 547, 548			
Hamilton's Trust Bill	364			
Hard Labor Bill	296			
Kiama Steam Navigation Company's Bill	268			
Law of Evidence Amendment Bill	405, 440			
Larceny Amendment Bill	336			
Main Roads Bill	349			
Moreton Bay Judge's Appointment Bill	178			
Municipalities Bill	62			
Pastoral Lands Assessment and Rent Bill	485			
Payment of Debts out of Real Estate Extension Bill	485			
Pilotage Rates Amendment Bill	73			
Proceedings in Equity Facilitation Bill	268, 294			
Pymont Bridge Company's Bill	462			
Railway and other Public Works Loan Bill of 1857	422, 467			
Registered Instruments better Preservation Bill	588			
Remedies on Cheques Facilitation Bill	160			
Scab-in-Sheep Prevention Bill	234, 294			
Sillitoe's Trust Bill	427			
Steam Postal Communication Bill	427, 440			
St. Philip's Parsonage Bill	501			
Sydney Mechanics' School of Arts Acts Amendment Bill	405, 425, 529			
Titles to Land Bill	233			
Trust Funds Security Bill	239			
Trustees and Directors Frauds Prevention Bill	120			
Messages, Transmission of, between the two Houses	485			
Methodists, Wesleyan, at East Maitland	14			
Newtown	267, 271	3	627	
Surry Hills	257, 267	3	625	
Waverley	237, 244	3	631	
Princes-street	237, 244	3	629	
York-street	251, 255	3	621	
Metropolitan Police, Returns of, for 1857	251, 256	3	623	
Milford, Mr. Justice	53	2	395	
Military Force, Increased	10	1	1203	
this Colony would be disposed to entertain	568			
Mills—(See Harris, Dr.)	493	3	1267	
Ministerial Explanations				
Ministers—(See "Cabinet Ministers.")	547, 559			
Mint—(See "Royal Mint.")				
Mitchell, Francis				
Moama, Petition from,—Electoral Bill	146	3	1357	
Money—(See "Trust Money.")	151	1	1081	
Moneys—(See "Ordinance.")				
Morehead, Robert Archibald Alison	146	3	1335	
Moriarty, Abram Orpen, Esq.	6, 35, 46, 61, 74, 159, 195,			
E. O., Esq., C.E.	237, 252, 263, 303, 341,			
Moreton Bay Administration of Justice Act Amendment Bill	477, 481, 490, 493	1	885, 945	
Dismissal of Mr. Thomas Robinson, a Pilot at	283, 327	3	857, 861, 1219	
Judge's Appointment Bill	507, 517, 568, 582			
Letter from Government Resident, enclosing Returns	178, 243			
of the Expense, Strength, and Distribution of the	30, 54, 62, 435, 463, 457	1	1163	
Native Police	313	2	405	

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
New South Wales, Steam Postal Service between, and Great Britain	205, 209, 431, 435, 453,	2	1057, 1065	
Newtown, Petition of John Thomas, Chairman of a Public Meeting in—Electoral Bill	461, 507			
Wesleyan Methodist: at, Petition from—Publicans Licensing Bill	227, 234	1	1011	
New Zealand—(See "Steam Postal Service.")	257, 267	3	625	
Northern Districts, Separation of the	12, 21, 41, 413, 501	3	{ 1271, 1299, 1301	
Great, Road, Report from Captain Martindale on the	477	3	1141	
Mail Guards	125			
Northumberland Boroughs, Petition from—Electoral Bill	289, 303	1	1047	
Liberal Political Association—ditto	133, 146	1	1039	
Notice, Motions proposed without previous—(See "Questions of Order.")				
Notices of Motion not proposed:—				
Administration of Intestate Estates—Proceedings of Select Committee in 1854 and 1855	325			
Annexation of a portion of New South Wales to South Australia	577			
Appointment of Sir William Burton to the office of President of the Legislative Council	121			
Bill for Reform of the Law of Real Property	171			
Bill to amend the Pilotage Rates Amendment Act	414			
Bill to appoint the Aldermen of Sydney Justices <i>ex officio</i>	103, 241			
Bonded Warehouses Act Repeal Bill	99			
Bridges over the Jugiong and Gunning Watercourses	234			
Business to be proceeded with in the present Session	342			
Chinese Immigration	428			
Committee on the State of the Magistracy	537			
Crown Law Officers as Cabinet Ministers	171			
Deaths registered in the Office of Registrar for the City of Sydney	208			
Driving Cattle through the Towns of East and West Maitland	578			
Ecclesiastical Titles	506			
Emoluments received by the Bishop's Secretary from 1837 to 1857	454			
Government Railways Bill—Petition of J. Williams, Esq., Mayor of Sydney	343			
Liberation of William Bird Evans	171			
Management of the Gaols	512			
Murders by the Aborigines on the Dawson River	415			
Pilotage Rates Amendment Bill	417			
Police Magistrate for Warialda	84			
Proposal to call the Auditor General to the Bar of the House	396			
Proposed annexation of a portion of New South Wales to South Australia	577			
Line of Railway Extension to Western Interior	585			
Lines of Railway Extension to Picton, Penrith, and Singleton	556			
Railway Services of Thomas Moore, Esq.	325			
Report from Select Committee on Railways in 1848	325			
Restoration of Mr. Plunkett to Board of National Education	428			
Rusden, Mr. T. G.	286			
Salary for Police Magistrate at Warialda	77			
Sale of Land at Longbottom	513			
Sydney Municipal Act Amendment Bill	241			
System of taking up extensive tracts of Land beyond the boundaries, without stocking the same	415			
Writ for the Election of a Member for Moreton, Wide Bay, Burnett, and Maranoa	26			
OAKES George, Esquire	6, 41, 53, 151	1	839	
Oath—(See "Assembly," "Governor General," "Speaker.")				
Ocean Postal Steamers, Portion of Circular Quay for use of	537			
Oceanic Telegraphic Communication between Australia and Ceylon	577	3	1079	
O'Connell, Capt.	477, 485, 515	2	{ 989, 993, 1001, 1003, 1005, 1007	
Office—(See "Central Police Office," "Government Printing Office," "Retirement from Office.")				
Officer (See "Health Officer," "Returning Officer.")				
Officers (See "Crown Law Officers," "Government Officers," "Railway Officers," "Survey Department.")				
Offices—(See "Government Offices," "Post Offices.")				
Official Assignees, Correspondence respecting the Returns from the—Ordered to be laid upon the Table, on 30th March last (See also "Insolvencies.")	541	1	1317	
Officials—(See "Gaol.")				
O'Meara, Mr. Francis	21, 31	2	691	
Opening of Parliament	1			
Governor General's Speech on	6			
Address in Reply to	9, 10, 13			
Orange, Lands Measured and Sold at	237, 257	2	679	
Petitions from—Electoral Bill	96, 102, 119, 127, 133, 140	1	{ 1063, 1065, 1067	
Order dropped (See "Proposed Sessional Order for Printing Petitions," "Questions of Order.")	393			
Orders in Council, Crown Lands held under, Date of Leases of	223	2	661	
Runs occupied under the (See also "Alphabetical Register of Addresses and Orders," "Discharged Orders," "Sessional Orders," "Standing Orders.")	502			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Ordinance Lands Transfer Bill	195, 196, 213			
Returns	36		3	1265
Owen Robert, Esquire	13, 54, 224, 393			
PADDINGTON, Petition from—Electoral Bill	255, 264		1	1013
Panama—(See "Steam Postal Service.")				
Paper used in Government Printing Office	205, 267		2	1299
Papers, Custody of	22			
laid upon the Table of the House. (See "Questions of Order.")				
Paris Exhibition, Articles for the—Statement of Appropriations by the late Legislative Council for the	497		3	231
Specimens of Gold for the—Statement of Advances from Treasury for the purchase of	497		3	229
Receipts and Expenditure	501, 573		3	233
Parkes, Henry, Esq.	435			
Parliament:—				
Commission for Opening	1			
Governor General's Speech on Opening	6			
Address in reply to	9, 10, 13			
Opening of	1			
Proclamation convening	1			
Prorogation	591			
Standing Orders of last	14			
(See also "Assembly," and "Council.")				
Parliamentary Sanction, Expenditure without	432			
Issues out of the Consolidated Revenue	372			
Fund without				
Proposed Weekly Statements of Disbursements without	371, 373			
Warrant authorizing Expenditure without	364, 371		3	153
Parramatta Gaol Officials, Charges against	481, 501			
Work performed by prisoners in, from 1 April, 1854, to 31 December, 1855	490		2	375
Ditto ditto, from 1 January, 1856, to 31 July, 1858	490		2	379
Line of Railway Extension from, to Western Interior	482, 502, 537, 541		3	817, 821, 823
Petition from—Electoral Bill	293, 303		1	1023
Railway Charges	581, 588		3	1033
Railway Terminus at	431, 436		3	835
Road Trust Accounts	471		3	1165
Parsonage, St. Philip's, Bill	219, 227, 244, 248, 257, 328, 345, 358, 374, 405, 425, 529, 547		3	1329
Pastoral Lands Assessment and Rent Bill	388, 409, 417, 427, 443, 448, 485, 502, 547, 560, 573		2	761, 763
Payment of Debts out of Real Estate Act Extension Bill	73, 127, 147, 263			
Witnesses before Select Committees	409, 547		1	961
Pearce v. Bayley	314, 339, 447		2	73, 199
Peel River Gold Fields	21, 159, 169		1	1051
Pegg, James	405, 511		3	419
Pell, M. B., Esq., B.A.	327		3	857, 861
Pemell, James	187, 197		1	1005
Penrith Road Trust Accounts	18, 471		2	1185, 1187
(See also "Railways")				
Pensioners, Commuted	81, 102		3	1269
Perry, F. W.	587		1	1311
Petitions, Abstracts of, received during the Session of 1858, from No. 1 to No. 29			1	751 to 810
Summary of ditto			1	811
Proposed Sessional Order for Printing	146			
Petty Sessions—(See "Clerk of Petty Sessions.")				
Picton—(See "Railways.")	345			
Piddington, W. R. Esq.	30, 56, 97, 127, 140, 268, 274, 294, 336			
Pilotage Rates Amendment Bill	145		3	1077
Pinniger, John Alexander Mainly	465			
Plunkett, J. H., Esq.				
Removal of, from Board of National Education	14, 53, 62, 67, 84, 96		2	535, 549, 551, 555, 557
Pockley, Captain, Removal of	188, 223, 308, 314		3	415, 649
Police, City, Port, and Hamlets, Act Amendment Bill	146, 180, 314			
Districts, Adult Male and Female Population of	180, 233		1	1095
Guard for Cockatoo Island	54		2	403
Magistrate, Proposed salary for, at Armidale	126, 189			
Darling Downs	178			
Grafton	179			
Tamworth	83			
Magistrates, Retirement from Office of, or Commissioners of Crown Lands	74, 255		2	667
Metropolitan, Returns of, for 1857	53		2	395
Mr. Francis O'Meara, formerly conductor of	21, 31		2	691
Native, Correspondence respecting Recruits for, and the state of the Corps	417		2	411
Dismissal of Mr. Ross, 2nd Lieutenant of	207, 321		2	843
Returns of the expenses, strength, and distribution of Office, Central, Clerks	313, 345		2	405, 409
Points of Order—(See "Questions of Order.")	36, 201, 588		3	393, 405
Population, Adult Male and Female, of Police Districts in Electoral Districts	180, 233		1	1095
Comparative Return of the, in the Southern, Middle, Northern, and Metropolitan Electoral Districts of the Colony	102, 125		1	1087
	439		1	1111

INDEX.

xxx

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Port Curtis, Gold Fields at.....	367, 471, 485, 493, 515 ..	2		989, 993, 999, 1001, 1003, 1005, 1007
Shipment of Buildings, &c. to—Report from Colonial Architect on	481.....	2		1011
(See also "Rockhampton.")				
Jackson, Duties of Health Officer of	223.....	3		1253
Establishment of an Australian Naval Station at	177.....			
Report from Health Officer of, for 1857.....	237.....	3		1257
(See also "City, Port, and Hamlets Police Act Amendment Bill.")				
Postal, Communication between Sydney and the M'Donald River.....	515, 518	2		1029
Ocean, Steamers, Portion of Circular Quay for use of.....	537.....			
Steam, Communication Bill	471, 477, 482, 501, 507, 527			
(See also "Steam Postal.")				
Post Offices, Country, and Postmasters	145.....	2		1025
Pound—(See "Sofala.")				
Pounds and Poundkeepers, Moreton Bay.....	146, 321.....	2		835
Prerogative—Liberation of Wm. Bird Evans.....	206, 209.....			
Presbyterian Church, Pitt-street, South, Sydney	247, 252.....	3		617
College Committee	187, 196.....	2		457
Proposed College	283, 290, 313, 477, 485, 502	2		463, 465
School, Pitt-street, South	133, 147, 290	2		591
Presbyterians at Balmain	187, 213.....	2		459
Presbyterians, Free, of Shoalhaven	271, 277.....	3		647
Preservation and Registration of Records	102, 331, 533, 555	2		1233
Registered Instruments better, Bill	160, 213, 331, 533, 548			
President, Attendance of, of Legislative Council	178, 196.....			
Prince Frederick William of Prussia	134, 511	3		1311
Princes-street Wesleyan Methodists.....	251, 255	3		621
Princess Royal, Marriage of the	134, 511	3		1311
Printing, Government, Office, Expense of the	205, 263	2		1295
Paper used in the	205, 267	2		1299
Printing Petitions, Proposed Sessional Order for	146.....			
Privilege—(See "Questions of Privilege.")				
Privy Council, Her Majesty's, Appeal to, from Supreme Court of Tasmania	237.....	1		993
Judgment of the Judicial Committee of the—the case of Mr. J. A. Robertson ..	515.....	2		677
Proceedings in Equity Facilitation Bill	462, 474, 482, 502, 527			
(See also "Votes and Proceedings.")				
Proclamation convening Parliament	1.....			
—Stamps on Conveyances Bill	387.....			
Property—(See "Landed Property.")				
Proposed Adjournments	228, 343, 541, 483			
Annexation of a portion of New South Wales to South Australia	481, 511	2		687
Appointment of a Fourth Judge	21, 303, 342	1		1157, 1161
Apportionment of Net Proceeds of Sale of Crown Lands to Local purposes	178.....			
Bases for Crown Lands Bill	82.....			
Call of the House	501.....			
Construction of Railways by Special Agreement	377, 388.....			
Dispatch of Artillery to India	55, 67, 73, 82, 89, 388.....	1		965
Extension of Railways	188.....	3		1313, 1315
the Interval between Sentence and Execution	414, 432, 437			
Presbyterian College	283, 290, 313, 477, 485, 502.....	2		463, 465
Release of Moreton Bay from Liability for Railway Loans	74.....			
Road to Botany	372.....			
Salary for Police Magistrate at Armidale	126, 189			
Darling Downs	178.....			
Grafton	179.....			
Tamworth	83.....			
Sessional Order for printing Petitions	146.....			
Orders—Adjournment for refreshment.....	565.....			
Weekly Statements of Disbursements without Parliamentary Sanction	371, 373			
Prorogation	591.....			
Adjournment for	587.....			
Prosecute, Cases in which the Attorney General declined to	238, 313	2		195
Prussia, Prince Frederick William of	134, 511	3		1311
Public Accounts, Abstracts of the, of the Colony of New South Wales, for the year 1857	151.....	3		1
Expenditure, Retrenchment in the	81, 417, 523	3		239
Works, Lands and, Department	293, 294	3		161, 175
Railway and other, Loan Bill of 1858	439, 569, 573, 582, 588, 591			
(See also "Railways.")				
Publicans' Licensing Bill	102, 107, 284, 293			
Petition from Alliance for the Suppression of Intemperance	219, 224	3		597
Bingle, John, Chairman of Newcastle Chamber of Commerce	243, 247	3		641
Callaghan, Samuel, Chairman of the Christian Total Abstinence Society	263, 271	3		603
Free Presbyterian Church of Shoalhaven	271, 277	3		647
Goulburn	271.....			
Holt, Thomas, Chairman of Public Meeting of Inhabitants of the City of Sydney ..	237, 244	3		609

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Publicans' Licensing Bill (<i>continued</i>) :—				
Petition from Houlding, J. R., Chairman of Public Meeting of Ministers of Religion and others, Sydney	322, 329	3	615	
Hunter River Vineyard Association	217, 220	3	637	
Lord's Day Observance Society	243, 247	3	601	
Maitland Branch of Lord's Day Observance Society	209, 220	3	639	
Mason, Robert, of Dungog	321, 330	3	643	
Merchants and Traders of the City of Sydney	238, 244	3	613	
Presbyterian Church, Pitt-street South, Sydney	247, 252	3	617	
Richmond and its Vicinity	251, 256	3	635	
Scots Church, Sydney	247, 252	3	619	
Stanley, George H., B.A., Chairman of Public Meeting of Members of the Unitarian Congregational Church, Macquarie-street	283, 289			
Temperance Alliance Committee	318, 341	3	605	
Wesleyan Church, York-street, Sydney, Sab- bath School Teachers in connection with	251, 256	3	633	
Wesleyan Methodists at East Maitland	267, 271	3	627	
Do. do. Newtown	257, 267	3	625	
Do. do. Princes-street	251, 255	3	621	
Do. do. York-street	251, 256	3	623	
Do. do. Surry Hills	237, 244	3	631	
Do. do. Waverley	237, 244	3	629	
Wholesale Wine and Spirit Merchants of the Town of Goulburn	243, 248	3	645	
Do. do. Sydney	223, 228	3	607	
Willis, Joseph S., Chairman of the Sydney Chamber of Commerce	238, 244	3	611	
Young Men's Christian Association of Sydney	237, 244	3	599	
Publicans' Licensing Act Amendment Bill	293, 306, 315, 360, 374, 389, 396			
(See also "Publicans' Licensing Bill.")				
Punishment, Secondary	161	1	1209	
(See also "Fraudulent Trustees' and Bankers' Better Punish- ment Bill.")				
Pye, James	6, 41, 45, 53, 151	1	839	
Pymont Bridge Company's Bill	146, 179, 189, 329, 358, 378, 394, 418, 422, 467, 482, 517	3	1335	
Petition from John Harris, of Shane's Park, and Jas. Fullerton, of the City of Sydney, Minister of the Established Church of Scotland	210	3	1347	
the Glebe and its Neighbourhood	243	3	1348	
Thomas Tipple Smith, of the Glebe	243	3	1349	
Petition from John Fyfe, Chairman of a Public Meeting in—Electoral Bill	227, 234	1	1009	
Bridge Company's Works	401, 417	3	1207	
QUALIFICATIONS and Elections Committee	17, 53, 54, 61, 125, 151, 159, 195, 209, 214, 237, 252, 289, 303, 477, 481, 490	1	839, 885, 903, 943	
Quay—(See "Circular Quay.")				
Queen, The, v. Bucknell; and the Queen v. Lewis and Abigail	497, 587	2	231	
Questions by Members, respecting :—				
Alterations made in the Ministerial Departments	26			
Appointments under the Main Roads Act	544, 546, 552			
Armidale and Grafton Road Trust	513			
Assessment Bill	254, 535			
Australian Agricultural Company's Grant of Land at Newcastle	249			
Bank Assistance to Government	85			
Berrima Bridge	242, 245, 249, 504, 506			
Blackfellows sentenced to Death at Maitland Assizes	492			
Blue Book for 1858	58			
Bridge across the Nepean at Penrith	50			
at Berrima	86			
at Muthilly, on the road between Goulburn and Yass	351, 354			
on the Sydney and Parramatta Line of Railway	355, 361			
over the Cudgegong River at Mudgee	286			
Jugiong Creek	26			
Murray at Albury	43, 162, 277, 340, 406, 487			
Murrumbidgee at Gundagai	543			
Bridges at Jugiong and Gunning	459			
Chinese Immigration	532			
on the Western Gold Fields	16, 20			
Clyde Road from Braidwood to the Sea Coast	483			
Cockfighter's Bridge over the Wollombi Brook	185			
Commissariat Stores, George-street	16, 20			
Commissioner of Crown Lands in the Darling Downs District	459, 532			
Compensation to Lessees of Crown Lands required for sale before the expiration of the Leases	20			
Constitution of the Legislative Council	185			
Conveyance of Mails to Bathurst	16, 20			
Court House at East Maitland	211			
Raymond Terrace	221			
Court of Petty Sessions at Gunyah	50			
Customs at Port Curtis	479			
Laws Amendment Bill	172			
Dean of Sydney	530			

INDEX.

1111.

Questions by Members, respecting (<i>continued</i>):—	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. 1.		VOL.	PAGE.
	PAGE.			
Denison Bridge over the Macquarie River, at Bathurst	20			
Distribution of the duties of Government	50			
District Courts Bill	277			
in the Southern Districts	532			
Drainage of the Gaol and other Public Buildings in the)				
Town of Bathurst	50			
Electric Telegraph to Albury	318			
Maitland, Newcastle, and Armidale	16, 19			
Emigrant ship "Stebonheath."	32			
Emigration Agent in the United Kingdom	71, 78			
Equity Jurisdiction of the Supreme Court	192, 197, 203			
Estimates for 1859	323, 326			
Expenditure of Public Money without formal Parliamentary)				
sanction	354			
Fairfield Diggings in the Clarence District	519, 522			
Fees exacted from Masters of Coasters for Licenses	525			
Fines imposed upon Guards or Engine Drivers on Railways	315			
Gazette Notices relative to the occupation of Crown Lands	49			
Gold Dust, Seizure of, on board the "Ethereal," and "Mary)				
"Nicholson"	455, 463			
Fields, Fitz Roy	495, 499			
Lands, suitable for small farms at	532			
Local Courts at the	86			
Mining Regulations	86, 245, 249			
Government Immigration Assisted and Unassisted from 1842	411			
Grammar Schools in Maitland, Bathurst, and Goulburn	64, 69			
Gratuities to Commissioners of Crown Lands on reduction)				
of office	495			
Halloran, E. S., Esq., Commissioner of Crown Lands for)				
Wide Bay and Burnett	26			
Harbour of Kiama	37, 332, 362, 365, 368			
Harbours in the District of Maneroo	535			
Harris, Dr.	535			
Health Officer of the Port	221			
Hunter River, Flats in the	18, 561			
Incorporation of Harbour Trusts	525			
Inspectors under the Scab Act	487			
Instructions to Electric Telegraph Officials on occasion of)				
Railway Accident	323, 326			
Interest due upon Debentures on 30 June, 1858	15			
Issues from the Consolidated Revenue Fund without)				
Legislative sanction	265			
Kidnapping by a British Vessel trading in the South Seas	300			
Land at Wellington known as the Missionary Reserve	332			
Bill	137, 143			
in the District of Orange	129, 135			
Lands in the District of Berrima	530			
Law of Divorce	135			
Leases of Crown Lands	450, 452			
under the Gold Fields Regulation	544			
Liberation of William Bird Evans	155			
Licensed Surveyors, Charges made by	20			
Local Court at Major's Creek	513, 516			
Massacre of Native Blacks, in the Wide Bay and Burnett)				
Districts	50			
Mail Steamer from Suez	340			
Main Road from Dapto to Jerrington, in Illawarra	111, 116			
Maragle Diggings	487			
Militia Force or Volunteer Service	361			
Moreton Bay Debt Bill	10, 15			
Moriarty, E. O., Esq.	540			
Murder of a Native of Victoria, named "Tahiti"	315			
Murders by Natives in the neighbourhood of the Dawson)				
River	208			
Nepean River at Penrith	225			
New Steam Dredge for the Hunter	286			
Official Assignees	308, 312, 525			
Outtrim, Captain, of the Schooner "Ann and Jane."	16, 19			
Parramatta Domain	259, 262, 265			
Pasturage for Stock of Miners on Lower Adelong Creek	280, 287			
Pennant Hills Quarry	332			
Peto, Messrs., & Co.	546			
Police Magistrate at Lang's Crossing-place, Murrumbidgee)				
River	20			
Office at Ipswich	424, 429, 434			
Postal Communication between Molong and Wellington	576, 579			
Proposed Presbyterian College	516, 519, 522, 525, 530, 532			
Protection of the Public Lands of the Colony from)				
Intrusion and Trespass	270			
Public Business of the various Crown Law Officers	265, 270			
Publication of the Acts of Parliament	155			
Railway Accident, Final Report from Select Committee	468, 469			
Estimate	280			
Extension	270, 380, 384, 391, 439, 516			
Proposed Line of, to the Western Interior	535, 539			
to Campbelltown	495			
to Picton, Penrith, and Singleton	492			
Survey for Line of, between the Nepean and Bathurst	423, 428			
Reclamation of Land at head of Woolloomooloo Bay	203			
Registers of Births, Marriages, and Deaths	58			
Removal of the Flag-staff at Newcastle	586			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.	VOL.	PAGE.	
	PAGE.			
Questions by Members, respecting (<i>continued</i>):—				
Reserves from Pastoral Lease for use of the Public	86			
Resident Judge at Moreton Bay	544			
Reports of the Immigration Agent for 1856-7	571, 576, 579			
Restoration of Mr. Plunkett to the Board of National Education	229			
Returning Officer for Wide Bay, Burnett, and Maranoa	253, 261			
Returns relative to the Insolvent Court	543			
Road between Grafton and Tenterfield	242, 513			
Goulburn and Albury	487			
Braidwood	540			
Bungendore	450, 452			
from Blanch's Wharf to the Great Northern Road, } on the North Bank of the Parramatta River... }	242			
through Manly Cove	561			
Roads in the Northern Districts	270			
Sadler, Mrs. Anne	525			
Sale of Land at Longbottom—21st October, 1858	513			
Lands within the limits of the Gold Fields	530, 532			
Secondary Punishment	44, 49			
Select Committee on Retrenchment	586			
Separation of Moreton Bay	499			
Steam Dredge	221			
Postal Communication Bill	516			
Tug for Port of Newcastle	11, 16, 19			
Stock driven from Northern District to Victoria	26			
Sunday Traffic on the Railway to Campbelltown	354, 361			
Supply of Water to Wollongong	280			
Survey of the Flats in the Crookhaven River	26			
River Moruya	499			
Surveyor for the District of Darling Downs	350, 354			
Town and District of Queanbeyan	487			
Telegraphic Communication between Sydney and Bathurst	242			
Messages from Goulburn	416			
Tenders for Flour for the Government of India	275, 278, 280, 344, 346, 348			
Toowoomba, District of Darling Downs	586			
Town Hall, Proposed erection of, on Hyde Park	265			
Unemployed in Sydney	26			
University of Sydney—Address of Thanks to Her Majesty	208			
Votes for Public Works	519, 522			
Walcha Bench	519, 522			
Wallalla Run, in the District of Liverpool Plains	553, 557			
Weaver, Mr., Licensed Surveyor, Queanbeyan	11, 16, 19, 27, 33, 39, 44, 49			
Wharves at Newcastle	222, 226, 230, 235			
Questions of Order:—				
Adjournment by Select Committee from place to place	321			
Amendment to 2nd of two questions, the first of which is } in the nature of the Previous Question	582			
Chairman of Committees	18			
Deposit of £100 to credit of Speaker, in case of Election } Petition	45			
Discussion upon question put to a Minister	317			
District Courts Bill	290			
Doors locked for Division	568			
Electoral Law Amendment Bill	227, 263, 264, 299, 427			
Explanation by Mr. Martin	401			
Formal Report from the Committee of the whole to the } House of want of Quorum	567			
Motions offered without previous notice	567, 573			
Payment of Witnesses before Select Committee	409	1	961	
Right of tendering Ballot Paper	313			
Special Return to Writ	29, 41			
Supply—no debate or new motion admissible after } voices given	299			
Supply—no debate or new motion admissible after taking } 2nd Division had to correct error in taking the first. }	299			
When documents moved for, "Copies" always understood	573			
Questions of Privilege:—				
Management of the Survey Department	467, 478, 482, 502	1	973, 979	
Proposed Dispatch of Artillery to India	73, 82, 84, 89	1	965	
Use of words in <i>Sydney Morning Herald</i> "Because the } Assembly is a mob"	555			
Quorum, no, reported from Committee—House resumes	201, 472			
upon Division House resumes	315, 345, 347			
(See also "Adjournments" for want of a Quorum "Questions } of Order")				
RAILWAY Accounts, Auditing the—Letter from Captain Martindale	41	3	805	
Auditor of	30			
and other Public Works Loan Bill of 1858	439, 563, 573, 582, 588, 591			
Branch Line of, to Windsor	35, 45	3	811	
Carriers, late	417, 422	3	1035	
Charges—Petition from Parramatta	581, 588	3	1033	
Crossing in Abbott-street, West Maitland	213, 224	3	829	
Debentures Bill	379			
Directors in 1853—Appointment of F. L. S. Merewether } as Chairman of	126			
Extension from East to West Maitland—Damming up of } Wallis' Creek	267, 271	3	831	
to Singleton	345, 353	3	809, 813	
to Windsor	341, 378, 418	3	811	

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. 1.	PAGE.	VOL.	PAGE.
Railway Extension, Proposed Line of, from Parramatta to the Western Interior	482, 502, 537, 541, 560, 573, 588	3	817, 821, 823	
Government, Officers and Servants	209, 477	3	801	
Great Southern, Accident on the, on the 10th July, 1858	313, 317, 321, 327, 328, 341, 388, 409, 413, 447, 501	3	843, 857, 861, 863, 869, 873, 921, 925	
Time Table and Scale of Fares on the	367	3	1031	
Loans	74, 377			
Management	482			
purposes, Land taken for, at Honeysuckle Point, Newcastle	457, 461	3	833	
Services of Thos. Woore, Esquire	304, 342, 537	3	1037	
Terminus at Parramatta	431, 436	3	835	
to Morpeth	437			
Railways, Chief Commissioner for—Report on the Internal Communications of New South Wales	119	3	1081	
Appendix to Ditto	399	3	1111	
Construction of, and other Public Works in New South Wales—Despatches relative to the Appointment of an Officer of Royal Engineers and Staff, to Superintend the	399	3	793	
Extension of, Petition of James Murphy, Chairman of a Public Meeting of Citizens of Sydney	321, 329	3	807	
to Picton, Penrith, and Singleton	341, 399, 418, 482, 497, 499, 497, 507, 511, 517, 524, 547, 581	3	813	
Government, Bill	377, 388			
(See also "Government Railways Bill.")	188			
Proposed Construction of, by Special Agreement	527, 534	3	815	
Extension of	383			
Southern and Western, Further Extension of	471	2	1161	
Ralfe, Mr. James	30, 56, 97, 127, 140, 268, 274, 294, 336			
Randwick and Coogee Road Trust Accounts	247, 252	1	1045	
Rates, Pilotage, Amendment Bill	73, 127, 147, 263			
Raymond Terrace, Petition from—Electoral Bill	432	2	513	
Real Estate, Payment of Debts out of, Act Extension Bill	523	2	965	
Receipts and Disbursements of the Sydney Grammar School for 1857	501, 573	3	233	
Expenditure by the Unemployed Laborers' Committee	237	2	433	
Paris Exhibition				
upon the Sydney University Buildings				
for 1857				
(See also "Revenue and Receipts.")				
Records, Registration and Preservation of	102, 331, 533, 555	2	1233	
(See also "Registration.")				
Refreshment, Adjournment for	565			
Register, Alphabetical, of Bills—(See "Assembly.")				
of Addresses and Order for Papers—(See "Assembly.")				
of other Addresses (Separate and Joint.)				
(See "Assembly.")				
Registered Instruments better Preservation Bill	160, 213, 331, 533, 548			
Wine and Spirit Merchants	55, 96	3	425	
Registers, Transfer of, of Bishop's Registrar to Office of Registrar	108, 177	2	1219	
General	210	2	1217	
Registrar for the City, Return of the number of Deaths registered in the Office of the	417	2	1189	
(See also "Bishop's Registrar.")				
General, Second Annual Report of, on the Registration of Births, Deaths, and Marriages, being for the Year ended 31 December, 1857	108, 177	2	1219	
Transfer of Registers of Bishop's Registrar to Office of	102, 331, 533, 555	2	1233	
Registration and Preservation of Records	305, 330, 399, 465, 502, 515, 518			
Church of England and Ireland Records, Bill	29	3	1065	
Regulations for the Management of the New South Wales Electric Telegraph	367	2	969	
Gold Fields, promulgated 5 August, under 20 Vic. No. 29				
(See also "Immigration.")				
Release, Seizure and, of the brig "Freak"	457, 467, 512	3	497	
Religion—(See "State Paid Churches.")				
Religious Denominations—(See "Denominations.")				
Remedies on Cheques Facilitation Bill	234, 252, 257, 294, 335			
Rent, Pastoral Lands Assessment and, Bill	388, 409, 417, 427, 443, 448, 485, 502, 547, 560, 573	2	761, 763	
Rents—(See "Land and Rents.")				
Repeal, Bonded Warehouses Act, Bill	31, 46, 56			
Reply to Governor General's Answer to the Address on the proposed Dispatch of Artillery to India	89			
Speech on Opening Parliament	9, 10, 13			
Reporters' Gallery cleared	145			
Reports from:—				
Board of Inquiry into the Management of Cockatoo Island	6	2	243	
National Education	45	2	519	
Captain Martindale, Commissioner for Roads, on the Great Northern Road	477	3	1141	
on the Construction of Lines of Electric Telegraph to Bathurst and the Hunter	395	3	1067	
O'Connell on the Canoona Gold Fields, Port Curtis	477, 485, 515	2	1001, 1003, 1005, 1007	
Ward on the Elasticity and Strength of the Timber of New South Wales	357	2	697	

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.	VOL.	PAGE.	
Reports from (continued):—	PAGE.			
Chief Commissioner for Railways, Engineer-in-Chief, Traffic Manager, Traffic Inspector, Locomotive Foreman, and Inspector of Permanent Way, relative to the Accident on the Great Southern Railway, on the 10th July, 1858	313	3	843	
Chief Commissioner for Railways, on the Internal Communications of New South Wales	119	3	1081	
Appendix to ditto	399	3	1111	
City Engineer on the powers over the Streets of the City proposed to be granted to the Commissioners of Railways by the Government Railways Bill	41	3	839	
Civil Engineer on the State of the Dry Dock of Cockatoo Island	573	3	1229	
Colonial Architect on Shipment of Buildings, &c., to Port Curtis	481	2	1011	
Commission of Inquiry into the recent Accident upon the Great Southern Railway	409, 447, 501	3	863, 869, 873	
Commissioner in charge of Western Gold Fields, for the half-year ended 30th June, 1858	357	2	979, 985	
Committee appointed for the Relief of the Unemployed of Sydney	501, 367, 81	2	949, 953, 963	
Debenham, Mr. Surveyor, on the Harbour of Kiama	347	3	787	
on the Obstructions existing in Crookhaven River	279	3	783	
Denominational School Board, for the year 1856, Appendix to for the year 1857	219	2	559	
Appendix to ditto ditto	219	2	571	
Director of the Botanic Garden, for the year 1857	349, 393	2	585	
Health Officer of Moreton Bay, for the year 1857	317	2	627	
Port Jackson, for the year 1857	237	3	1263	
Gregory, A. C., Esq., of the Proceedings of the Expedition in Search of Dr. Leichhardt	237	3	1237	
Immigration Board on the case of the Immigrant ship "Stebonheath"	439, 457	2	637, 647	
M'Lean, Mr. Commissioner, respecting the Western Gold Fields	53, 81	2	911, 913	
Medical Adviser to Government, on Vaccination	357, 515	2	979, 985	
Moriarty, Mr., on the Supply of Water to Wollongong	36	3	1249	
Municipal Council in reference to Sewerage and Water Supply	283	3	1219	
Registrar-General, on the Registration of Births, Deaths, and Marriages, being for the year ended 31 Dec., 1857	13	3	1237	
Senate of University of Sydney	417	2	1189	
Trustees of the Australian Museum for 1857	159	2	435	
Sydney Grammar School	133	2	625	
Wiseman, Mr. Commissioner, on the Navigation of the Casuarina Creek	279	2	511	
Reports from Select Committees:—	477	3	683	
Address in reply to Governor General's Opening Speech	9			
Artillery, Proposed dispatch of, to India—Question of Privilege	362	1	965	
Australian Gas Light Co.'s Bill	329	3	1357	
Bathurst School of Arts Bill	238	3	1323	
Customs Department	573	3	501	
Hunter, Alluvial Lands of the	567	2	701	
Kiama Steam Navigation Company's Bill	342	3	1351	
Landed Property in cases of Intestacy Descent Bill	531	2	1	
Management of the Survey Department—Question of Privilege	467, 482	1	973, 979	
Moreton Bay Judge's Appointment Bill	435	1	1163	
Murders by the Aborigines on the Dawson River	357	2	843	
Navigation of the Murray	523	3	703	
Proposed Presbyterian College	477	2	465	
Pymont Bridge Company's Bill	329	3	1335	
Railway Accident	341, 388	3	921, 925	
Services of Thomas Woore, Esq.	537	3	1037	
Registration and Preservation of Records	533	2	1233	
Retrenchment in the Public Expenditure	523	3	239	
Scab and Catarrh in Sheep	213	2	767	
Seizure of Gold on board the "Ethereal" and "Mary Nicholson"	393	3	431	
Special Return to Writ	213	1	917	
Standing Orders Committee—Draft Standing Orders	29	1	949	
Expenses of Witnesses	547	1	961	
St. Philip's Parsonage Bill	328	3	1329	
State of the Magistracy	447, 531, 543	2	73, 81, 85	
Treasury Iron Chest and Accounts	29			
Reports from Committee of Elections and Qualifications:—				
Pye v. Oakes	151	1	839	
Rusden v. Moriarty (embodying certain Resolutions for opinion of the House)	195	1	885	
Special Return to Writ for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa	209	1	903	
Reprieve of Joseph Wilkes	238, 283	1	1295	
Resignation of the office of Attorney General by Mr. Martin	541			
Resolutions of Committee of Elections and Qualifications	195, 214	1	825, 903	
Supply adopted	25, 31, 97, 191, 240, 360, 396, 454, 551, 564			
reported	23, 25, 31, 97, 190, 239, 355, 396, 453, 548, 563			
Ways and Means adopted	36, 127, 195, 258, 379, 406, 564			
reported	36, 127, 195, 258, 379, 406, 564			

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Retirement from office of Police Magistrates or Commissioners of Crown Lands.....	74, 255	2	667	
Retrenchment in the Public Expenditure	81, 417, 523	3	239	
Return, Special, to Writ	29, 41, 213, 238	1	903, 917	
Returning Officer, Conduct of, for Western Boroughs	108, 223	1	1123	
Returns:—				
Annual Statistics for the year 1857	435	2	1073	
(Comparative) of the Population in the Southern, Middle, Northern, and Metropolitan Electoral Districts of the Colony.....	439	1	1111	
Country Post Offices and Postmasters, with the Salary and Allowances, if any, attached to each office.....	145	2	1025	
Electors in 1858-9	533	1	1117	
Metropolitan Police, for the year 1857	53	2	395	
Native Police, Expense, Strength, and Distribution of	313	2	405	
Number of Deaths registered in the Office of the Registrar for the City	210	2	1217	
Immigrants who arrived in the Colony of New South Wales during the several years 1851 to 1856 inclusive, and the proportion in which they were selected from each division of the United Kingdom..	219	2	921	
Number of persons sentenced to the Roads	213	1	1207	
Ordnance	36	3	1265	
Port of Rockhampton—Ships and Passengers Inwards and Outwards since 2 October, 1858	581	2	1013	
Receipts and Expenditure upon the Sydney University Buildings, for the year 1857	237	2	433	
Work performed by Prisoners in H. M. Gaol, Darlinghurst, from 1 January, 1854, to 31 July, 1858	490	2	367	
by Prisoners in H. M. Gaol, Parramatta, from 1 April, 1854, to 31 Dec., 1855 ..	490	2	375	
by Prisoners in H. M. Gaol, Parramatta, from 1 January, 1856, to 31 July, 1858 ..	490	2	379	
Returns to Addresses of last Session:—				
Date of Leases of Crown Lands held under Orders in Council	223	2	661	
Navigation of the Murray and its Effluents	107	3	685	
Separation of Northern Districts	501	3	1299	
Returns to Addresses—See "Alphabetical Register of Addresses and "Orders for Papers," and "Alphabetical Register of other "Addresses (not being for Papers)"				
Returns to Orders—(See "Alphabetical Register of Addresses and "Orders for Papers.")				
Returns to Orders of last Session:—				
Expenditure upon Roads, Bridges, and Ferries in 1856-7....	18	3	139	
Stock sold out of Sofala Pound.....	13	2	839	
Revenue and Receipts for the year 1857	36	3	73	
Estimated Account Current of, and Expenditure carried on to 31 December, 1858	36	3	73	
derivable from Land and Rents	36	3	73	
(See also "Consolidated Revenue Fund," "Deficit," "Estimates.")				
Richmond and its Vicinity—Petition from—Electoral Bill.....	169, 180	1	1019	
Do. do. do. —Publicans' Licensing Bill	233, 238	1	1021	
Do. do. do. —Publicans' Licensing Bill	251, 255	3	635	
Richmond Road Trust Account	471	2	1177	
Road between Drayton and Ipswich—Tolls collected on	46, 61	3	1171	
Bridges upon the Main Lines of	189, 439	3	1205	
from Shoalhaven to Braidwood	233			
Great Northern, Report from Captain Martindale on the	477	3	1141	
South, Men employed on the	102			
High, near Horse Flat, Collector	289, 313	3	1153	
Proposed, to Botany	372			
Trust Accounts:—				
Campbelltown	471	2	1171	
Liverpool	471	2	1167	
Narellan	18, 471	2	1179, 1181, 1183	
Parramatta	471	2	1165	
Penrith	18, 471	2	1185, 1187	
Randwick and Coogee	471	2	1161	
Richmond	471	2	1177	
South Head	471	2	1163	
Windsor	471	2	1173	
Trust, Tenterfield Road and	244, 327	3	1157	
Vote for 1858, General, Statement of the authorised distribution of the, so far as relates to classified Roads	363	3	145	
Roads and Bridges, Expenditure of Appropriations for	481			
Bridges and Ferries, Expenditure upon, in 1856-7	18	3	139	
Main, Bill	18, 47, 61, 96, 178, 196, 264			
Persons sentenced to the, Return of the number of the	213	1	1207	
(See also "Commissioner for Roads.")				
Robertson's, Mr. J. A., Appeal against the decision of the Local Government in removing him from the office of Commissioner of Crown Lands	515	2	677	
Robinson, Mr. Thomas, Dismissal of	178, 243			
Rockhampton, Port of—Ships and Passengers, Inwards and Outwards, since 2 October, 1858	581	2	1013	
(See also "Fitz Roy" and "Canooona.")				
Rocky River, Gold Fields, Petition from—Chinese Immigration	377, 393	2	947	
Roll of the House—(See "Assembly.") —Electoral Bill	377, 383	1	1057	

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Rolls, First Electoral, Bill	471, 483, 486, 493, 508, 538		2	843
Ross, Mr., Second Lieutenant of Native Police	207, 321			
Rotton, Henry, Esq.	435			
Royal Engineers, Appointment of the Officers of the, and staff to superintend the construction of Railways and other Public Works in N. S. Wales	399		3	793
Mail Company, E. and A., dissolution of Contract with	409		2	1053
Company's, E. and A., vessel "European," charter of the "City of Sydney" in place of	53		2	1045
Mint, Branch of the	46, 67, 151, 543		2	1015, 1019, 1021
Rules of Supreme Court	6, 21, 313, 431, 528, 541, 573		1	1133, 1139, 1143, 1145, 1147, 1149, 1151, 1153, 1155
Runs occupied under the Orders in Council	502			
Rusden, Thomas George	6, 35, 41, 45, 46, 61, 125, 159, 195, 224, 227, 237, 252, 263, 289, 303, 409, 477, 481, 490		1	885, 943, 945, 947
SABBATH School Teachers in connexion with the Wesleyan Church, York-street, Sydney, Petition from—Publicans' Licensing Bill (See also "Lord's Day.")	251, 255		3	633
Salary for Police Magistrate at Armidale	126			
Darling Downs	178			
Grafton	179			
Tamworth	83			
Sale of Crown Lands, Proposed apportionment of net proceeds of, to Local purposes	178			
Sanction—(See "Parliamentary Sanction.")				
Sanderson, Mr., Licensed Surveyor	432, 436, 461		2	657
Scab Act of 1854, Compensation for Sheep destroyed under and Catarrh in Sheep	436, 447 108, 213, 327, 341 213, 258, 273, 330, 342, 427, 448, 489		2	767, 825
in Sheep Prevention Bill	389, 401		2	827
—Petition	367		3	1031
Scale of Fares, Time Table and, on the Great Southern Railway	75, 108, 109, 127, 238, 257, 268, 285, 305, 335		3	1323
School of Arts, Bathurst, Bill	233, 290, 305, 335 584			
Sydney Mechanics', Acts, Amendment Bill				
Statistics				
Schools—(See "Education," "Grammar School," "Sabbath School.")	219, 224		1	1055
Seone, Petition from—Electoral Bill	54			
Scott, A. W., Esq.	247, 252, 477, 481, 502, 512		2	431
Scots Church, Sydney			3	619
Seats resigned				
vacant	435, 493			
Seaver, Lieutenant, R.N.	435, 493, 559		3	413
Secondary Punishment	125, 187, 289, 303		1	1209
Secretary to the Lord Bishop of Sydney, Compensation to the	108, 177, 349, 357, 394, 399		2	1219
Security, Trust Funds, Bill	349, 357, 394, 399			
Seizure and release of the Brig "Freak"	120, 196, 207, 264		3	497
of Gold Dust	457, 467, 512		3	431
Select and Standing Committees appointed during the Session			1	833
Committee of Legislative Council, Leave to attend	425			
Committees, Payment of Witnesses before	409			
Sentence and Execution, Proposed extension of interval between	414, 432, 437			
Separation of Northern Districts	13, 21, 41, 413, 501		3	1271, 1299, 1301
Serjeant, Mr. S. B.	108, 223		1	1123
Servants, Masters and, Act Amendment Bill	30, 56, 61			
(See also "Railway Servants.")				
Service—(See "Civil Service," "Mail Service," "Steam Postal Service.")			1	837
Session, Business of the	1			
Opening the	465, 478, 493			
Remainder of, Days for dispatch of Business during	146			
Sessional Order, Proposed, for printing Petitions	13, 14, 465			
Orders	13		3	1237
Sewerage, Sydney—Report from Municipal Council relative to the	271, 314		2	831
Shepherd, Isaac, Petition from—Impounding Bill	436, 447			
Sheep, Compensation for, destroyed under the Scab Act of 1854	108, 213, 327, 341		2	767, 825
Scab and Catarrh in	213, 258, 273, 330, 342, 389, 401, 427, 448, 489		2	827
Scab in, Prevention Bill				
Shipping, Abstract of the State of the, Registered in the Colony, for the year 1859	237		2	1159
Shoalhaven, Free Presbyterian Church at	271, 277		3	647
Petition from—Electoral Bill	177			
River, Ferry at Bumaderry Point	263, 267		3	1211
Navigation of the	133, 139, 147, 152		3	779, 781
Road from, to Braidwood	233			
Shortening, Acts, Act Amendment Bill	206, 221, 395, 448, 458, 471, 490			
Shorthand Writers Summoned	45			
Signal Staff, Newcastle, Removal of	528, 533, 543, 563, 588		3	671, 673
Sillitoe's Trust Bill	427, 432, 440, 448, 458, 490			
Simpson, Mr. Percy	467, 474		3	417
Singleton (See "Railways," and "Railway Extension to.")				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Slaughter Houses in Sydney and Abattoirs on Glebe Island	41, 46	3	1223, 1225	
Smith John, Petition of—Chinese Immigration Bill	210, 220	2	939	
Thos. Tipple, Petition of—Pymont Bridge Company's Bill	243	3	1349	
Smithers John Baker	255, 264	1	1013	
Snag-Boat, lately constructed for Clearing the River Murray	247	3	699	
(See also "South Australia.")				
Society—(See "Destitute Children's Society," and "Lord's Days Observance Society.")				
Sofala Pound, Stock Sold out of	13, 84	2	839	
Solicitors of Sydney, Petition from—Proposed appointment of Fourth Judge	303, 342	1	1161	
South Australia, Proposed Annexation of a Portion of New South Wales to	481, 511	2	687	
Australian Government, further Correspondence with, re- specting the Snag-boat constructed for Clearing the River Murray	247	3	699	
Great Road, Men Employed on the	102			
Head, Electric Telegraph between Sydney and	179			
Road Trust Accounts	471	2	1163	
Speaker's Commission to Administer the Oath	5			
Speaker, Election of	3			
gives Casting Vote	126, 588			
Presentation of, to Governor General	5			
Special Agreement, Proposed Construction of Railways by	377, 388			
Return to Writ	29, 41, 213, 238	1	903, 917	
Speech, Governor General's Opening	6			
Address in Reply to	9, 10, 13			
Spirit Merchant (See "Wine and Spirit Merchant.")				
St. John's College Act—Return to Address	461, 471	2	445	
Council of, By-Law passed by, on 9th August, 1858	467	2	443	
Glebe	35, 55	2	603	
St. Paul's College	151, 179	2	451	
St. Philip's Parsonage Bill	219, 227, 244, 248, 257, 328, 345, 358, 374, 405, 425, 529, 547	3	1329	
Staff—(See "Signal Staff.")				
Stamps on Conveyances Bill	387			
Standing and Select Committees Appointed during the Session		1	833	
Standing Orders	14, 29, 36, 61, 81	1	949	
Committee	14, 29, 531, 547	1	949, 961	
of last Parliament, Temporary Observance of	14			
of the House of Commons	29			
Suspended	75, 126, 146, 219, 223, 272, 317, 321, 507, 517			
Stanley, George H., B.A.	283, 289			
State of the Magistracy	188, 224, 313, 321, 339, 345	2	73, 81, 85	
State paid Churches	431, 447, 511, 531, 543, 547			
Statement of Advances from Treasury, for purchase of Specimens of Gold, for the Paris Exhibition	560	3	229	
accounts having reference to the Ways and Means, for 1857-8	497	3	73	
Appropriation by the late Legislative Council, for articles for the Paris Exhibition	36	3	231	
Estimated Revenue derivable from Land and Rents, and of the expenses chargeable thereon, for 1858	497	3	73	
Receipts and Expenditure by the Unemployed Laborers Committee	36	2	965	
the authorised distribution of the general Road Vote for 1858, so far as relates to classified roads	523	3	145	
Shewing the Total Debt of the Colony; same authorized to be raised by certain of the Loan Acts, and the amounts raised under each of those Acts respectively on the 31 December, 1857	363	3	73	
Statements Explanatory of Estimates, No. 6, for Department of Land and Public Works	36	3	175	
the proposed division of Electoral Districts, shewing the various Districts—the Population—and the number of Members	294	1	1103	
Proposed Weekly, of Disbursements without Parlia- mentary Sanction	41			
Station—(See "Naval Station.")	371, 373			
Statistics, Annual, for 1857		2	1073	
School	435			
Steam Dredge	584	3	789	
New	248, 263	3	663	
Communication with England <i>via</i> India	18			
Kiama, Navigation Company's Bill	371, 377			
Postal Communication Bill	244, 272, 296, 304, 314, 342, 353, 358, 374, 405, 440, 489	3	1351	
with Great Britain	471, 477, 482, 501, 507, 527			
Service, Australian, Correspondence respecting the continuance of the, for two months beyond the period first agreed for	431, 435, 453, 461, 507	2	1057, 1065	
Correspondence respecting, with Chamber of Commerce	577	2	1069	
the unsatisfactory state of the, between New South Wales and Great Britain	53	2	1037	
<i>via</i> New Zealand and Panama	205, 209	2	1049, 1051	
Steamers—(See "Ocean Postal Steamers.")	45	2	1031	
H				

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Stebonheath, Case of Immigrants—See Progress Report from } Immigration Board, on the.....	81	2	911	
Ditto ditto Final Report	53	2	913	
Stephen, The Honorable Sir Alfred, Knight, Chief Justice	228			
Stock, Assessment on—Petition from New England	267, 271	2	757	
and Macleay	289, 296	2	759	
Sold out of Sofala Pound	13, 84	2	839	
Stockton, Breakwater at	75, 107	3	665	
Stores—(See "Bonded Stores.")				
Suburban, Bathurst, Town and, Allotments	127, 247	2	685	
Summoned, the Clerk	17, 45, 74			
Shorthand Writers	45			
Supplementary Estimate—(See "Estimates.")	22, 31, 35, 41, 68, 97, 120,			
	126, 170, 190, 213, 217,			
	221, 223, 239, 293, 294,			
	299, 318, 322, 331, 349,			
	358, 396, 453, 457, 472,			
	473, 477, 493, 507, 508,			
	517, 529, 531, 543, 545,			
	548, 563			
Supply, Committee of	559			
(See also "Resolutions.")	46, 81, 283	3	1213, 1219	
Supply for 1859			1133, 1139,	
of Water to Wollongong			1143, 1145,	
			1147, 1149,	
			1151, 1153,	
			1155	
Supreme Court Rules	6, 21, 313, 431, 528, 541, 573	1		
			993	
Tasmania—Appeal from	237	1	1205	
Writs issued from	314, 587	1	631	
Surry Hills Wesleyan Methodist Chapel	237, 244	3		
Survey Department, Management of the	125, 140, 383, 461, 467,	1	973, 979	
	478, 482, 502			
Officers of the, Amended Instructions for marking the boundaries of Allotments and portions of land measured by the	399	2	651	
(See also "Instructions.")				
Surveyor, Mr. Assistant, Darke	413, 436	2	659	
Licensed, Sanderson	432, 436, 461	2	657	
Sydney, Bishop of, Compensation to Secretary to the	108, 177, 349, 357, 394, 399	2	1219	
Branch of Royal Mint	46, 67, 151, 543			
Buildings occupied as Government Offices in	206, 243	3	1227	
Fees from Bonded Stores in, from 1 April, 1857	55, 81	3	423	
Dioceses of, and Newcastle Lands Investment Bill	349, 378, 394, 431			
Electric Telegraph between, and the South Head	179			
Grammar School, Third Report from Trustees	279	2	511	
Receipts and Disbursements for the year 1857	432	2	513	
Mechanics' School of Arts Acts Amendment Bill	233, 290, 305, 335			
Morning Herald	555			
Municipal Council of	13, 345, 350	3	837, 1237	
Petition of Bonded Storekeepers of	21, 31	3	421	
Abattoirs on Glebe Island	209, 214	3	1223, 1225	
Celtic Association—Irish Female Immigrants	159, 197	2	933	
Certain Electors of—Electoral Bill	107, 127	1	997	
Inhabitants of—Electoral Bill	139, 146	1	999	
Residents of—Electoral Bill	247, 252	1	1001	
Chairman of Chamber of Commerce—Publicans' Licensing Bill	238, 244	3	611	
Citizens of—Chinese Immigration Bill	271, 279	2	943	
Extension of Railways	321, 329	3	807	
John Williams, Esq., Chairman of Public Meeting held in—Electoral Bill	119, 127	1	995	
Members of various Religious Denominations in—Affiliated Colleges partial Endowment Act Amendment Bill	188, 213	2	461	
Merchants and Traders of—Publicans' Licensing Bill	238, 244	3	613	
Ministers of Religion and others—Publicans' Licensing Bill	322, 329	3	615	
Presbyterian Church, Pitt-street, South—Publicans' Licensing Bill	247, 252	3	617	
Scots Church—Publicans' Licensing Bill	247, 252	3	619	
Thomas Holt, Chairman of Public Meeting of Inhabitants of—Publicans' Licensing Bill	237, 244	3	609	
Unitarian Congregational Church—Publicans' Licensing Bill	283, 289			
Wholesale Wine and Spirit Merchants—Publicans' Licensing Bill	223, 228	3	607	
Postal Communication between, and the Macdonald River	515, 518	2	1029	
Sewerage and Water Supply	13	3	1237	
Slaughter Houses in	41, 46	3	1223, 1225	
Streets of, Powers over, Proposed to be granted to the Commissioners of Railways by the Government Railways Bill	41	3	837, 839	
Unemployed Mechanics and Laborers in	81, 119, 367, 501, 523	2	949, 953,	
Young Men's Christian Association of	237, 244	3	963, 965	
	159, 169, 180, 189, 210,		599	
	220, 224, 237, 327, 555,	2	433, 435,	
University of	581		441, 453,	
			455	
			423, 427	
Synod of Australia	477, 481, 485, 502, 512	2	429, 431	

INDEX.

xxxi.

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.	PAGE.	VOL.	PAGE.
TAMWORTH Assizes, Petition	21, 46	83	2	63
" Salary of Police Magistrate at	453	237	3	791
Tanna, Island of, murder of the master and two of the crew of the }	146	303, 353	1	993
" Anne and Jane " on the	145, 188	179	2	593
Tasmania, Supreme Court of, Appeal from the	395	74, 399	3	1077
Taylor, John	29	577	3	1067
Teachers, Introduction of, under Immigration Regulations	283, 317, 329, 357, 421, 462	169, 180	3	1069
(See also " Sabbath School Teachers ")	244, 327	224	3	1065
Telegraph, Electric, between Great Britain and Australia	227, 234	357	3	1079
Sydney and South Head	367	46, 127, 147, 239, 294	1	1053
Construction of lines of, to Bathurst and the }	46, 61	233, 238	3	1157
Hunter	53, 209, 271	263, 271	3	1067
in the Australian Colonies, Progress and pre- }	127, 247	109, 159	3	1069
sent state of	108, 177	195, 196, 213	3	1065
Regulations for the management of the	30	22, 35	3	1065
Telegraphic, Oceanic, Communication between Australia and Ceylon	272, 283	22, 29	3	1065
Tenders for Flour for Indian Government	341, 349	421, 436, 453	3	1079
Tenterfield, Petition from—Electoral Bill	120, 196, 207, 264	296, 315, 330, 394	3	1079
Road and Road Trust	101	427, 432, 440, 448, 458, 490	3	1079
(See " Railway ")	485, 502, 512, 527	30, 56, 170, 190	3	1079
Terminus—(See " Railway ")	243, 321, 327, 345	283, 289	3	1079
Therry, the Honorable Mr. Justice	81, 119, 367, 501, 523	327	3	1079
Thomas, John	210, 220, 224, 581	555	3	1079
Timber of New South Wales, elasticity and strength of the—Report }	169, 189	169, 180	3	1079
from Captain Ward on the	237	159	3	1079
Time Table and scale of Fares on the Great Southern Railway	364, 528	1, 5, 591	3	1079
Titles to Land Bill	435, 493, 559	342, 349, 437	3	1079
Tolls collected on the Road between Drayton and Ipswich	36	109, 159	3	1079
Tonnage Duty, Hunter River, Act	217, 220	267, 299	3	1079
Tooth, William Butler, Esq.	267, 299	393, 435	3	1079
Total Abstinence, Christian, Society	363	95, 96	3	1079
Town, Bathurst, and Suburban Allotments	177, 189	151, 180	3	1079
Towns and Villages, Instructions for laying out	55, 107, 127, 283, 523	267, 271	3	1079
Transfer of Registers of Bishop's Registrar to Office of Registrar }	31, 46, 56, 84, 108	21, 31	3	1079
General	21, 31	364, 371	3	1079
Ordnance Lands, Bill	46, 81, 283	13	3	1079
Treasury Bills Bill, Assent to	237, 244	237, 244	3	1079
from 1 September, 1857	237, 244	237, 244	3	1079
issued to 18 June, 1858	237, 244	237, 244	3	1079
Iron Chest and Accounts	237, 244	237, 244	3	1079
Weekly State of the	237, 244	237, 244	3	1079
Troops, Dispatch of, to India	237, 244	237, 244	3	1079
Trust Funds Security Bill	237, 244	237, 244	3	1079
Hamilton's, Bill	237, 244	237, 244	3	1079
Money Deposits, Treasury Account Current with	237, 244	237, 244	3	1079
Sillitoe's, Bill	237, 244	237, 244	3	1079
(See also " Road Trust, " " Road Trust Accounts ")	237, 244	237, 244	3	1079
Trustees and Directors Frauds Prevention Bill	237, 244	237, 244	3	1079
Fraudulent, and Bankers better Punishment Bill	237, 244	237, 244	3	1079
(See also " Australian Museum, " " Grammar School ")	237, 244	237, 244	3	1079
Turvey—(See " Harris, Dr. ")	237, 244	237, 244	3	1079
Uhr E. B., Esq., J.P.	237, 244	237, 244	3	1079
Unitarian Congregational Church, Macquarie-street, Petition of }	237, 244	237, 244	3	1079
Members of—Publicans' Licensing Bill	237, 244	237, 244	3	1079
Unemployed Mechanics and Laborers in Sydney	237, 244	237, 244	3	1079
University of Sydney	237, 244	237, 244	3	1079
Address of thanks to Her Majesty	237, 244	237, 244	3	1079
Land granted to the, for Affiliated Colleges	237, 244	237, 244	3	1079
Petition of Professors, Graduates, and Under- }	237, 244	237, 244	3	1079
Graduates—Affiliated Colleges Partial En- }	237, 244	237, 244	3	1079
dowment Act Amendment Bill	237, 244	237, 244	3	1079
Petition of Professors of the Faculty of Arts, ditto }	237, 244	237, 244	3	1079
Receipts and Expenditure for Buildings for 1857 }	237, 244	237, 244	3	1079
Report of the Proceedings of the	237, 244	237, 244	3	1079
Universities, Graduates of British, Bill	237, 244	237, 244	3	1079
Usher of the Black Rod	237, 244	237, 244	3	1079
VACANT Seats	237, 244	237, 244	3	1079
Vaccination, Compulsory, Bill	237, 244	237, 244	3	1079
Report from Medical Adviser to Government on	237, 244	237, 244	3	1079
Villages, Instruction for laying out Towns and }	237, 244	237, 244	3	1079
Vineyard, Hunter River Association	237, 244	237, 244	3	1079
Vote, Expenditure authorized and unauthorized by, since 30 April, 1858 }	237, 244	237, 244	3	1079
since 18 June, 1858	237, 244	237, 244	3	1079
General Road, for 1858, statement of the authorized distribu- }	237, 244	237, 244	3	1079
tion of the	237, 244	237, 244	3	1079
Of Confidence	237, 244	237, 244	3	1079
(See also " Casting Vote. ")	237, 244	237, 244	3	1079
Votes and Proceedings from No. 1 to No. 127	237, 244	237, 244	3	1079
WAGGA Wagga, District Court at	237, 244	237, 244	3	1079
Petition from—Electoral Bill	237, 244	237, 244	3	1079
Wakool, Navigation of the	237, 244	237, 244	3	1079
Wallis Creek, Damming up waters of, by Railway Extension	237, 244	237, 244	3	1079
Warehouses, Bonded, Act Rep al Bill	237, 244	237, 244	3	1079
Petition of Bonded Storekeepers of Sydney	237, 244	237, 244	3	1079
Warrant authorising Expenditure without Parliamentary sanction	237, 244	237, 244	3	1079
Water, Supply of, to Wollongong	237, 244	237, 244	3	1079
Sydney—Report from Municipal Council, relative to the }	237, 244	237, 244	3	1079
Waverley Methodist Chapel	237, 244	237, 244	3	1079
Ward, Capt., Report from, on the elasticity and strength of the }	237, 244	237, 244	3	1079
Timber of New South Wales	237, 244	237, 244	3	1079

	VOTES AND PROCEEDINGS.		PAPERS.	
	VOL. I.		VOL.	PAGE.
	PAGE.			
Ways and Means, Committee of	36, 109, 127, 195, 258, 379, 406, 564			
(See also "Estimates," "Finance," "Statement of Ways and "Means.")			1	751 to 810
Weekly Abstract of Petitions received, from No. 1 to No. 29				
Proposed, Statements of Disbursements without Parlia-mentary sanction	371, 373			
Reports of Divisions in Committee of the whole House, from No. 1 to No. 29			1	593 to 750
State of the Treasury	341, 343		3	155
Weekes, E. C. Esquire	54			
Wentworth, W. C. Esquire	81		2	1055
Wesleyan Church, York-street, Sydney	251, 256		3	633
Methodists, East Maitland	267, 271		3	627
Newtown	257, 267		3	625
Princes-street	251, 255		3	621
Surry Hills	237, 244		3	631
Waverly	237, 244		3	629
York-street	251, 256		3	623
Western Boroughs, Returning Officer for the, Conduct of	108, 223		1	1123
Gold Fields Report from Mr. Commissioner M'Lean	357		2	979
Ditto ditto	315		2	985
Interior, Railway Extension from Parramatta to the, Pro-posed Line of	482, 502, 537, 541, 560, 573		3	817, 821, 823
White, G. B. Esquire	322			
Wickham, Captain	313, 345		1	405, 409
Wide Bay and Burnett District, A. E. Halloran, Esq., Commis-sioner of Crown Lands for	243, 321, 327, 345		2	211
Bridges in the	219, 224		3	1173
Williams, John, Esq., Mayor of Sydney	119, 127, 341		1	995
Willmott, W. S.	293, 299		3	837
Wilkes, Joseph	45, 238, 253		1	1295
Willis, Joseph S.	238, 244		3	611
Wilson Adam	313		1	1297
Capt. J.	317		2	389
Windsor, Branch Line of Railway to	35, 45		3	811
Exclusive of Richmond, Petition from—Electoral Bill	113, 126		1	1017
Extension of Railway to	341, 378, 418			
Road Trust Account	471		2	1173
Wine and Spirit Merchants, Registered	55, 96		3	425
Wholesale, of Goulburn, Petition of—Publicans' Licensing Bill	243, 248		3	645
Sydney ditto	223, 228		3	607
Wise G. F.	101, 109		1	1061
Wiseman, Mr., Crown Lands Commissioner	461, 477		2	999
Wiseman's Ferry—(See "Cross, Mr. David.")			3	683
Witnesses, Expenses of	531, 547		1	961
Payment of, before Select Committees	409		2	81
Wives—(See "Deserted Wives.")				
Wollongong, Petition from—Appointment of Justices under the Municipalities Bill	119, 127		3	1247
Electoral Bill	119, 127		1	1035
Supply of Water to	46, 81, 283		3	1213, 1219
Woodlark Island, Massacre of the Crew of the "Gazelle" at	453		3	791
Woore, Thomas, Esq., Railway Services of	304, 342, 537		3	1037
Words of Heat	401, 538			
taken down by the Clerk	401, 538			
Works—(See "Public Works," "Pyrmont Bridge Company's Works.")				
Writ, Special Return to	29, 41, 213, 238		1	903, 917
Writs issued from Supreme Court	314, 587		1	1205
Yass, District Court at	233, 238		2	69
Petition from—Electoral Bill	271, 314		1	1079
York-street, Wesleyan Church, Sydney	251, 255		3	623, 633
Young Men's Christian Association of Sydney, Petition from, Pub-licans' Licensing Bill	237, 244		3	599

1858.

Legislative Assembly.

NEW SOUTH WALES.

LANDED PROPERTY IN CASES OF INTESTACY DESCENT BILL.

PROGRESS REPORT

FROM THE

SELECT COMMITTEE

ON THE

LANDED PROPERTY IN CASES OF INTESTACY DESCENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

3 November, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Proceedings of the Committee	6
List of Witnesses	8
List of Appendix	8
Minutes of Evidence	1

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 55. FRIDAY, 2 JULY, 1858.

12. Landed Property in cases of Intestacy Descent Bill :—The adjourned Debate on the motion of Mr. Murray,—“That this Bill be ‘now’ read a second time,”—resumed. Mr. Byrnes moved, That the Question be amended by the omission of the word “now,” with a view to add at the end the words “this day week.”

Debate continued.

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

Ayes, 22.

Noes, 20.

Question stated,—That this Bill be “now” read a second time.

Mr. R. Campbell moved, That the Question be amended by the omission of all the words following the word “now,” with a view to the insertion in their place of the words “referred to a Select Committee, to take evidence and report thereon.”

Debate continued.

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

Ayes, 21.

Noes, 22.

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

The House divided.

Ayes, 30.

Noes, 12.

Question,—That this Bill be now referred to a Select Committee, to take evidence and report thereon—put and passed ;—

Whereupon the House, upon the request of Mr. R. Campbell, proceeded to the Ballot, and the Speaker declared the following Members to be, with the Mover, Mr. R. Campbell,—and the Member in charge of the Bill, Mr. Murray,—the Committee duly appointed, viz. : Mr. Jones, Mr. Deniehy, Mr. Forster, Mr. Parkes, Mr. Piddington, Mr. Faucett, Mr. Martin, and Mr. Macarthur.

VOTES No. 58. WEDNESDAY, 14 JULY, 1858.

2. Attendance of Members of Legislative Council :—Mr. Murray moved, That the following Message be carried to the Legislative Council :—

The Legislative Assembly having appointed a Select Committee to inquire into the “Landed Property in cases of Intestacy Descent Bill,” and that Committee being desirous to examine the Honorable Sir Alfred Stephen, Knight, Chief Justice, and the Honorable James Norton, Esquire, in reference thereto, begs to request that the Legislative Council will give leave to its said Members to attend accordingly, on such day and days as shall be arranged between them and the said Committee.

Legislative Assembly Chamber,

Sydney, 14 July, 1858.

Speaker.

Question put and passed.

8. Attendance of Members of Legislative Council :—The Speaker reported that whilst the House was in Committee the following Message was received from the Legislative Council :—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 14th instant, requesting leave for the Honorable Sir Alfred Stephen, Knight, Chief Justice, and the Honorable James Norton, Members of the Legislative Council, to attend and be examined before a Committee of the Legislative Assembly appointed to inquire into the “Landed Property in cases of Intestacy Descent Bill,” the Council acquaints the Legislative Assembly that leave has been granted to those Members to attend and be examined by the said Committee, if they think fit.

Legislative Council Chamber,

Sydney, 14 July, 1858.

W. W. BURTON,

President.

VOTES No. 64. FRIDAY, 23 JULY, 1858.

13. Landed Property in cases of Intestacy Descent Bill :—Mr. Jones moved, pursuant to notice, That the proceedings of the Select Committee appointed in 1854 and 1855 to inquire into the Administration of Intestate Estates be referred to the Committee now sitting on the Landed Property in cases of Intestacy Descent Bill.
Question put and passed.

VOTES No. 113. WEDNESDAY, 3 NOVEMBER, 1858.

1. Landed Property in cases of Intestacy Descent Bill :—Mr. Murray, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before, the Select Committee to whom this Bill was referred on the 2nd July last. Ordered to be printed, together with the Minutes of Proceedings and Appendix.

1858.

LANDED PROPERTY IN CASES OF INTESTACY DESCENT BILL.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 2nd July last, "to take evidence and Report upon the *Landed Property in cases of Intestacy Descent Bill*," and to whom on the 23rd of the same month were referred "*the Proceedings of the Select Committee appointed in 1854 and 1855 to inquire into the Administration of Intestate Estates*,"—have agreed to the following Progress Report:—

Your Committee append hereunto the evidence of several gentlemen whose opinions are deserving of great attention upon the important subject submitted to them. This evidence, however, is so conflicting—not so much upon the main principle of the Bill as upon the details which might be involved in its practical working—that your Committee recommend the resumption of the inquiry during the next Session of Parliament.

T. A. MURRAY,
Chairman.

Legislative Assembly Chamber,
Sydney, 3 November, 1858.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6 JULY, 1858.

MEMBERS PRESENT:—

Mr. Murray,	Mr. Jones,
Mr. Piddington,	Mr. Forster,
Mr. Deniehy,	Mr. Faucett.

Mr. Murray was called to the Chair.

Committee deliberated as to their course of procedure, and being of opinion that it would be expedient to take evidence as to the proposed enactments of the Bill, it was *Resolved* :—

1. That Charles Riley, Esquire, be summoned before this Committee as a witness "for Friday next."
2. That the Chairman do move in the House, That a Message be carried to the Legislative Council, requesting leave for the Honorable Sir A. Stephen, Knight, Chief Justice, and the Honorable James Norton, Esquire, to attend and be examined before this Committee, on such day and days as shall be arranged between them and the Committee."

[Adjourned till Friday next, at *Eleven o'clock*.]

FRIDAY, 9 JULY, 1858.

The meeting of the Committee convened for this day lapsed, in consequence of the adjournment of the House from Tuesday, 6th instant, to Tuesday, 13th instant, owing to the demise of the Venerable Archdeacon Cowper, father of the Principal Secretary.

TUESDAY, 13 JULY, 1858.

MEMBERS PRESENT:—

The Honorable T. A. Murray, Esquire, in the Chair.

Mr. Forster,	Mr. Parkes,
Mr. Jones,	Mr. Piddington,
Mr. Faucett.	

Mr. Charles Riley, Barrister-at-Law, examined.

[Adjourned till to-morrow, at *Eleven o'clock*.]

WEDNESDAY, 14 JULY, 1858.

MEMBERS PRESENT:—

The Honorable T. A. Murray, Esquire, in the Chair.

Mr. Faucett,	Mr. Parkes,
Mr. Jones,	Mr. Macarthur,
Mr. Piddington,	Mr. Forster.

Mr. J. H. Plunkett, Q. C., examined.

[Adjourned till Friday next, at *Eleven o'clock*.]

FRIDAY, 16 JULY, 1858.

MEMBERS PRESENT:—

The Honorable T. A. Murray, Esquire, in the Chair.

Mr. Piddington,	Mr. Macarthur,
Mr. Jones,	Mr. Forster.

The Honorable James Norton, attending by permission of the Legislative Council, examined.

Committee deliberated, and it was *Resolved* :—

- "That the Chairman do move in the House, That a Message be carried to the Legislative Council, requesting leave for the Honorable Mr. Justice Therry to attend and be examined before the Committee, on such day and days as shall be arranged between him and the Committee."

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY,

TUESDAY, 20 JULY, 1858.

MEMBERS PRESENT:—

Mr. Jones,	|	Mr. Forster.
------------	--	--------------

The Honorable Sir A. Stephen, Knight, Chief Justice, was, by permission of the Legislative Council, in attendance as a witness, but a Quorum of the Committee was not present.

[Adjourned till Friday next, at *Eleven o'clock.*]

FRIDAY, 23 JULY, 1858.

MEMBERS PRESENT:—

Mr. Jones,	|	Mr. Piddington,
Mr. Forster,	|	Mr. Macarthur,

Mr. Jones, in the absence of the Chairman, was called to the Chair.

The Honorable Sir *Alfred Stephen*, Knight, Chief Justice, attending by permission of the Legislative Council, examined.

[Adjourned.]

THURSDAY, 26 AUGUST, 1858.

MEMBERS PRESENT:—

The Honorable T. A. Murray, Esq., in the Chair.

Mr. Faucett,	|	Mr. Piddington,
Mr. Jones,	|	Mr. Forster,
Mr. Deniehy,	|	Mr. Parkes.

By direction of the Chairman, Resolution of the House, referring to the Committee on 23rd ultimo, "Report from the Select Committee of 1854-55, on Administration of "Intestate Estates"—read by the Clerk.

The Chairman laid before the Committee—Letter received by him from Mr. Wm. Sutherland, dated 12th August, 1858, relative to a case of great hardship which had come under his observation, consequent upon the present state of the law in respect to landed property in cases of intestacy.

Mr. J. F. Hargrave, Barrister-at-Law, examined.

Committee deliberated, and were of opinion that it would be expedient to take the evidence of certain persons not engaged in professional avocations.

[Adjourned till Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 1 SEPTEMBER, 1858.

MEMBERS PRESENT:—

The Honorable T. A. Murray, Esq., in the Chair.

Mr. Faucett,	|	Mr. R. Campbell.
--------------	--	------------------

Mr. J. N. Beit examined.

[Adjourned.]

WEDNESDAY, 27 OCTOBER, 1858.

MEMBERS PRESENT:—

Mr. Jones,	|	Mr. Forster,
Mr. Deniehy,	|	Mr. Piddington.

Mr. Deniehy, in the absence of the Chairman, was called to the Chair.

Paragraph in letter from Mr. Murray to the Clerk of the Assembly, dated Lake George, 25th October, 1858, requesting that a meeting of the Committee might be called for Wednesday next, to consider Report, read by the Clerk.

Committee thereupon *Resolved*:—

"That, in consequence of the communication from the Chairman just read, it is
"expedient that this Committee should forthwith adjourn till Wednesday
"next."

[Adjourned till Wednesday next, at *Eleven o'clock.*]

WEDNESDAY,

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

LANDED PROPERTY IN CASES OF INTESTACY DESCENT BILL.

TUESDAY, 13 JULY, 1858.

Present:—

MR. FAUCETT,
MR. FORSTER,
MR. JONES,MR. MURRAY,
MR. PARKES,
MR. PIDDINGTON.

T. A. MURRAY, Esq., IN THE CHAIR.

Charles Riley, Esq., called in and examined:—

1. *By the Chairman*: You are a Barrister? Yes.
2. Will you be good enough to inform the Committee what constitutes the difference between real and personal estate? In the one case, if there be no disposition by will, it passes to the heir-at-law; and in the other, it is divided between the next of kin.
3. Is that the only difference? It is the only practical difference, I think.
4. Real estate, of course, is immovable—it consists of land? Yes.
5. But property in land may be personalty as well as realty? It may, and so personal property may be real. By your will you may convert realty into personalty, or personalty into realty.
6. You may make chattel property real? You may make actual money real property. Suppose, for instance, a trust to invest a certain sum of money in landed property;—the mere trust converts it into realty.
7. Still the main difference between personal and real property is that which you have pointed out? Yes.
8. Will you be good enough to look at the first clause of the Bill which is before you. It is proposed by that clause to enact that, "from and after the passing of this Act all lands and hereditaments within the Colony shall for all purposes be deemed adjudged and taken to be chattels real." Supposing the distinction between personal and real property to be virtually that which you have pointed out,—do you see any objection, in an enactment for the purpose for which this Bill is proposed, to allow those words to stand as they are; the object in view being to provide for the legal distribution of real property among the children of an intestate father, in the same way as personal property is now distributed? I see no objection to it.
9. Worded as it is? I do not know whether there is any necessity for employing the words chattels real.
10. You do not object to the principle? No, not to the principle.
11. What is your opinion as to the expediency of changing the law in this Colony in the manner proposed? I think it very desirable the change should be effected.
12. Reverting to the second clause of the Bill: it is proposed there that "the statute concerning uses"—the words "and wills" seem to have been inserted inadvertently—"shall be deemed and taken to apply to chattels real"—do you think it desirable that the Statute of Uses referred to should be extended so as to refer to chattels real? I see no objection to it.
13. Do you think it necessary or advisable, considering that the great object of that statute was to give the party beneficially interested in a trust the sole right of disposing of it? It appears to me of very little moment whether the statute is applied to chattels real or not.

Charles Riley,
Esq.
13 July, 1858.

- Charles Riley, Esq.
13 July, 1858.
14. Then, of course, if it is of little moment, it is not necessary to apply it? The only effect of the clause would be, that in a case where a surviving trustee was conveying trust property to himself and another there would be no necessity to have two deeds, as at present.
15. Would that be an improvement, do you think? Really the second deed is so short that it is not worth speaking of. The expense is a mere nothing. It appears to me that there is a more scientific way of dealing with this subject, and that is by attacking the law which necessitates the use of the two deeds. The law is, that a man cannot convey to himself. He may do it, however, by taking advantage of the Statute of Uses; but the Statute of Uses does not apply to chattels real; therefore, the Statute of Uses cannot be made use of. Now, if the law were altered, and it were declared that a man might convey directly to himself, there would be no necessity for two deeds.
16. The Statute of Uses does apply to real estate? To freehold.
17. Freehold is what constitutes real estate? Yes. The Statute of Uses only applies where there is a seizin, and there can only be a seizin where there is a freehold.
18. An estate held for nine hundred and ninety-nine years is not a freehold? No.
19. In framing this Bill it was thought desirable to guard against any collusive sales of lands coming under its provisions, and for that purpose to impose some check over administrators or the Curator of Intestate Estates; with this view it is proposed by the third clause that all sales shall be subject to the approval of the Judges of the Supreme Court: What is your opinion as to the expediency of having some provision for that purpose? I do not see the necessity for it. The 15th Vic., No 8, contains such a provision when the property is under the charge of the Curator.
20. The Curator of Intestate Estates has at present no right to dispose of landed property, but sales of personal property effected under his direction are generally very ruinous—they cause great loss, do they not? I do not know. I think estates are consigned to the care of the Curator of Intestate Estates merely as a temporary arrangement. There may be administrators appointed, as in ordinary cases.
21. Who would have power to regulate the sales? I think so. Realty being converted into personalty would be dealt with by them as personalty. An administrator has an unrestricted power of sale. I believe in England the Court upholds the sale, even where it has been made in bad faith on the part of the administrator.
22. You have never known an instance of the kind here? Never.
23. Have administrators to give security? Yes.
24. Have you ever known any bonds given by administrators of intestate estates to be insisted upon? No, I have not.
25. Do you know if it is not in practice a dead letter? I do not know it.
26. On the whole, you consider such an Act as this is desirable? I think it most desirable.
27. By Mr. Faucett: Have you considered the bearing of the first clause at all, or have you given your opinion upon it from merely reading it now? I have seen it before.
28. Have you considered the effect of that clause upon the present state of the law? Not very attentively, but I know the whole Act will cause great changes in the law, some of which I was about to point out.
29. I take it you are in favor of the principle of making intestate estates devolve like personalty? Yes.
30. That you believe would be beneficial to the Colony? Yes.
31. Setting out with that principle, do I understand you to state that you have not considered the bearing of this first clause which is intended to carry it out? I have.
32. Have you at all considered the great changes in the law that would follow from that clause? I have.
33. Will you be good enough to state some of the leading changes? There is one statute with which it will very materially interfere,—the statute for facilitating the payment of debts out of real estate. At the present time, when a person dies indebted leaving real property, the only means of getting at that property is by instituting a suit in Equity. This Act will render it unnecessary, in cases of intestacy, to go to Equity at all. The administrator will be enabled to sell immediately under this Act, and the expense of an Equity suit will be saved. But there is a proviso at the end of one of the sections which declares that creditors by specialty in which heirs are bound shall have their debts paid before creditors by specialty in which heirs are not bound. This Bill, I take it, will repeal that proviso.
34. Does it strike you that the Act to which you have just referred is an advance towards the principle contained in this Bill? I think it is.
35. This Bill merely advances that principle still further? I think so.
36. You think it will be an improvement? A great improvement. I was about to say also that I think there ought to be some provision made in this Bill for trust estates and estates in mortgage. I think it should be declared to apply or not to apply to such estates, one or the other. The Bill as it stands appears to me to apply only to property in which the intestate was beneficially interested. But the question might arise whether it might not include trust estates and estates in mortgage also.
37. What provision would you suggest in this Bill? I would propose a mere declaration, such as I have alluded to in my last answer. It appears to me that it would be more beneficial to allow trust estates to come under the Act, because then there would be an administrator who is an adult, and in the Colony, and therefore able to deal with the estate; whereas the heirs, in many cases, are infants, or out of the Colony, and their infancy or absence necessitates an application to the Court of Equity, which is attended with inconvenience and expense.
38. Are you aware that one of the objections that has been made to this clause is, that it will in some degree affect settlements? I do not think that. A person would not take by descent under a settlement — I beg pardon; I see the first clause and the preamble do not tally.

39. Reconsidering your answer, would you alter it? I think I would.

40. Are you now prepared to say the first clause might stand as it does at present? I think it should be confined to intestacy. I do not think it is desirable to interfere with the right of persons to deal with their property as they may think fit. With regard to mortgages, I think also that the Act should be declared to apply to them, or not.

Charles Riley,
Esq.

13 July, 1858.

41. Which would you prefer? I would prefer that it should apply. At present a mortgage debt belongs to the executor, but the fee descends to the heir-at-law; consequently there are two persons to convey upon the sale, transfer, or re-conveyance of the mortgaged lands. I would make the legal estate vest in the administrator, and then there would be but one. The heir of the mortgagee is sometimes an infant, or out of the Colony, which necessitates an application to the Court of Equity, such as I have before mentioned in connexion with trust estates. It is considered advisable upon the sale, transfer, or re-conveyance of mortgaged lands to have the signature of the executor; and you might just as well allow him to convey the legal estate as well as the personal interest.

42. With regard to the Statute of Uses, you see no objection to making that apply? I see no objection to it.

43. *By Mr. Jones*: Will you explain to the Committee the exact nature of this Statute of Uses? It is simply a statute which declares that where a person has the use he shall also have the legal estate. It was the habit in former days to convey property to one person for the use of another person. It was a way of evading the Statute of Mortmain. And to prevent this, the Statute of Uses was passed. The Chairman spoke of the third clause, requiring that all sales under this Act shall be subject to the approval of the Judges: I do not think that advisable.

44. *By Mr. Faucett*: Do you not think some provision should be made in this Bill giving the administrator, or the Curator of Intestate Estates, power to sell lands? I do not think so. With personalty an administrator clearly has a right to sell. This Bill converts realty into personalty, and therefore the power arises at once. He has all the powers which attach to personalty. I do not see that it is at all necessary to give this power. If you wish to do so, I think the better way would be to have a statutory will.

45. *By Mr. Piddington*: Would you approve of the Curator of Intestate Estates having power to sell real estate by private contract? I do not see why he should not sell by private contract as well as by auction.

46. At his discretion, without any announcement of the offer made to him? I would not interfere with him: He is a responsible officer; and I do not think he would do anything improper.

47. *By Mr. Faucett*: Do you not know, as a matter of fact, that the most valuable properties in this Colony are personalty—stations and stock—they are not realty? No, they are not realty; the runs being merely held by lease.

48. Therefore any change that might be made in the law would not affect them? No. We must bear in mind that there are some decisions of the Court in which individuals have got the fee merely by occupancy. But I do not think they would get a fee as against the Crown; though the Statute of Limitations is said by Sugden to apply to the Crown.

49. *By Mr. Forster*: Do you not think the third clause would unnecessarily hamper the alienation of property? I think so.

50. Has not the tendency of the Courts generally been to encourage alienation? Undoubtedly.

51. Do you not think that at present, under the present laws, sufficient protection is afforded? Yes.

52. Would you recommend the expunging of this third clause? I would. In law the presumption is, that where an administrator sells he does so for the purpose of discharging his duties. I do not think a purchaser would be affected by any *mala fides* on his part. I think an administrator under this Bill should be placed in the same position as an executor or trustee empowered to sell.

53. As this Bill stands now, might there not be some danger of other lands transmitted by will being brought under the operation of the Bill. Supposing that by some equitable construction, as I think it is called, the word administrator were presumed to include executors? If there were no executors of a will there might be an administrator with the will annexed appointed, and such an administrator might be brought within the meaning of this Bill.

54. Might not the Bill as it stands now be construed to apply to lands which do not at all come within the scope of its principle? It might, if something be not inserted in the first clause restricting its operation to cases of intestacy.

55. Retaining the first and third clauses as they are, might not the Bill apply to lands transmitted by will? It might, certainly.

56. Is there not a possibility also that the alienation of all lands whatever may, under the present wording of this Bill, be subject to the approval of the Judges, which would really be hampering the alienation of such property to a very great extent? There is. It would be an advantage in many cases in which applications have now to be made to Parliament for power to sell property comprised in wills that do not contain powers of sale if sales in such cases could be made by the approbation of the Supreme Court. It would save a vast deal of expense.

57. That only applies to particular cases? There may be many other cases where application would be made were it not for the expense.

58. *By Mr. Faucett*: You think a power might prudently be given to the Supreme Court to allow of sales in such cases, but not to make the sale of all lands subject to their approval? Yes. Where a power of sale is not given, it may be presumed that it was not the intention of the testator that a sale should be effected; but a price so splendid may be offered that it would be manifestly to the advantage of the parties interested to accept it if they could.

And

Charles Riley, Esq. And where the power of sale has been inadvertently left out, I think there should be some easy means of remedying the defect, without applying to Parliament.

13 July, 1858. 59. You think the cheapest way would be to give power to the Supreme Court to authorise a sale? Yes.

60. *By Mr. Jones*: That would not properly come within the scope of this Bill? No. I think the Bill had better be confined to the object contemplated by it.

61. *By Mr. Piddington*: In the event of the third clause being expunged, who would then be empowered to sell real estate in cases of intestacy? The administrator.

62. Who appoints the administrator—must he be an officer of the Court? Not necessarily. The general rule is to appoint one of the next of kin, if there be any.

63. Would it not be more desirable to empower the official Curator of Intestate Estates to sell real property in cases of intestacy, in the same way as he is now empowered to sell personalty? I do not see why it should be done by the Curator in preference to the administrator.

64. Is it not the practice that the Curator of Intestate Estates has authority to dispose of the personal property of intestates? Yes, under the direction of the Supreme Court, or a Judge of it.

65. Do you see any objection to the Curator of Intestate Estates being empowered to dispose of real property which may come under his charge? There is none that I am aware of.

66. Either by auction or by private contract? At his discretion.

67. If the Curator be empowered to sell by private contract, do you not think it would be desirable that some check should be established, to provide against the sale of property at an improperly low rate? I would never interfere with any responsible officer in the discharge of his duties. You must leave him a large discretion.

68. Do you think it is necessary to leave such a large discretion as this in the hands of any officer? Yes, I think it is. It is easy to ascertain the value of any property.

69. My question refers to the possibility of landed estate being sold by private contract without any previous test of value? It would be valued, I take it, by some competent person beforehand.

70. You think there is no danger in devolving such a discretion on a public officer? I do not anticipate any danger.

71. *By the Chairman*: I think I understood you to say that as this Bill stands at present it might be so construed that the right of individuals to dispose of their property by will would be in some degree imperilled? I think it might.

72. But you think the insertion of the words "in cases of intestacy" would remove all doubt? Yes.

73. And therefore it would be better to have them introduced? Yes, I think so. I think the preamble as it is would certainly control the other parts of the Bill; but it is better to be on the safe side.

74. *By Mr. Jones*: Would the passing of an Act of this kind lead necessarily to any great subdivision of landed properties? Not necessarily; because the land might be sold in one block, and the money be distributed, instead of the land itself being divided.

75. It would by no means follow that the landed property of an intestate should be divided among the children or heirs? No; if all the claimants should be of age, and elect to take the property as land, then it might be divided and broken up. I found my opinion as to the advisability of this change in the law on this fact, that in half the wills made here realty is actually converted into personalty for purposes of distribution; and in the other half there is usually a discretion given to trustees to convert it whenever they think fit; and where it is not so, the property is generally equally divided by the will. I think it is impossible in ordinary wills here ever to discover who is the heir-at-law. I think in this Colony there is really no difference made between realty and personalty in disposing of property by will.

76. So that, so far as can be gathered from the wills that have come within your knowledge, parents in this Colony make wills leaving their property rateably among their children? Yes. I have never found it left to the heir as such.

77. I understood you to say that the passing of this Bill would not lead to any minute subdivision of landed property? I do not think it would, necessarily.

78. In the generality of cases, if this Bill were passed would not land be converted into money for purposes of division? Yes.

79. That would be the general operation of the law? Yes, decidedly.

80. Cases where the land itself would be divided would be exceptions? It would depend on whether the next of kin were of age: if of age they might elect to take the land as land.

81. Do you not think there would be great practical difficulty in dividing land so as to satisfy the persons interested, especially where there were properties situated in different places? There would be no option then but to sell and divide the proceeds, or to institute a suit in Equity for partition.

82. So that the probable operation of the law would lead to the sale of realty for purposes of division? It would be necessary if the persons interested could not agree.

83. You do not apprehend then that any evil would be likely to accrue from minute subdivision of estates? No.

84. *By Mr. Faucett*: You are aware that the great families are kept up in England more by settlements than by the law of primogeniture? Entirely by settlements.

85. These settlements are either altered or renewed every generation? Every time the tenant-in-tail comes of age or marries he bars the entail, and then the property is re-settled.

APPENDIX A.

*Remarks to supplement the foregoing Evidence.*Charles Riley,
Esq.

13 July, 1858.

It has struck me that this Bill, by altering the character of real property, will effect an enormous change in the law relating to the mutual rights of husbands and wives in each other's lands. By law as at present established, a widow is, under no circumstances, entitled to more than a life estate in one-third of her deceased husband's real property. By the conversion of the realty into personalty, she would, if there were children, become absolutely entitled to one-third, and if there were no children, to one-half.

The husband, if he survive his wife and have issue by her that might by possibility inherit her estate as her heir, becomes entitled to an estate merely for the residue of his life in her estate. To her chattels real he is absolutely entitled. The effect of the Bill therefore, in the latter case, would be merely to substitute the husband for the heir.

These are changes which I believe are not contemplated by the Bill, and if such changes would inevitably follow, the intention of the framers would be defeated. I would therefore suggest that the first clause should be in a form as follows:—

"The real estate of intestates shall descend to their issue in equal shares as tenants in common and per stirpes, and in case there should be no issue to their next of kin in equal shares as tenants in common and per stirpes."

By adopting this form, the character of the property would not be altered, and numerous difficulties would be avoided which must arise, but which cannot be foreseen.

WEDNESDAY, 14 JULY, 1858.

Present:—

MR. FAUCETT,
MR. FORSTER,
MR. JONES,MR. MACARTHUR,
MR. MURRAY,
MR. PARKES,

MR. PIDDINGTON.

T. A. MURRAY, Esq., IN THE CHAIR.

John Hubert Plunkett, Esq., Q. C., called in and examined:—

1. *By the Chairman:* You have been Attorney General of this Colony for many years? *J.H. Plunkett, Esq., Q.C.*
- Yes; I was appointed Solicitor General in October, 1831; I continued in that office till March 1836, when I was promoted to the office of Attorney General, and I continued in that office until I was released from office on the introduction of Responsible Government. *14 July, 1858.*
2. Will you be good enough to mention to the Committee what is the difference between real and personal estate? I apprehend the distinction you mean is rather between a real estate and chattel property, because landed property by lease is included in chattel property.
3. What is the difference then between real estate and chattel property? Real property comes under the head of freehold, that is, from fee simple to an estate for life, and a variety of other estates that are of inheritance. A man may hold a lease for a thousand years, still it is chattel property, and the laws of descent would operate differently upon it.
4. Does that constitute the great difference between the one description of property and the other, that the laws of descent affect them in a different manner? At the present time that is the principal difference; the laws of England as to landed estates have in a variety of ways changed so much. The principal difference that occurs to me at this moment is with respect to the laws of descent. Here, we know the Sheriff can, under a writ of *fieri facias*, dispose of equities of redemption as well as chattels.
5. These are modern improvements in the law with reference to landed property, those which make land subject to sale for debt? I think there is a statute in England, 3 and 4 William IV., by which landed property is made assets available for simple contract debts. I speak independently of the Bankrupt Laws, or Insolvent Acts, which reach landed property not already limited or settled under the law of entail or marriage settlement.
6. Then the great difference between the two descriptions of property is this, that by the law of descent the real estate in cases of intestacy will go to the heir-at-law, while the chattel property will be rateably distributed among the kin? Yes.
7. What do you think of altering the law so far as to make freehold property subject to the same law of distribution as prevails with regard to chattel property? I am favorable to it, so far as it can be effected, for many reasons. In the first place, the law of primogeniture, as handed to us from England, we can trace entirely to feudal principles that now no longer exist. In Saxon times this law did not exist; it was introduced by the Normans. The Kentish people resisted it, so that they preserve to this day, intact, their own Saxon laws, under the name of *gavelkind*; by which law all the sons inherit instead of being excluded by the property devolving upon the eldest. Also, there is another tenure in England which has been always preserved—that of *Borough English*.
8. The youngest son inherits under that? The youngest son inherits there.
9. Do you know the reason of that law of *Borough English*? There are many reasons given for it. It related to houses and property in towns, and it was considered that the youngest son, being more immediately with the father, was his more natural heir, it being supposed that the eldest son had been provided for before. I find in Blackstone's Commentary, vol. ii, p. p. 82 & 83, the following:—"Tenure in *burgage* is described by Glanvil, and is expressly said by Littleton to be but tenure in socage, and it is where the King or
"other

J.H. Plunkett, Esq., Q.C.
14 July, 1858.

"other person is lord of an ancient borough, in which the tenements are held by a rent certain. It is indeed only a kind of town socage, as common socage, by which other lands are holden, is usually of a rural nature. A borough, as we have formerly seen, is usually distinguished from other towns by the right of sending members to Parliament; and where the right of election is by burgage tenure, that alone is a proof of the antiquity of the borough. Tenure in burgage, therefore, or burgage tenure, is where houses, or lands which were formerly the sites of houses, in an ancient borough, are held of some lord in common socage by a certain established rent; and these seem to have withstood the shock of the Norman encroachments principally on account of their insignificance, which made it not worth while to compel them to an alteration of tenure, as an hundred of them put together would scarce have amounted to a knight's fee. Besides, the owners of them being chiefly artificers and persons engaged in trade, could not with any tolerable propriety be put on such a military establishment as the tenure in chivalry was. And here also we have again an instance where a tenure is confessedly in socage, and yet could not possibly ever have been held by plough service; since the tenants must have been citizens or burghers, the situation frequently a walled town, the tenement a single house, so that none of the owners was probably master of a plough, or was able to use one if he had it. The free socage, therefore, in which these tenements are held, seems to be plainly a remnant of Saxon liberty; which may also account for the great variety of customs affecting many of these tenements so held in ancient burgage, the principal and most remarkable of which is that called *Borough English*, so named in contradistinction as it were to the Norman customs, and which is taken notice of by Glanvil and by Littleton, viz., that the youngest son, and not the eldest, succeeds to the burgage tenement on the death of his father; for which Littleton gives this reason,—because the younger son, by reason of his tender age, is not so capable as the rest of his brethren to help himself. Other authors have indeed given a much stranger reason for this custom; as if the lord of the fee had anciently a right of concubinage with his tenant's wife on her wedding night, and that therefore the tenement descended not to the eldest, but to the youngest son, who was more certainly the offspring of the tenant. But I cannot learn that ever this custom prevailed in England, though it certainly did in Scotland. (under the name of *me.cheta* or *marcheta*;) till abolished by Malcolm III. And perhaps a more rational account than either may be fetched (though at a sufficient distance) from the practice of the Tartars; among whom, according to Father Duhalde, this custom of descent to the youngest son also prevails. That nation is composed totally of shepherds and herdsmen, and the elder sons, as soon as they are capable of leading a pastoral life, migrate from their father with a certain allotment of cattle, and go to seek a new habitation. The youngest son, therefore, who continues latest with the father, is naturally the heir of his house, the rest being already provided for. And thus we find that among many other northern nations it was the custom for all the sons but one to migrate from the father, which one became his heir—so that possibly this custom, wherever it prevails, may be the remnant of that pastoral state of our British and German ancestors which Cæsar and Tacitus described." These are the reasons given for it; but there can be no doubt that the law of primogeniture, which gives all to the eldest son, was introduced purely for reasons growing out of the feudal system.

10. Do you think there is any good reason for abiding by that law in this Colony? I certainly think not. I think in many instances it has been, and may be, the cause of cruel injustice.

11. Have any instances of that kind come under your own notice? I have heard of many. I know of one instance which has occurred within the last two years. I was acquainted with the parties, who were in comparatively humble life. That case alone convinced me that the law was liable to act very prejudicially. It was the case of a man in Illawarra, a comfortable farmer, who had purchased some ground, and gone to considerable expense in clearing and tilling it—there were about a couple of hundred acres all cleared and very valuable. He had several children—I do not know how many—and I know he intended to make a will; but his death was sudden, and he did not carry his intention into effect. The consequence was that his youngest children were left totally unprovided for, there being little or no personal estate, and all the property devolved on the eldest son: he was by law the owner of it, and he consulted me, knowing I was acquainted with his family, as to what it would be right to do. I told him exactly the state of things, and what I would be likely to do myself under such circumstances, and he very honorably made provision for the family of his father, who were thus entirely at his mercy. If he had been a person of a different description the rest of the family might have starved or have come to the Benevolent Asylum.

12. Do you think the alteration that is proposed in the law would have the effect of breaking up large landed properties? As our law stands at present, there is nothing but a marriage settlement, or such like deed, which must be entered into by the parties themselves, to prevent a man doing what he likes with his property, and dividing it as he pleases.

13. Supposing the Bill now before the Committee to pass, it would not militate against a man's right to dispose of his property by will, his right would not in any way be impaired, but, in case he were not to make a will, then all his property, realty and personalty, would be distributed rateably among those interested? I was going to say that the law as it at present stands gives a person full power, except in case of marriage settlement, which may entail the property, to dispose of his property as he pleases, even to the exclusion of his own family; but so unnatural a course is very rare, if at all, heard of among us—to the credit of our nation be it spoken. But when the father has the power to divide his property equally among his children, his natural justice would, I think, prompt him to act in that way. I think the division of property ought rather to be encouraged in a new country, and that it would be a great improvement in our law to abolish this remnant of feudal times, which there is no good reason,

reason, at least in this country, for preserving. In England there are good reasons for retaining it, as, for instance, to preserve an aristocracy that do not exist here. J.H. Plunkett, Esq., Q.C.

14. You do not think there is much weight in the objection that it would have the effect of breaking up large landed estates, so long as proprietors were not interfered with in regard to leaving their lands as they please, by will, or disposing of them by settlement? I think not. I see no good to be effected by keeping large landed property in the hands of one individual, at the same time leaving it to the owner to do as he thought proper. 14 July, 1858.

15. This was one of the objections to the Bill—that it would have the effect of breaking up large landed property, and of establishing a system, similar to that which exists in France, of compulsory distribution. You are aware that in Ireland in the reign of Queen Anne, an Act was passed which had for its object the breaking up of the old Catholic aristocracy in the country, and the law of primogeniture was abolished; but the law went further, and while it allowed the proprietor the right of selling if he chose during his life time, it deprived him of the right of making a testamentary disposition of his property—the distribution was compulsory among his sons? I do not recollect at this moment the law you allude to; but I think if the law of primogeniture had been abolished in Ireland generally in the reign of Queen Anne, the Encumbered Estates Bill, which has been of late years so useful in simplifying the law concerning landed property in Ireland, would have been unnecessary, and the country would be in a more prosperous state. Because, I think among the great causes of the embarrassments and evils of the country the law of entail and of primogeniture have had a large share. The eldest son in Ireland had a sort of family pride to keep up expenses and show, that the incumbrances on his property did not at all warrant. That state of things made parents in Ireland ambitious rather to leave their eldest son a great man, by reason of his large landed possessions, than to leave him a man of cultivated intellect, who would be respected in the country by reason of his own worth; and it also, I think, led to the national negligence amongst the gentry of Ireland for improving and educating their children for higher purposes than fox hunting and idle amusements, which tended to demoralize the higher classes themselves, and ultimately brought about that unfortunate state of Ireland which made the Encumbered Estates Bill a blessing to the country, by putting at once an end to such a state of things.

16. The law I allude to as having been passed in the time of Queen Anne had the effect of destroying the old Catholic aristocracy—to break it up; but it was not in consequence of the abolition of the law of primogeniture, but from the prevention of persons disposing of their property by will. That law was repealed in the time of George the Third, and it is since that time the evils you speak of have arisen in Ireland? All the laws that were made, having for their object the abolition of Popery, signally failed. They were evaded in various ways. In my own family we could for two generations trace the property through Protestant trustees, who in law were actually the owners, but who were honorable enough to hold the properties strictly in trust, and as soon as these laws were abolished to give them over to those who were morally and justly entitled to them. Generally speaking, the old properties that are still in the hands, or were lately in the hands of Roman Catholic families, were held in that way, by an evasion of the law. I should say that any of these laws may serve as beacons to avoid, but not as guides to follow.

17. However, this law I speak of virtually did break up the old Catholic aristocracy of Ireland, and sunk the descendants of the ancient princes of the country to the position of mere laborers. Such were its injurious effects, that in the time of George the Third it was repealed. Do you know the operation of the old Brehon law in Ireland, with regard to the descent of landed property? These laws in Ireland, so far as I can judge, were more regulated by right than by force. The Brehon law was only abolished in the reign of James the First, and then by a decision of the Court of King's Bench.

18. That was a very excellent code of laws? But very imperfectly acted upon; and gave rise to intestine dissensions, as we find in Sir J. Davis' reports.

19. One of the features of that code was, that landed property descended also according to the rule of gavelkind — You are clearly of opinion that no evil is to be apprehended in this country from the abolition of the right of primogeniture in regard to the descent of property? I think not; I think it is natural and just that all children should be provided for. I cannot imagine a more melancholy state of things than that which may frequently occur before our eyes from the present state of the law. If a father, having an ambition to vest all his property in land, and happening to have one son and half a dozen daughters, dies, without having been provident enough to make his will, all his property goes to the son, and the daughters are completely at the mercy of their brother—in fact, left penniless. If they are educated and accomplished women, the only resource open to them is to become governesses—a position in which the accomplishments and mental acquirements of the females are not valued as they ought to be; on the contrary, persons in this country, as well as in England and elsewhere, grudge to accomplished women, for the educating of their daughters, the wages of common housemaids. I think in such a country as this it is but just and wise that females should never be left in such a situation. If a father has property, it ought to be equally divided among his children; indeed, I think females ought to be even more protected by law than males, because in this new country a man who has a decent education, with health and strength, can always earn his bread, if sober and industrious. There are many occupations open to a young man, but there are very few open to the females of a family, and the more highly they are accomplished the more they are to be pitied when they are left penniless. Instead of excluding females from sharing in the property of their father, I would see a law (if a change were to be made) that would specially provide in all cases for females, though I am not an advocate for changing the law to that extent at the present moment, still I conceive if such a law were made it would make parents think of the consequences that might follow by throwing females on the world, and it is not improbable that the wisdom of such a law would become popular among

J.H.Plunkett, among parents, and induce them to provide in a proper way for the female members of their family more amply than they do at present.

Esq., Q.C.

14 July, 1858.

20. Then, I presume, you must be of opinion that an adherence to the law as it now stands in a country like this would be barbarous under such circumstances, and the sooner we get rid of it the better? I think it a remnant of barbarism.

21. Wholly inapplicable to the circumstances of this Colony? Yes. Real estate at the present moment can be sold by the Sheriff in the way before mentioned, and if the parent or owner of the real estate become insolvent, there is no distinction between it and personal estate, and I see no reason at all for keeping up the difference in cases of intestacy so as to leave all but one child unprovided for.

22. *By Mr. Forster*: You say you have not given any great consideration to this Bill? I have not seen this Bill before I came into this room.

23. You are aware that its general intention is to assimilate real to personal estate in cases of intestacy—I think you may gather that from the title? Yes: I see by the preamble the intention of the Bill.

24. I think you have stated you are favorable to so much of the object of the Bill that is to the assimilation of real to personal estate in cases of intestacy? Yes; but I think the better plan would be to put the sons and daughters in the position the daughters are in now in the event of their having no brother; for if a parent dies with real property leaving no son, it goes among all his daughters, in what is called coparcenery—all his daughters would share equally.

25. In case real was assimilated to personal estate in cases of intestacy, personal estate would then be distributed by the Statute of Distribution, would it not? Yes.

26. Are you of opinion the Statute of Distributions itself should be allowed to remain as it is, or might any improvement be effected upon that—do you think the mode of distribution provided by that statute the best in all cases? I would rather, as I stated in my last answer, follow the rule that at present exists in the case of coparcenery. Now, if the principle of the law of primogeniture be abolished in cases of intestacy, all the family should be placed in the same situation that females are in at present where there are no sons.

27. In the case you suppose, the widow would have the right to dower—she would not come in as a coparcener? When she has the right to dower I would not interfere with it.

28. Under the Statute of Distributions, does not the widow take rather a larger share than her daughters in the distribution of the personal estate? I think the widow gets one-third where there is issue, and a half where there are no children.

29. What I want to gather from you is whether, supposing this Bill should be carried out with the present intention—that is, that both real and personal estate should be treated as personal, which, in fact, would bring real estate under the operation of the Statute of Distributions—we should follow the Statute of Distributions, or whether a better mode of distribution might be adopted by the Bill when it is put in a perfect shape? I think it would be better not to mix up the two laws. The Statute of Distribution is made entirely for chattel property, and I do not see how the right to dower could be adjusted under it.

30. If you look at the Bill I think you will see that it is inevitable, because by this Bill real estate will be, in fact, personal estate; and in that case will be distributed under the Statute of Distributions? I am afraid there would be some difficulty in applying the Statute of Distributions to real property.

31. I think you will see by this Bill that real estate will be made personal, and will have to be distributed in that way? I am afraid that would create confusion, and would clash with certain principles and landmarks of the law. Without giving a great deal of attention to it, I cannot see how you can apply it; but as the object of the Bill, judging from the recital here, is merely to alter the mode of descent of real property, I think the abolition of primogeniture, and the allowing in cases of intestacy property to go equally among all the children, as it would go now to females in cases where there were no males, would best carry out the object of the Bill.

32. Would not the mode you suggest of carrying out the objects of the Bill be, in fact, a more complicated mode than is prescribed by this Bill? I think not.

33. It would require an entire alteration of the Bill? Yes; but the Bill is very short.

34. This Bill would not carry out the objects in the way you mention. Will you read the first clause? I think that clause is going beyond the object of the Bill, and would lead to unnecessary confusion.

35. It is already admitted that the clause as it now stands would be going beyond the object intended by the Bill; but, limiting the words “all purposes” to “the purposes of the Act,” would not that be then the simplest way of carrying it out? I do not think it would. We know that in France next to the love of country the love of a French peasant is for the land—for the piece of land of which he is proprietor. That is one of the national characteristics, and I think it is desirable to encourage that love of land in every country; and if you allow land to descend among the children equally, I think it might ultimately settle down in the same way that it has in France, so that the land may remain in the family if they so arrange. All the members of a family may have a certain pride in having the land of their fathers still continuing in their family. One son may be more suitable than another for living on the land, and the other members of the family may enter into an arrangement with him to assist in its cultivation, or it may be large enough to admit of partition, and still remain in the family; whereas if you put it under the Statute of Distributions, the inevitable consequence would be that it would be sold, and perhaps sold under a great disadvantage.

36. Then, if I understand you rightly, you are rather disposed to favor the continual subdivision of landed estate? Yes, in cases of intestacy.

37. Have you not heard it said that in France a great deal of evil has been produced by that constant compulsory subdivision of property? Such is the notion in England, but we know that

that the national opinion in France is as hostile to the law of entail and primogeniture of England as the national feeling of England is against the system of France.

38. Is not the system in France a compulsory division? Yes: the system in France does not allow the father to will, I think, more than one-third from his family, the rest must go among the children. I do not advocate a system of that kind—I do not advocate any system that would fetter the owner of property, but would leave him to do what he likes with it.

J.H. Plunkett,
Esq., Q.C.
14 July, 1858.

39. But in cases of intestacy you would prefer retaining the distinction between real and personal estate, and make it descend, in fact, as if there were no single heir-at-law? Yes; as if the law of primogeniture were abolished. If a father does not choose, or neglects to make a will, the land should go among all his children, and be divided as in case of estates of coparcenery by the present law, but among all the males and females.

40. Do you not think the mode devised by this Bill, without reference to consequences, is a more simple mode than that which you propose? The sale of the property, which I apprehend must be contemplated, would be calculated altogether to dis sever the connection of landed property and families, perhaps against the wishes of those families; for all our families, I think, from the highest to the lowest, have a sort of family pride connected with land; and I think it desirable to encourage that, so far as it can be encouraged with due regard to justice and equity to all members of the family.

41. Suppose the Committee determined on carrying out the provisions of this Bill, do you think the mode of distribution carried into operation by the Statute of Distributions is the best mode of dividing any property, whether personal or real? We are so accustomed to it, it is so familiar to the national habits, and has been so long in operation, that I see no reason for making any change in the Statute of Distributions, as it affects personal property.

42. In that case, if the Committee were to determine on assimilating real to personal estate in cases of intestacy, you think that mode of distribution might be still retained? I think it would meet with more universal consent than any new plan that could be devised, as far as it can be made applicable.

43. Then I need scarcely ask you whether you approve of the assimilation of real to personal estate in all cases? If it could be done without breeding litigation, which it is very undesirable to do, I would abolish the distinction; but I do not think it can be wholly done; besides, I think it desirable to encourage the national ambition to be the proprietor of a piece of land, and to hold that in the family; and I think ultimately it would lead to the same national feeling that is preserved in France, notwithstanding the division of property there, by which we see that very old families do keep the land of their forefathers by arrangement among themselves. The division in France is very different from the subdivision of property that has entailed such monstrous evils on Ireland, because the tenure is different. In France they are all *proprietors*; here, I take it, they would be all proprietors, not tenants, paying rents at the will of any great landlord, and liable to be turned out. When a man has a piece of land of his own it makes him think more of himself—gives him more foresight—makes him respect the rights of property of others. These are feelings that are not generally encouraged by the unfortunate system that prevails in Ireland—there they have a system of rack rents; this causes subserviency to landlords, servility, want of foresight, and a train of evils.

44. Admitting all you say—do you not think the best way to encourage feelings of independence is to simplify the alienation of land, to allow men easily to become possessed of land? Yes, most certainly.

45. Are not the present laws of real property so many obstructions in the way of its alienation—do they not complicate the matter so as to make its acquisition more difficult? If entails are introduced, or if it be encumbered by mortgage—but you can hardly prevent that—they do complicate the matter; but the alienation of landed property is not complicated in any other way.

46. Do you not think the distinction between real and personal property is in itself a complication for which there is no necessity? In the nature of things there must be a distinction. Landed property you cannot hand over as you can personal property. There must be a writing or some solemnity, if there were not, it would lead to all kinds of confusion and misunderstanding between individuals. Personal property you can give manual possession of from one to another.

47. But that only goes to the distinction between the mode of transfer—if a deed is to be taken as equivalent to the act of manual delivery in the case of personal property, is the other distinction called for? All distinctions not necessary I would abolish, and that is the prevailing tendency of opinion among many persons in England at the present moment. All the reports of Commissioners upon the laws of real property tend in that direction even in England, where the law of entail and primogeniture were not and can hardly be dispensed with: even in the present state of the national feeling, remarkable changes have been made in England.

48. In a Colony like this do you not think there is much less reason for keeping up these complications than in England? Certainly we are unfettered and unembarrassed by details that obstruct these matters in England.

49. Even as to the law of entail at home they have provided the means of getting rid of the entail if the owner chooses? Yes.

50. *By Mr. Jones:* Have you any general knowledge of the character of the wills made in this Colony—as to how persons dispose of their property by will generally—whether they generally leave it mainly to their eldest sons, or to be divided rateably among their children or next of kin? I have no means of ascertaining generally how property is distributed; but I have seen a great many wills that have come before me where it appeared to me that families have been provided for well and equitably according to the claims the parent thinks the family have upon him.

51. So that if a Bill of this kind were to pass, providing that where no wills were made the

J.H. Plunkett, Esq., Q.C.
 14 July, 1858.

property should be divided among the next of kin, do you think such a law would be in general accordance with the wills made in the Colony? It would be in accordance with natural justice and equity; and, as I presume every parent must think that all his children have a right to share in his bounty, the best distribution would be to divide his property equally among his children, according to the natural rule.

52. So far as you have had an opportunity of becoming acquainted with the wills made in this Colony, would such a change in the law be in accordance with the provisions of those wills generally? I think it would be, and that it would not do violence to the feelings of any one here—I mean in this Colony.

53. I speak of this country—supposing the law were altered as this Bill proposes to alter it, would such an alteration affect the trusts or settlements made on landed property—would it in any way defeat them? There might be some increase of litigation in adjusting rights if property were to be sold under all circumstances as they would be under the Statute of Distributions: the executor would, I apprehend, be bound to sell.

54. Is he bound to sell, or only empowered to sell? He is bound to realise as soon as possible, and we know that at certain times in this Colony sales are made under great disadvantage; but I am not prepared to give a general answer in the case of settlements and trusts, as to how they would be affected; they must be affected in some degree when the property passes into strange hands by sale; but settlements and trusts made before the case of intestacy occurs would override a law that would guide intestacy. It would, however, be necessary, for the protection of their interests, to appear in any suit, and thus would be dragged into expense.

55. That is to say, this law would not set aside these trusts and settlements—these would have still to be observed and carried out? Yes; but it might be difficult to adjust them without embarrassment and expense.

56. If the person beneficially interested in these trusts or settlements objected to the land being disposed of, I presume that would actually prevent the land being disposed of? No; because, I presume, the interest to be disposed of would be over and above his vested interest.

57. But he could still retain his interest in the land—he could still refuse to surrender? The land would be sold subject to trusts or liabilities: I am afraid it would generate litigation.

58. Do you think it desirable that any provision should be introduced into the Bill to provide for cases of this kind where trusts or settlements exist on landed property which has not been devised by will, and which would in any way obviate unnecessary litigation, or injustice? If real property is to go according to the Statute of Distributions, like chattel property at present, there certainly ought to be a large discretion left to the person into whose hands it would come to work it to wait for a favorable market, if it must be sold.

59. By Mr. Faucett: To the administrator or curator? Yes.

60. By Mr. Jones: You have stated one case that has come within your knowledge of the existing law working great injustice in a family—do you think if the law were altered, as proposed by this Bill, any such case could arise? I think not; it would be no injustice to one son when the law says he shall not be made a rich man in the family and the rest be all beggars. No one son ought to have any right, by the law of the land, in case of intestacy to step into his father's property to the exclusion of all the rest of his family.

61. Have you reason to believe that injustice has not infrequently been occasioned by the present laws? I am afraid it has, very frequently.

62. Then, while the existing law may, and does work injustice to the younger children of a family, such an alteration as that now proposed could not result in injustice to any children? I think not. I think the natural principles of equity would then guide; and in all cases where property was left every member of the family would have something for his education, and to start him in life. But in such a case as I before mentioned, where all is given to one, and the younger members of the family are left without anything, I think, looking at it in a national and public point of view, besides the injustice to individuals, it is a great misfortune, because they might be left without the means of maintenance or of education, whereas, if the property were equally distributed they would have the means of education; and I think, in our present circumstances, that the Legislature of the country ought to keep in view, as their pole-star, that it is their bounden duty to encourage, in every way, the education of all persons in the country.

63. By Mr. Macarthur: I would put this case to you: Suppose a family to consist of seven children—four sons and three daughters—that three of the younger sons and the three daughters have been provided for before the death of the owner of the landed estate, and that he dies intestate—would there not be a very great injustice to the eldest son, who, under this Bill, would be entitled only to an equal portion with his younger brothers, whereas all the junior branches of the family have been provided for in some way already, probably out of the proceeds of the estate, or, it may have been, out of the exertions of the eldest son? A case of that kind might be provided for by the Bill, as certainly there would be injustice in it; and English law already provides, in the case of coparcenary and other cases, what lawyers call *hotchpot*, and if the law of *hotchpot* were in such cases as that made applicable, I think there would be no injustice at all—it would meet exactly the case you suppose.

64. I understood that the principle you recommend is, that the law should provide for the equitable distribution of real estate, not simply an *equal*, but an *equitable* distribution? If a proprietor dies intestate, an equitable distribution would be synonymous with an equal distribution to all, both males and females. In the case of children being provided for, so that some would not require so much as the rest, I think it would be equitable then that the law of *hotchpot* should be brought in aid. So that, supposing a daughter or a son had received a marriage portion, that should be considered in the distribution.

65. I understood you to say that in France, although the law prescribed a partition of the real

real estate, that families, among themselves, come to an arrangement to avoid that partition in some instances? So far as I can learn they do so among the peasantry—where the property is too small for subdivision the brothers agree among themselves that one shall have the property, and that all shall assist in working, or they take a consideration for it. In short, they make some arrangement that will keep the property in the family. J.H. Plunkett,
Esq., Q.C.
14 July, 1853.

66. Have you never heard of a considerable inconvenience arising from that state of things: for instance, that a vineyard, or even an olive tree, might become the property of several persons, and it would be necessary before the crop could be gathered that the whole of those parties should agree to the gathering of the crop;—are you not aware that not only inconvenience but serious loss sometimes arises in that way? I am not aware of the details leading to any inconvenience, but it would be to the interest of all parties to remedy such inconvenience or loss. I can, however, imagine no such evil result as would follow from a man of ample property dying, and leaving a number of his children wholly unprovided for, entirely destitute, without either the means of maintaining or educating themselves, at an age when it would be all important to themselves, as well as to the country, that they should have the means and opportunity of being educated. I can conceive of no such inconvenience as that arising out of any subdivision of property. The subdivision of property, I believe, exists in Switzerland in the most thriving cantons, as it does in France, and is there as popular among the people as it is in France. The feelings of the people are engrafted upon it, and what may appear to us inconvenient, and likely to lead to great evils, has not that effect in those countries where the division of property by the laws of descent is allowed.

67. I understood you to be opposed to any law which would enforce upon the proprietor of an estate a compulsory distribution of it, in a way which would not accord with his own special views? Yes; I would not advocate the restriction of the owner of property in any way in disposing of it as he likes, but I think, in a national point of view, that the system of primogeniture according to the present law is likely to lead to great evils. The young heir-at-law to his father's property is more likely to take less trouble in educating himself, fitting himself for the business of the country, and making himself a really respectable man, than the younger sons, who know they will have to look out to make their own fortunes. Instead of desiring to have great men by reason of their landed possessions, I think we should encourage men to become great by the cultivation of their intellects, which they are not likely to do if they are not somewhat thrown on their own resources.

68. Still I understood you to say you quite concurred in the principle that love of country sprung very much from love of a particular locality—what may be termed love of the soil itself—and the improvements that may have continued to be made in it through a series of years from generation to generation in the same family? No doubt; but in this country, where it is so much more easy to get land than in the old country, and in which it ought to be still easier, that love for a particular spot of the earth may be as deeply planted in what a man gets himself as in that which he inherits from his ancestors.

69. Have you not had opportunities of observing that in this country there is the same attachment to particular spots on the part of families as what you have alluded to as existing in older countries? It is a principle engrafted in our nature to be fond of particular localities. I think the human species something like *cats* in that respect—they have strong local attachments; but I think the principle of primogeniture is quite foreign to it. If one individual is to possess all the property of his father, and all the rest have no share, they will naturally regard him who takes all the valued spot of land with some degree of envy.

70. *By Mr. Piddington:* Suppose the Legislature of this country abolished the law of primogeniture, do you think cases would occur, as put by Mr. Macarthur, where six out of seven children were provided for and no provision were made for the eldest—do you think a provident father would forget the interest of his eldest son? It might occur in cases of intestacy, unless provided against; and I know that men are so prone to postpone the making of their wills in this country particularly, that such cases are very likely to occur. I have myself frequently urged persons who I knew had not their wills made to attend to the matter, in order that their intention respecting the disposition of their property might be carried out. People postpone the matter from time to time, in some cases because they absurdly think it draws them nearer to the grave. There are, however, many persons in the remote bush who are not influenced by the foolish feeling I have alluded to, but who, from the want of the professional assistance which all men like to have in such cases, and which it is desirable they should have, postpone making their wills until they come to town, and perhaps die in the meantime.

71. In cases where a parent has been already sufficiently provident to provide for six children out of seven, is it not a violent supposition to imagine that he would forget the interest of the seventh? He might from mere negligence; I cannot suppose any provident parent would do so. But I can fancy a case of this kind:—If a man had made an arrangement to-day to convert the *personal* property he had yesterday into *land*, the property as it was yesterday would have been equally distributed among his children in the event of his death; but if, after this conversion of personal property into land, and before making a will he were to die suddenly, the property would, under the present law, go into a different channel; the eldest son would in such case take it all, to the exclusion of all the other children.

72. The first clause of this Bill provides that in cases of intestacy all lands should be held to be chattels real—if that clause were agreed to would not landed property follow the same course of distribution as personal property? Yes; it would amount to a declaration of law that would be equivalent to a will to the same effect. But even in drawing a will there are certain technical details to be kept in view, to guard against confusion or litigation.

73. You know no reason why the laws applicable to the distribution of personal property should be altered? No, I would not touch them, certainly; the Statute of Distributions is so interwoven into our law that any disturbance of it might lead to mischievous consequences.

J.H. Plunkett, 74. You see nothing inequitable in the present law? No.

Esq., Q.C.

14 July, 1858.

75. For the purposes of distribution in cases under this Bill, the land will not necessarily be divided; it does not follow as a necessary consequence that the land shall be divided? I take it that it would be sold if the administrator or curator, or whatever else the person may be called, into whose hands it would come, could not be expected to farm, improve, or act in the same way with it as the proprietor.

76. Nor necessarily to partition the property for sale? Nor to partition the property; but if it were to go in the way I suggested, as property does to females and co-heiresses, then it would be partitioned, and be equitably and fairly distributed, without doing violence to family feelings or to the love for the land that may exist in the breasts of the particular family.

77. You are not prepared to suggest any arbitrary scheme for the distribution of property apart from the law as it exists? No. I think the abolition of primogeniture would do everything; it would then follow in the natural channel, well understood by all lawyers, as in the case of co-heiresses.

78. The third clause provides, that all sales of land under the Bill shall be subject to the approval of the Judges—do you not think a clause of this nature is desirable to be retained? If the first clause is retained in its present shape I think it would be well to vest a discretion somewhere to prevent the unnecessary sale of properties. But I think it should go further, and in case it be unnecessary or undesirable to sell the property, discretion should then be vested somewhere for its proper management.

79. Do you think it would be advisable to provide for the continued management of the property of an intestate? In some cases it would be necessary. Some of the parties entitled might be out of the country, and in the interim, until the wishes of all parties concerned were ascertained, it would be necessary to make some provision for the management of it.

80. Do you think it absolutely necessary to contemplate the management of landed property by agents in cases of intestacy? If land is to be taken into the hands of an officer of the Court or the Government, and if it is not to be sold at once, it would follow, as a matter of course, that some provision should be made for its management. A receiver or manager should be appointed, otherwise it would be waste. That was one of the difficulties felt with reference to the present Intestacy Act, regulating the duties of curator, that no provision was made for the management of landed property. I have known landed properties here that were not attended to at all. I recollect, in one instance, the next heir happened to be in England, he did not know that the property had come to him, and it took a long time before a power of attorney could be sent out for any one to act. In the case of the late Colonel Leahy, who had purchased several grants in Illawarra, and left very large property—property which I should say at the present time would be worth £50,000—he died suddenly at the Club House, and had no relative in the Colony, and there was no one to take charge of the landed property. At length his brother sent out a power of attorney to the Messrs. Campbell, of the wharf, but before that reached here, I understood the property was very much injured, and gone to waste for want of some person to look after it.

81. Do you not think it is more in accordance with good policy that the Curator of Intestate Estates, or some official of the Supreme Court, should possess the absolute power of sale without any restriction? I think it would be well to have some check over any officers, such as the third clause provides.

82. Admitting that such check should exist, do you not think that the officers—the curators or administrators—should possess an absolute power of sale, subject to the examination or approval of the Judges? I have stated before that that might do violence to family feelings, and that those beneficially interested in the land ought to be consulted, and their feelings ought to have some control in the matter.

83. Would not the proceeds of such a sale be held in trust for the interest of the family? Of course; but they might wish to have the land itself in the family, and if a sale were imperative, it might be brought into the market in times such as we all recollect—the years 1843 and 1844—when property did not produce one-tenth of its value.

84. *By Mr. Faucett:* You attribute a great many of the evils of Ireland to the state of the laws of descent—are you aware of any difference between the laws of England and Ireland in that respect? Under the old feudal law in England, in the natural course of things an aristocracy sprung up that is respected by the country, and interwoven with its constitution. In Ireland, there never was such an aristocracy since the law of primogeniture was introduced into it, and the would-be aristocracy that sprung out of it in Ireland was never worthy of the respect in which the English aristocracy have ever been held.

85. Have not the two states of things sprung up under the same system of laws? No; the English laws were never entirely engrafted upon the Irish. The law of Poynings was introduced into Ireland, not at the wish of the Irish themselves, but the English laws were forced upon Ireland, and transplanted to a soil which was never congenial or natural to them, and in which they never flourished; and the consequence was, that a mongrel aristocracy sprung up in Ireland, not respected in the same way as the English aristocracy is in England.

86. I am speaking now simply of the law of primogeniture—is not the law of primogeniture the same in England as in Ireland, and has it not been for centuries? Yes, but not for the same length of time: it exists in Ireland only since James the First.

87. Then if a different state of things exists in Ireland than that which exists in England must it not be attributed to some cause besides the law of primogeniture? The evils of Ireland branch into many different directions, and we must look at them as a whole; but I think the law of primogeniture has had a great share in producing them; for instance, in many parts of Ireland I know there are to this day, or were up to the time when I last knew it, very large domains in the hands of proprietors to whom they had come by the law of primogeniture, large parks and waste lands kept up merely for family pride. These could never get into the hands of those who would make them profitable to the country—I speak of places where agrarian outrages had arisen, in consequence of the want

of

of land where there was the greatest demand for land—these large wastes were in the hands of large proprietors in Ireland, kept for sheep and cattle, or merely from family pride, without producing anything at all worth speaking of; and if these had been divisible, the law of primogeniture was the cause of this state of things, and if it had been abolished it would have been a great blessing to the country. J.H. Plunkett, Esq., Q.C.
14 July, 1858.

88. The law of primogeniture in fact affects no other estates than those that are intestate? The law of primogeniture introduces a feeling in the country that generates the entails to lock up these large estates in one member of the family.

89. I am not speaking now of the feeling with respect to the law. You are aware that the law of primogeniture cannot affect any estates but intestate estates? Not immediately—not directly.

90. You have used the expression "the law of entail"—what is it you mean by the law of entail? The marriage settlements that are made to carry out the spirit of the law of primogeniture,—that gives to the eldest son, with a great many incumbrances, the family property,—these incumbrances going from father to son, and from son to grandson, for generations, have locked up estates in such a way that they are not available to the community. Holding them in that way, the unfortunate eldest sons, who were themselves the victims of such a state of things, were almost persuaded that they were men of property, and lived as hospitably and expensively as their ancestors, forgetting all the encumbrances put upon the property by those very ancestors. Many who were perhaps not worth a farthing considered themselves men of property, and lived in that extravagant way.

91. Still there was no law compelling this entail—this marriage settlement? There was no direct law of compulsion; but I attribute the existence of this state of things to the law of primogeniture, because that induced a feeling which made people blindly follow this course as being proper.

92. Then, to use your argument, the marriage settlements by which estates are entailed have arisen from a feeling of anxiety to carry still further the law of primogeniture? All these marriage settlements are guided by those feelings that are generated by the laws of primogeniture, and that I think to be injurious to the general welfare of the country.

93. You state that the marriage settlements, and the entails in those settlements, have arisen from a desire on the part of the people to carry out the spirit of the law of primogeniture? Yes, of the landed proprietors—not the people.

94. If that be so, does it not rather shew that those who make these marriage settlements approve of the law of entail than that they are adverse to it? It proves that that feeling among the landed classes of Ireland was prevalent; but when I speak of Ireland I look to the general interest of the nation.

95. I am not asking as to the benefits of it, but merely as to the effects and arguments to be deduced from the facts you have stated. Do not you think the substance of the statements you have made comes to this, that the effort on the part of those who are making settlements, to make those settlements in accordance with the law of primogeniture, shews on their part a desire to carry still further that law? Most decidedly; but they find now (and the operation of the Encumbered Estates Act is the best proof of it), that they have themselves been the victims of that very state of things.

96. That is, they have been the victims of improvident settlements? No, rather of the improvidence produced by those settlements.

97. And flowing from the settlements? And flowing from the settlements. In truth, the result of my reflections on the subject is, that the notions of the old landed interest of Ireland were not in accordance with the general good of the country. I know there are many what in Ireland are called mountains kept merely for shooting grouse upon them. These, like our waste lands here, if sold, could be reclaimed and made productive; indeed, there would be sufficient cultivable land for the wants of thousands of the people without emigrating at all; but the great desire to have large landed possessions, I think, mars the best interests of the country.

98. With respect to the transfer of lands—at present the transfer of lands is in many cases very simple? Yes.

99. Land can be transferred in a room without the parties ever seeing it, and this is commonly done here? Yes, but by deed or writing. Upon that subject there is a very instructive chapter in Lord St. Leonard's little book lately published, which it would be well worth the while of any member of the Committee to read.

100. Do you think it would be advisable to reduce the method of transferring land, as nearly as possible, to the simplicity of method used in transferring railway shares? I am afraid that would be impossible. Even in the many suggestions made by Lord Brougham for shortening forms I do not see that he recommends such a course. I fear it would lead to confusion.

101. In principle is not a railway, not considering the movable or moving stock upon it, as much landed property as any land in the world? Of course.

102. Then the interest in a railway is the same as the interest in land? That depends upon the circumstances—there may be shares in the profits of working without an interest in the land.

103. Take the case of an ordinary private company—the company own the railway and own the land—is there any difference between the interest the company have in the railway and the interest a private individual has in his landed estate? I think there is some difference, because the company have the land for a particular purpose, and cannot deviate from that purpose; whereas a proprietor of land may do what he likes with his own land. The members of a company are bound to each other for a certain state of things. They are new companies, but by the old law mining companies are considered to be regulated by the principles that regulate landed property, and I suppose the same principles would guide railways.

- J.H. Plunkett, Esq., Q.C.
14 July, 1838.
104. Take a mining company: Suppose a company purchase a piece of land for the purpose of mining, has not the company, as a body, the same interest in that land as a private individual would have if he had purchased it? It is a different sort of interest, for it is purchased for one purpose.
105. They purchase the land out-and-out, but they know it is good for mining, and they use it for mining? Yes.
106. If the company wanted to transfer their interest they would have to do it in the same way as private persons? Yes, I believe so.
107. I understood you to say you thought it advisable landed estate should be distributed in some manner different from personal estate—that is, in some manner different from the Statute of Distributions. I have here Blackstone; with reference to the Statute of Distributions, he says, "One-third shall go to the widow of the intestate, and the residue in equal proportions to his children, or, if dead, to their representatives; if there are no children or legal representatives subsisting, then a moiety shall go the widow, and a moiety to the next of kindred, in equal degree, and their representatives," and so on. Now if the principle of this Bill be carried out, do you think that would be a fair distribution? I think it is a distribution that is acknowledged to be just.
108. I assume that to be just with regard to personalty—? It has been in force since the reign of Charles 2nd, and it has not been complained of. There is one observation I beg to make with respect to the widow. I do not know whether it is intended as part of the scheme proposed by this Bill to interfere with the dower of a widow. Unless barred in the way prescribed by the present law, she would have an inherent right to her thirds of the land during her life only, and some provision should be made in that case that she should, if the Statute of Distributions is taken to be the guide, be put to her election. Where she would be entitled to thirds by right of dower she should not also be entitled to the one-third or half of the land under the Statute of Distributions. That should be provided for expressly.
109. If the Act stands as it is, that all real property be reduced to chattels real, that, you say, would do away with the right of dower as it now stands? According to the Statute of Distributions, in the case of no issue the widow would be entitled to one-half, that is more than the law of dower ever gave to a wife, even for her life.
110. If the Bill passed in this way, would it not take away altogether the widow's right of dower? Not entirely; because the right of dower is inherent upon the marriage, which of course precedes the intestacy.
111. That is on the principle that the land remains freehold, not if the land becomes chattels—the right of dower does not remain if the land is reduced to chattels: in other words, if this Bill passes will the right of dower be seriously affected? I think not, because, as this Bill contemplates that real estate shall only be interfered with in cases of intestacy, and it cannot impliedly interfere with dower, because by marriage the wife has an inherent right to one-third of the land, and therefore she would, unless barred, have her third, whether the husband made a will or not.
112. That is in the present state of the law? Yes.
113. As that Bill stands, would not that right be altogether taken away? I think not. It appears to me as that Bill stands, and as the Statute of Distributions would operate, the wife would have not only her thirds by common law relating to dower, but she would be entitled to half over and above.
114. Then, according to your opinion, I understand that she would have, if this Bill passed, first one-third, according to the Statute of Distributions here, and secondly the right of dower in addition—is that what I understand? Yes; she would have more than the law contemplated or ought to contemplate; first, she would have her right to dower, and then, if there were not some express provision to the contrary, she would be entitled, *not to an estate for life*, but would come in to have one-half *entirely*, the same as the others. It is not life estate the Statute of Distributions contemplates, but the whole, so that if the real property of an estate were sold, and he had left no children, his widow would be entitled to one-half of the whole estate over and above what she would be entitled to at present.
115. Then, according to that, she would be entitled to two-thirds if this Bill passed—first, to her third by right of dower, and second, to her third under the Statute of Distributions? Yes; but I think no wife ought to have more out of the land by law than she is entitled to by common law, that is one-third during her life. If it is intended that the Statute of Distributions should operate, I think she should be put to her election, and if she rests on the right she has under the Dower Act she should have no more; her life interest should then be calculated, and she should get her share according to that calculation, and the rest should go among the children.
116. As you have not considered this Bill, of course some of these questions must come upon you by surprise—Do you not think the object of this first clause is to take away all right of dower, and to give the third, or whatever portion it is that is given by the Statute of Distributions? If that is the object, it is necessary to express it, which it does not do at present; and I think it ought to be a matter of consideration whether the dower which a wife is entitled to, which is only a life estate, should be converted into an absolute estate, for it makes all the difference—the distribution among the children would be a distribution of the whole unreservedly, whereas the wife, under our law, is only entitled to an estate for her own life out of the land of her husband; and I think any calculation with respect to land should be made upon the old law of her life estate.
117. Then you think an express provision to that effect should be introduced into the Act? Certainly, or the greatest confusion would arise.
118. With respect to the sales of these large squatting properties—which are all personalty—where they come into the hands of the administrator, the administrator has the power to manage it at his discretion, like any other property? I believe he takes a discretion, but I doubt

doubt whether, according to the strict law, and the policy of the law, any officer of any kind is allowed to manage; his business is to sell, and convert everything into cash. J.H. Plunkett, Esq., Q.C.

119. Do you think an express provision, giving the administrator or curator a discretion to sell at whatever period he may find advantageous, should be introduced into the Bill? I think it would be wise to do so, and also that all parties concerned should have a voice as to the expediency or desirableness of selling at all. I think it might safely be left in the hands of the Court. 14 July, 1853.

120. When you consider that the administrator is the next of kin, or "the next friend," as he is called, do you think a sufficient security is given by that means, so that he might be trusted with a discretionary power? I would rather leave the discretion in the hands of the Court than in any administrator. The fact of a man being connected by blood is not a sufficient guarantee that he will exercise a wise discretion, or disinterested one.

121. *By Mr. Forster*: The right of dower is a common law right you say? Yes.

122. It attaches only to real estate, and not to personalty? Yes.

123. Then if real estate by this Act were expressly converted into personalty, how can you suppose the right of dower attaches to it? It is converted into personalty only if the proprietor dies without making a will—it is treated from that moment as personal estate; but suppose he has married ten years before he dies intestate, unless his wife has barred the dower, by jointure or by other way, she has the inherent right to the thirds of the land. Whether sold in the life time of her husband or not, the right of dower must be sold along with it. The contingency of her living after him in case he disposes of it in his life time must be considered by the purchaser. It is a common law right dating from her marriage, and she cannot be divested of that by her husband dying intestate.

124. Did you not say that in cases of jointure, and also of some settlements, she is divested of right of dower? Yes; but I speak of cases where the wife is entitled to dower where it is not barred.

125. There are many cases where a jointure will bar a dower, even where it is not expressly barred? Jointure is, I believe, always given in lieu of dower.

126. Are there not cases of settlement where the dower is impliedly barred? There is no difficulty in barring dower, but if a man gets married to a woman without any settlement at all, if he gets a deed or conveyance of inheritable land without barring her, she has a common law right that will attach.

127. But the dower can be barred now by a simple deed? Yes.

128. If that be the case, what becomes of this inherent right? There is no inherent right if it is barred; but I speak of ordinary cases. There are very few marriage settlements here, and all who obtain grants from the Crown get those grants without ever thinking of having dower barred; but it would be very easy to guard against dower attaching.

129. *By Mr. Faucett*: I will put a very simple case that will shew my meaning:—Suppose a grant from the Crown to be made to a man, his wife that moment acquires what you call the inherent right to dower; he makes no will, and during his life she possesses that inherent right,—if that Bill should pass now, and he should die intestate, would not that Bill deprive her at once of the right of dower? I think not, as it stands at present.

130. *By Mr. Piddington*: Not taking into consideration the actual alteration of real property into personalty effected by the first clause, by that clause immediately on his decease the character of the property changes? That change of character would give to her under the Statute of Distributions over and above what is vested in her before. That, I think, would be the effect; but it would be very easy to give her the option. You cannot interfere with her marital right without altering the law of dower altogether; but you might require her to elect which she would take, so as not to give her both.

131. Upon the supposition that she has a right to dower? Yes; but I question very much whether the wife ought to be entitled under the Statute of Distributions at all to the entire part of the produce of landed property.

132. To the proceeds absolutely? To the proceeds absolutely, because a man and his wife may live together for fifty years and the wife at the time of her husband's death may be so old and feeble that no insurance company would insure her life for one year. In such a case, I think, it would be hard on the family that she should have her share under the Statute of Distributions equally with the other members.

133. *By Mr. Faucett*: Under this Bill she gets one-third of the proceeds of this land in fee? I think that is more than she should have, she should have her third during life, and that might be a life that no insurance company would insure for a year, and if you transfer property, as contemplated by this Bill in the case of a widow having no family, she would actually have one-half her husband's property to give, or would descend to her own relatives, away from her husband's family,—that I think would be unjust in principle.

134. *By the Chairman*: Has the wife any right of dower in chattels real? None; only in estates of inheritance.

135. A proviso might be made restricting the wife to the alternative to have either her dower or her share under the Statute of Distributions? That is what I suggest, calculating only a life interest in respect to the land.

FRIDAY, 16 JULY, 1858.

Present:—

MR. MURRAY,
MR. FORSTER,MR. J. MACARTHUR,
MR. PIDDINGTON.

T. A. MURRAY, Esq., IN THE CHAIR.

The Hon. James Norton, Esq., M.L.C., called in and examined:—

The Hon.
James Norton,
Esq., M.L.C.

16 July, 1858.

1. *By the Chairman:* You are a solicitor in Sydney? I am.
2. Have you been very long in practice in the town? Nearly 40 years.
3. Do you know what in law constitutes the difference between real and personal property? I do.
4. What is the difference? Real estate is that property which has the quality of immobility and legal indeterminate duration, which is transferred by a deed, (that is, an instrument under seal,) and is the subject of uses. Real estate descends to the eldest son. If no son, daughters, however numerous, constitute one heir, and are denominated coparceners. Personal estate, called chattels, consists of all movable property, including money, and what are called chattels real, which comprise terms for years in lands, presentation to a church, elegit, and other things, which arise out of real estate, and have the quality of immobility, but want the other quality of real estate, indeterminate duration, and this want constitutes them chattels.
5. Well, copyhold estate is not freehold? No.
6. An estate held for 999 years is not real estate? No.
7. Yet land held under these tenures are immovable as any other lands? No doubt the land is, but the party entitled has only the use of the land under certain conditions, not the land itself, and his interest is limited. The owner of copyhold lands formerly held at the will of the lord or owner in fee. That will has been much restrained and modified, but when a sale takes place the land is still surrendered to the lord, who re-grants to the purchaser; some copyholds descend to the heir-at-law, and are called copyholds of inheritance; some descend to the eldest sister or niece; some, by custom, to all children equally. The owner is never capable of transmitting the property except by means of a surrender to the lord and a re-grant by him.
8. But the peculiar characteristics which you have adverted to as properly belonging to real estate, and distinguishing real estate from personal estate, apply just as strongly to copyhold land held by copyhold, and to the land held under a lease for years, as they do to freehold property, the immovability of the thing being the same? Yes.
9. Well, you adverted to the laws of descent as affecting two descriptions of property in a different manner—in the case of intestacy, the freehold property goes to the heir-at-law? Yes.
10. But, in cases of intestacy, land held under copyhold, or under a lease, goes to the children—is divided among the sons generally? Copyholds generally descend to all the children equally; leasehold lands always.
11. But lands held under copyhold have passed from generation to generation? Yes, by means of surrender and re-grant.
12. In the course of your experience have you any information of any evil resulting from the descent of land by copyhold or lease for years? I am not aware that any inconvenience has resulted from such modes of holding lands. I cannot suppose that a tenant for a term of years, however long, supposes that it would descend to his heir-at-law, or to any particular member of his family.
13. Then, in fact, the descent of the land by primogeniture in the event of intestacy is the great peculiarity which distinguishes real property from personal property? It is one of the peculiarities.
14. Now, can you inform the Committee when that law of primogeniture first began to affect landed property in that way? I am not able to answer the question without a reference to authorities. The law may possibly have come into operation at various dates. It is, however, part of the feudal law, and has been recognised for so many generations that Englishmen have conformed to its operation.
15. It is altogether a feudal institution? Possibly so.
16. Introduced into England at the time of the Conquest? I cannot say that. It is extremely probable that it might have existed in Scotland before the Conquest. It is impossible to read the obscure and early history of clanship without suspecting that the law of primogeniture was in operation long before the Conquest.
17. You are aware of the law of gavelkind—is that not a remnant of the Saxon law? It is, and I believe that it has long been entirely confined to some parts of Kent.
18. Is it not established in Kent rather in consequence of the Kentishmen at the time of the Conquest having insisted on the maintenance of their own Saxon laws? Possibly; but had I been aware of your intention to put the question I would have looked into the history of the law. Practically, it is not important to know when or under what circumstances the law was introduced, but in what manner it affects those who are brought under its operation.
19. Are you aware that any evil at all has resulted from the existence of this law of gavelkind in Kent, which law is so much at variance with the common law generally in reference to landed property? I have had no opportunity of judging. I never lived in Kent, I believe the only part of England in which lands are held on this tenure, and without local experience I could express no opinion. I cannot, however, conceive any difficulty to result from the law. I may, however, add, that lands in gavelkind descend to the sons only, in exclusion of the daughters, and the difficulty arising from the disability of married women does not therefore affect the parties holding.

20. You cannot conceive any difficulty from the alteration in the law? No; I cannot conceive that any difficulty is felt by those who hold under that particular law, because, I suppose, they have conformed to it. The Hon.
James Norton,
Esq., M.L.C.

21. Well, in a country like this, new as it is, we may suppose that the people would also conform to a particular law? The alteration of the law of descent may, no doubt, be less mischievous in a new country than in an old one. 16 July, 1858.

22. Then there may be objections to any alterations of the law in this respect in England which do not at all apply to a country like this? Certainly.

23. But you perceive by the law under consideration that no interference whatsoever with the rights of individuals in the disposal of their own property by will is contemplated? I assume that we are not pursuing the course adopted by France, that is, to take away the right of the owner to devise his lands in such way as he may think proper.

24. Well, have you become acquainted, in your experience as a solicitor, with cases of hardship which have arisen in consequence of the distribution of landed property in families in consequence of the law of primogeniture? I know of one case of hardship—not of great hardship, because the only question was whether certain children should each have land worth a few hundred pounds, or whether the whole should go to the heir-at-law. I cannot doubt that there may be many cases of hardship.

25. That information comes under your own knowledge? Yes. I have known an heir-at-law possess himself of the entire real estate of his father without making any provision for his sisters and younger brothers.

26. Do you know anything of the case of the late Mr. B——? I have heard that he died with an imperfect will, or with no will at all. Under the old will Act, lands acquired, after publication, did not pass. Wills now speak from the death of the testator. There are comparatively few cases affected by wills prepared before the present Act came into operation.

27. But it is clear that such cases as that of Mr. B—— are not likely to occur again. But the fact is, Mr. B—— died intestate, and other men will die intestate? I assume, of course, that men do frequently die intestate. The cases of real estate acquired after the date of a will, prepared under the old will Act, may be cured by a Colonial enactment, passed to declare that a will under the old shall in future, like a will under the present Act, speak from the death of the testator.

28. But men will continue to die intestate? Inevitably men will do so.

29. Well then, can you give any good reason why, in the present state of things in this Colony, and in all that we may reasonably contemplate in regard to the future social condition of this country, it is at all advisable that our legislation here should abide by that law of primogeniture? It would be impossible to explain my views without a lengthened address.

30. We will put it all down? I do not think it proper to do so. I shall, however, be happy to give you my opinion upon the subject, and afterwards to answer any questions you may think it expedient to put to me. The question involves infinitely more than you conceive. Men do not neglect to make wills because they are careless or unfeeling, but because they are incapable of knowing how to make them, because they have not advisers capable of directing them, and because where they are ever so well directed they deal with the mysterious future. As you have been pleased to ask my opinion of the expediency of abolishing, in this young Colony, the descent to the eldest son of real estates, I will endeavor with all candour to explain what I conceive would be the operation of the change in the law proposed in the present Bill. Whatever may be the operation in America of a law for the equal distribution amongst the children of an intestate of his real estate, I believe that in this Colony it would be most injurious. Speculation may be said to be the genius of America. Her citizens are found in all parts of the world, and push their adventures into all lands. This genius does not at present distinguish the people of this Colony; I hope it never will do so. I believe that true Englishmen carry with them into all lands a respect for the laws of the parent land; and it may be fairly assumed that many who die without wills intend to adopt the law which gives their lands to their eldest sons. If the distribution of real estate amongst all the children be most beneficial to the community, surely the people would be benefited by the enactment of the law of France, and the division of real estate between all the children of every parent who dies seized of lands; but I believe that in the great majority of cases brought under the operation of a law for the equal distribution of land amongst the children of a deceased proprietor, the property would be totally destroyed. What benefit has resulted to the French people from such a law? Certainly not the maintenance of the class of gentlemen who are returned to the House of Commons. It has been justly said that England is distinguished from France by the existence in the former country of a vast body of gentlemen at all times prepared to support the character of their country and uphold her institutions, and who constitute the great Conservative class—gentlemen who could at once lay down £20,000 for the purchase of an estate, and who by the training and education of their sons qualify them to fill the highest offices in the state, and who are never absent from the post of danger when the interest or the honour of their country demands their support. Look at the "stately homes of England," how many are possessed by untitled gentlemen! In these homes, transmitted from sire to son without the intervention of a will, a noble shelter has ever been found for the widow and younger children of the ancestor. I take the law of descent to have followed, as most laws do, and as all laws should do, the taste of the people. I take the law to have perpetuated in the absence of a will the course of descent the testator himself would, in the vast majority of cases, have devised. It is the great object of English gentlemen to leave their fine estate in the hands of representatives who can sustain the character which distinguished their ancestors and themselves, and who shall themselves belong to the Parliament of their country—who shall be heard in the national councils. It is an object with such gentlemen to lay by fortunes for the younger or less gifted branches of their families.

The Hon.
James Norton,
Esq., M.L.C.

16 July, 1853.

families, to embark them in mercantile pursuits, to enable them to sustain the honour of their country in embassies, and to guard that country with their arms. I believe that the law of primogeniture prescribes a course of descent which the owner of the estate, had he made his will, would generally have adopted. I believe this pre-eminently to be the case with Scotland. It is impossible to look at that country, with all her snowy hills and barren heaths, without feeling that this law has preserved her high character. There we find that one son inherits the mountains of his ancestor, or his fertile plains, and that the rest are trained from their infancy to understand that they must rely on their own exertions for their fortunes. They, from their earliest years, exert themselves to provide the means of establishing, in other lands and under other circumstances, a home, in place of that which is to them a schoolhouse, or a place of temporary residence. I cannot look at the great men who have served England so well, who have found places of the highest distinction in all lands, without feeling that they owe much to the law of primogeniture. I turn to France, and there I find a dozen children each of whom claims his right to a participation in the estate of his father. They have no disposition to wander into the world. Without the genius of America, they turn their attention to the pittance that will become their own: they fall back upon their paltry estate, unaroused to that exertion which would enable them to strike into a nobler path. They feel that, at all events, they shall be provided for, and they cling to their miserable inheritance. It is obvious to every person of reflection that eventually this mode of distribution must come to an end. I know it is too often said that in new countries the lands are unbounded—so is the poverty of the people. It is difficult enough to make of the sterile wilderness a habitable place. The man who settles in a new country generally finds it necessary to expend all his means upon the establishment of his domain, too often to mortgage it, and very often deeply to encumber himself, in order to provide a house for his family, and to educate and qualify his younger children for the exercise of the professions and callings which belong to a new country, or which ought to belong to it. The father dies, and the eldest son takes possession, and I believe that there are few cases either here or in England in which the eldest son has not afforded shelter to his mother and the younger children. The affection of the widow and children lingers round their early home, and finds a resting place on the domestic hearth. What owner of land, I would ask, would labor to provide a home for his children that may at his death be disposed of at a forced sale or destroyed by a miserable partition? What heir would expel from his home his younger brothers and sisters—forget the mother who made his domestic hearth the rallying place of those she loved. Who would substitute for the sacred ties that bind him to his family the barren obligations of an Act of Parliament? By the proposed law of distribution, children of tender age are to leave scenes endeared to them by the presence of those they have been accustomed to revere and love, to leave a home which is to pass into the hands of the unscrupulous publican or the successful cattle dealer, and that for the purpose of making a provision for them. How, I would ask, are they to be provided for by this law? How is the estate to be distributed? Are you to have a partition suit, or are you to cut up the estate and cheat the infants? Are you to make a forced sale, or are you to charge a Judge, who has already vast duties cast upon him, with the consideration of a case of which he is profoundly ignorant, and of the interest of a family with the genius and character of which he is perfectly unacquainted? Is the estate to be sold, if a purchaser can be found, at any price, and the family to be turned out of doors? Everything to be broken up, and that which the anxious owner thought would afford a shelter to his family be thrown away for a sum of money too small even to meet their immediate wants. First, you must consider the case of the widow. She, poor woman, turned out of the house, is compelled to apply herself to the humble occupations which are alone open to her. She must, I suppose, have one-third of the money resulting from a sale of her husband's real estate, and this money her pressing wants will, too probably, compel her to expend in clothing and feeding her helpless children. But two-thirds are to be invested for the benefit of the infants. Invested! Where is investment to be found? Real estate is gone for ever. But it can be invested in the purchase of debentures at 4 or 5 per cent. The security, perhaps, of a Government involved in all the follies that Governments, in such countries as this, do become involved in—a security the Government may be unable to provide the interest for; yet such may be the only investment to be found for her children's share of the property—an investment that may in a few years take the complexion of Brazilian Bonds, and involve the total loss of the pittance these poor children are entitled to. But they may actually receive $4\frac{1}{2}$ per cent. on £120. Better be deprived of everything. Better they should not be cheated into the belief that a provision had been made for them out of the wreck of their poor father's estate. To avoid these difficulties, perhaps the estate is to be actually divided amongst the children. This course, however, is beset with difficulties. Is a partition suit to be filed in the Court of Chancery? or by what other means is partition to be made? Surely those who have a right to the estate have a right to keep and use it. Why should their interests be destroyed by a ruinous and forced sale? Why should not the poor child who is entitled to one-tenth part of the estate have it? But if there be a mansion, whose shall the mansion be? There are ten children! Is one unfortunate man to have a mansion he cannot live in, and that without land to sustain it? and another to have land without a shelter from the rain? Seven of these persons happen to be of full age. They may agree among themselves. Perhaps one is rich enough to buy the whole; but what are you to do with the infants? Is it proposed to make a law to deprive infancy of the protection which has by the laws now in force been so solemnly drawn around it, so strictly applied as often to lead to undue tenderness in the administration of justice? But how would the parties to whom the lands descended take? By the proposed law necessarily as joint tenants. Suppose three of these joint tenants to be married women, and infants, how could they agree to a partition? But get over the difficult question as to the mode of division, and imagine it to have been completed. Suppose that

that during their minorities three of the ten children die, leaving numerous children—what is to become of them? The estates of their joint tenant parents do not go to them, but to the surviving joint tenants, and the children of the parties so dying are cheated, are deprived of all interest in their parents' lands. Suppose, to avoid this injustice, you enact that the children shall take as tenants in common: what then? The estate must still be divided, perhaps between seventeen children and grandchildren, many of the latter infants. How is this to be accomplished? Is an endless partition suit to swallow up the value of the estate? Is it proposed that we should legislate upon a subject in ignorance of the consequences of the law—in the hope that some mode of dealing with the question may be found in America? My experience of partition suits, under much more favorable circumstances, compels me to believe that they must ever be most expensive, frequently most unsatisfactory. I was concerned in a partition suit in which the surveyors received upwards of £3,000—and their charges were not unreasonable. Are you to distribute estates, or are you to give them to any low fellow who may happen to have a little money in his pocket, and against whom nobody else is inclined to bid? If the estate be divided the widow must take one-third. She may marry again, and have a family by her second husband. She cannot make a will. She dies and leaves five children by her second husband. Now this estate descended from Jobson, but in the distribution of her estate the children of the second husband must participate with those of her first husband. How greatly is the difficulty of distribution increased. The second marriage of the widow is only one of the contingencies which may arise. Suppose the owner of lands to leave a great many children, married and unmarried, some of age and some not of age. The children are joint tenants, or tenants in common. If joint tenants, the issue of all children but the last survivor would be deprived of all interest. This can hardly be the object of the proposed Act. But if the children are tenants in common—some in Ireland, some in Scotland, and some in England, or possibly scattered over the world—how are they to be reached? They die before partition can be effected, and leave innumerable representatives perfectly unknown. Who is to find them out—who to guard their interests? Are you to sell their property for whatever it will bring, and, should they be discovered, to tell them that the noble possession their ancestor intended for them was thrown away, but that a pittance had been invested in the purchase of a debenture, possibly unsaleable? But there is another class of persons who would be affected by the proposed law—mortgagees, those who lent their money before the proposed law was thought of—how are they to get back their money, or obtain a title to the mortgaged estate? The mortgagee may have a power of sale—most mortgagees have—but with all his powers of sale he has to find a purchaser. If the estate will not sell what is he to do? Take possession! Alas! with no knowledge which would enable him to manage it. What could a trustee under a will, or a settlement, do with the lands on which he held a mortgage, and for which he might be unable to obtain a tenant? Against whom could the mortgagee foreclose the estate? He must first find out the representatives of the mortgagor. A foreclosure will fail to give the mortgagee a title to the land unless every person who has an interest in it, however small, be made a party to the suit. What are trustees of existing marriage settlements to do? They are generally directed to invest the moneys entrusted to them in Government or real securities. Marriage settlements are the acts of the provident, and are entitled to the highest protection—are they to be cast to the winds? I happen to be acquainted with a gentleman of high character and great understanding, who resided for several years at the Cape of Good Hope, in which Colony the estates descend to all the children equally. I have heard that gentleman say that intestacies were there of frequent occurrence; and he added, "I can hardly charge myself with an instance in which animosity did not spring up between parties entitled to the property, entirely fatal to their peace and unity." In a great number of cases family ties were completely destroyed. In the desire to purchase the family property the parties entitled bid against each other with the hostility of savages, and frequently ruin each other; and those who have been reared together separate with a determination never to acknowledge the relationship that exists between them, while their hatred is transmitted from father to son, and concentrated into the bitterness that formerly divided one Highland clan from another.

31. *By the Chairman:* Does anything of that kind exist in Kent, do you know? I cannot say what exists in Kent; it is enough that it may exist somewhere.

32. Perhaps the Kentish men make their wills? There may be grievances in Kent we are unacquainted with; and by adopting one of their laws we may rush on evils we have never contemplated. The question is, not what mischief a law does, but what it may do. How is it proposed to get over the difficulty of partition—how to provide for money investment? How are you to provide for vast numbers of absent persons? England is occupied by people who can generally be found on the spot—who are easily traced. That is not the condition of the people of this country; one is from Ireland, another is from Scotland, another from Germany, some from all parts of the world. Our relations are spread over the world; theirs are concentrated.

33. *By Mr. Piddington:* You are aware that the county of Kent is one of the most flourishing counties in England? It may be so; but it does not follow that its flourishing condition is owing to its law of gavelkind.

34. Are you not aware that the law of gavelkind is considered a privilege? Anything may be thought a privilege. There is, I believe, in one part of England a law under which the youngest son, not the eldest, is the heir-at-law; and this is thought to be a privilege, although it is said to have its origin in a privilege the most degrading. But the question is, not what is thought to be a privilege, but what laws it is necessary or expedient to introduce into the Colony; whether it is desirable to overturn what is also thought to be a high privilege—to inherit the noble laws of England; to inherit laws of descent intimately connected with the high character and glory of that country;—whether we should adopt principles

The Hon.
James Norton,
Esq., M.L.C.

16 July, 1858.

The Hon.
James Norton,
Esq., M.L.C.

16 July, 1858.

principles which, whether wise or not, have sustained the most distinguished nobility, the most highly-gifted commonalty.

35. But it is not intended by this Bill, or by the supporters of the Bill, to interfere with the right of entail? How are you to entail personal estate? If the question were entirely new, and we had assembled from all parts of the world to frame laws for our government, the inquiry would have assumed a very different aspect; but we are not in that condition; we have brought with us our laws, our prejudices, and our institutions, and we have no right to trifle with laws so beneficial to the parent land by experiments that may unsettle those laws without the assurance of certain advantage to the community. I think that the proposed law would ruin the very persons it is intended to provide for. I believe to sweep away the domestic relations, to destroy our early homes, and wholly to blot from memory the scenes of childhood, would be an unwarrantable and most dangerous act. I do believe that the character of Englishmen is bound up with such things, and I hope to see this Colony walking, at however great a distance, in the footsteps of a country that has numbered amongst her sons men that have commanded the respect of all civilized nations.

36. But the law of primogeniture still exists in England? Certainly.

37. And it has not been sufficient to preserve England from the profanation you expect? Possibly not.

38. Very poor security then? I should think very little of the wisdom of those who, because they were on certain occasions unable to keep out injudicious innovations, therefore abandoned the principles they professed.

39. I should suppose that you thought the law of primogeniture a very impervious and strong fence? You are mistaken; but I believe the law of primogeniture to be intimately connected with national character and security.

40. *By the Chairman:* Might I have the honor of asking one question: Is there any thing in the nature of landed property which entitles it to be dealt with in a different manner to personal property? I conceive that it has a tendency to encourage and support all the relations that spring out of fixed residence and family ties.

41. Therefore, you would give the land in cases of intestacy to one individual and leave the rest destitute? The younger branches of a family may find a shelter in the house of their brother, which would be destroyed by the proposed law.

42. *By Mr. Piddington:* From what you have said, I should gather that your reverence for landed property arises from connecting the land with the idea of immovability, to a great extent? No; but from its creation of families, and its influence on the character.

43. But although real estate is immovable the possessors are not immovable; they are liable to the changes of this mortal sphere? Very true.

44. They glide away from the possession of real estate as rapidly as from personal estate? Why then facilitate the destruction of ties and relationships already too ephemeral?

45. Do you see any necessary connection between the law abolishing the custom of primogeniture and the French law which you have alluded to? I do; I see that it is so much French as the proposed law operates: it may be one-tenth, or one-fourth, but to the full extent of its operation it is the French law.

46. Are you aware what is the French law existing now in reference to the division of landed property? I understand that the law is absolute now—that it compels the equal division of all landed property amongst all the descendants.

47. Admitting that it be the French law that the owner of landed property is deprived of absolute power to divide his property—in cases of intestacy, is there any connection between that law, and the law which simply abolishes the custom of primogeniture? The French law enacts that all lands shall descend, and the proposed law that certain lands shall descend, in such a way. The connection between them is a rule of three question. I should not be much surprised, if this law were carried into effect, at a proposition that the right of making wills should be taken away, on the ground that it is a scandalous thing that a man should legislate for his family, and that he ought, like the Frenchman, to be deprived of the power to interfere with the law.

48. That is merely a matter of opinion, is it not? I suppose that if the law is opposed to the usual testamentary disposition, the inference must necessarily follow that the right to make a will is not consistent with the general public interest.

49. *By the Chairman:* But the object of this Bill is simply this:—in the event of intestacy, to divide the property rateably among the members of the family, in accordance with what must be presumed to be the dictates of natural affection and right? I think it natural that in case of intestacy the property should go to one member of the family only.

50. Why should you presume, or assume, then, from legislation which has for its object merely the maintenance of natural right, that there will be a tendency to the opposite extreme—to abolish the right of bequest altogether? I have endeavoured to point out the practical difficulties which I conceive would make this Act inoperative, and to shew that it is absolutely at issue with a great moral principle. I have also endeavoured to shew the impossibility of executing the proposed law without the destruction of the interests it is its object to preserve.

51. We have had some lawyers examined in this Committee; for instance, Mr. Plunkett, who was long Attorney General of this Colony, was examined yesterday, and he is quite in favor of the principles of this Bill. He did not point out any objection in its practical details, except this: that he said it would be necessary some provision should be made to guard against a wife receiving her dower under the Bill, and also her share of the personal estate? Mr. Plunkett might not have been aware of the objections.

52. *By Mr. Piddington:* Do you think the question of partition could not be carried out by the official Curator of Intestate Estates, under the control of the Judges? I think it would be unwarrantable and unwise to trust the Judges with this power. Unwarrantable—because they have not time to execute it: unwise—because they never could be competent judges of the interests involved in the question.

53. *By the Chairman:* In the ordinary cases of intestacy the administrator must give security for his trust. Well, under this Bill, we must assume that the Curator of Intestate Estates would not be called upon to interfere in the absence of the family: he gives security for it, and it is a family affair which they settle among themselves? I do not know anything that has worked such enormous ill, or operated so injuriously as the principle of security. The man most entitled to be trusted—best qualified to discharge the trust—is very commonly unable to find sureties, or give security; and too many who find sureties let in innocent parties to cover their defaults.

The Hon.
James Norton,
Esq., M.L.C.
16 July, 1858.

54. You adverted to the difficulty in which mortgagees might be placed in the event of this Act passing? Yes.

55. And you spoke of the Trust Company. They have mortgages over estates throughout the Colony: but is it not a fact that the sums lent upon these mortgages are far below the ordinary market value of the land so mortgaged? No.

56. It is their principle? It is—but they may be misled.

57. Supposing such a law as this had passed, would it have the effect of injuring the Trust Company in regard to those properties? Unquestionably.

58. But how could the operation of a law like that affect the mortgages? Suppose they could not sell them, and were therefore compelled to foreclose?

59. But they have the right of sale? They might be unable to find a purchaser.

60. But that would not result from the operation of this law? The law might deprive them of the power to foreclose: that is, it might let in representatives of a mortgagor they could never trace out.

61. The Trust Company have a mortgage over an estate; they wish to exercise the power of sale which they have given to them; they put up the land for sale, and it may or may not sell—according to the state of the market at that time: but how can the operation of that Bill affect the state of the market? If they could not sell the land they would desire to foreclose, and the proposed law might prevent them from doing so. Until a recent law was passed the Trust Company could not hold lands.

62. It is not from any consideration for the Trust Company that that law was passed, but for the convenience of the parties who held? I witnessed the introduction of this Bill as a new era which shed a light upon this country that my own imagination never conceived. I know Mr. Wentworth did propose a Bill for restricting all interests to a certain rate.

63. *By Mr. Piddington:* I think Mr. Wentworth proposed a Bill to confiscate their right—to rob them? That would have been the effect of his Bill.

64. What I advert to is this: I think we might make all these companies—like the English banks, and so on—contribute something to our revenues, for instance, making a charge upon notes?

FRIDAY, 23 JULY, 1858.

Present:—

MR. JONES,
MR. PIDDINGTON,

MR. MACARTHUR,
MR. FORSTER.

R. JONES, ESQ., IN THE CHAIR.

The Hon. Sir Alfred Stephen, Knight, Chief Justice, called in and examined:—

1. *By the Chairman:* You are Chief Justice of the Colony? I am.

2. Would you be good enough to state to the Committee what the present state of the law is in regard to intestate estates? It is simply that landed property descends to the eldest son; or, if there be daughters, to them jointly; or, if there be no children, in a regulated course of descent on the same principle: and, in the case of personal property, it goes to the administrator, or, if none be appointed, then to the Curator of Intestate Estates.

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1858.

3. And the personalty is divided equally among the children, if there be any? If there be children the proceeds of the personal property, not the property specifically, is divided among the children in equal shares—the widow, however, if there be one, taking one-third; or, if there be no children, then she takes half.

4. In the event of a man dying intestate possessing landed property, and that landed property encumbered—subject to certain claims—and leaving also some personal property, would the personal property become liable for the payment of the debts on the real property, or would the entire proceeds of the personal property pass to the whole of the children of the intestate person, leaving the claims on the landed property to be defrayed from any moneys arising from the sale or rental of that property? The old law was, that the interest of the heir was preferred to that of the administrator; and he was entitled, consequently, to have his inheritance free of incumbrances, if they could be satisfied out of the personalty. The same law applied equally to devisees. But the law on this head has, I think, been altered by a recent enactment—I cannot recollect distinctly when *

5. Is there any difference between the English law in relation to intestate estates and the local law of the Colony? There is none; excepting that in this Colony landed property has always been unqualifiably subject to the payment of debts, in the first instance, of every kind; whereas in England, ordinarily, the land was subject only to debts of a higher order, binding the heir—such as debts by recognizance, or bond, or other instrument under seal.†

6.

* The Chief Justice has, since his examination, supplemented this answer by referring to the 18 Vict., c. 113 (August 1854,) adopted in this Colony in 1855.

† The Chief Justice has desired to add, that the English law has been assimilated in this respect to the Colonial, by the 4 W. 4 c. 104—passed in August 1833.

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1858.

6. But unless there has been an alteration of the English law within the last year or two—to which you have alluded with some degree of uncertainty—personalty left intestate would be liable in this Colony, primarily, to the payment of any debts with which that landed property was encumbered? In a Court of Equity, as between the heir and the administrator, such would be the law. The creditor however, has his own independent rights, and he might always resort to either one or the other at his discretion.
7. The heir might then, by suit against the administrator, compel the redemption of the land in so far as any claims affected that primarily, and from the proceeds of the personalty left by the intestate? Just so.
8. Have you seen the Bill which has been introduced in the Legislative Assembly to regulate the descent of landed property in cases of intestacy? I have.
9. Have you examined the provisions of that Bill? Yes.
10. Do you see any objection to the alteration which is contemplated by that Bill on any ground? I see great objections to the Bill.
11. Would you be good enough to state to the Committee the objections you see to the measure being passed into law? In the first place, the term "chattels real" is a wholly inappropriate term; and, properly understood, cannot I suppose have been intended by the framers. A chattel real necessarily implies a fixed or determinate interest, or, in other words, an interest in land for a stated and ascertained period; whereas, I presume, the object of the Bill is to destroy entirely the law of inheritance, and to place real property on the same footing as chattels. But both real and personal property are, in respect of the interest of the owner therein, undeterminate in duration; and subject to no abbreviation, except such as is unavoidable by eventual decay. The term "chattels real" is therefore a phrase ignorantly, or, I would say, inconsiderately applied.
12. The term "chattels real" would apply, for instance, to leasehold property determinate at a certain time? Any interest terminable in a given period.
13. I presume the objection would be met by altering "chattels real" to "chattels or personalty"? Yes; but the mistake shows that the Bill can hardly have been well considered, by men of much legal learning.
14. What other objections do you see to the Bill? The chief objection is, in respect to its operation, that it entirely abolishes the law of inheritance; and, by changing wholly the tenure of landed property, introduces a novel and unprecedented state of things, the consequences of which I think there is no man in this Colony learned enough to foresee or calculate. The law of limitations for instance, in common with the law of inheritance throughout, the law of dower, the law effecting settlements, and the like, will all be shaken or destroyed. The effect on existing settlements, or on future settlements, I am unprepared to state—the subject being a very large one, and requiring a greater amount of study than I could at present devote to it. There will, from the time of the passing of this Act, be no such thing as an heir or person possible. That simple statement involves, of course, a complete revolution in all that affects landed property. The land in this Colony belongs in point of law to the Crown, and it will, at present, descend to her successors to the throne: but, by the operation of this law, it would go, apparently, to Her Majesty's executors. And so on, in other cases probably not thought of. Then, in reference to social and political consequences:—my opinion is, that the Bill will tend to defeat family attachments to the land, as well as to prevent the accumulation of landed property in one individual, or in one family; and so will tend to equalise property, and thereby prevent the existence of an independent order of landed proprietors, superior to the ordinary working classes of the community.
15. The Bill would, as a matter of course, affect the law of inheritance, because it is the specific object of the measure to make a change in that respect; but would you be kind enough to explain how it would affect the tenure of land—what change it would make in the tenure of land? After the passing of this Bill, no man could possibly take land by inheritance. It would be impossible, under any circumstances.
16. By Mr. Macarthur: I beg pardon; except under a will? No. You would then take by that will, and not by inheritance.
17. By the Chairman: If land were settled as at present, with various limitations, contingent and otherwise, the universal course is to create those limitations to some heir or heirs, and ultimately to the heir—one selected person? How settlements of land are in future to be drawn I am hardly prepared to say. But the existing tenure of land will be destroyed, because that tenure is to a man and his heirs; whereas land, if this Bill pass, will no longer be held to a man and his heirs, but to him and his executors or administrators.
18. That is, in cases of intestacy? In all cases. An "heir" exists only in cases of intestacy: or, more accurately speaking, a person who takes land as heir, takes it only by the rules applicable to cases of intestacy.
19. And the change you allude to in the tenure of land is a change inseparably connected with almost any change in the law of inheritance? Any radical change in the law of inheritance necessarily involves, as I apprehend, a radical change in the tenure of property.
20. It is a different way of expressing the same terms? Yes.
21. In the event of a Bill of this nature passing, would not any land on which settlements have been made—on which any incumbrance has been incurred—remain as much liable to the satisfaction of those settlements or incumbrances, as it does under the existing law? Land settled, or land mortgaged, would, as a matter of course, remain (at least so I presume) in some shape or other, subject to the liabilities created, whatever they were:—but what I want to know is, in what mode, and in whose hands?—from whom is the land to be obtained in cases of intestacy? The administrator is to take lands, says the Bill. If so, I presume that he must find security, as usual, for the due administration of the assets. But an administrator will rarely be able to tell, beforehand, what estate may descend on him; for there may be ultimate limitations, and contingent interests in the land, devolving on him, of which

which he would know nothing. Then again, a man may make a will as to some of his lands, and die intestate as to other portions of them.

22. In a case where a person dies intestate and leaves land with certain settlements on it—or, with certain incumbrances on it—the administrator, in the event of a Bill of this kind passing, would have no more power to defeat those settlements, or those incumbrances, than the intestate person himself before his death—he cannot, I presume, sell the land, except subject to the claim of the mortgagee, or the person who has an interest in the settlement:—that person's claim, under the law now proposed to be enacted, would be as good and as valid in law, as though the estate passed to the heir, would it not? Certainly. I think that a former answer of mine has already expressed this opinion.

23. Then the passing of this Bill, as I understand, would not defeat the claim of any mortgagee to land left by an intestate person, or would not set aside the interests of any person, who had any settlement secured on that land? I think not.

24. It would not therefore, I presume, involve any injustice to parties who at the time of the passing of the law had acquired rights or claims of this character? Not at all, so far as I can discover. The difficulties are entirely of another kind. I see, to speak plainly, no dishonesty in the Bill. The rights of creditors would be left untouched by it, so far as I can see—neither improved nor deteriorated. I think the proposition maintainable, moreover, that the mode of descent of property is a matter for legislation; or, in other words, that it is a thing depending on positive law, and not on natural right.

25. Do you think that the passing of a Bill of this nature, to regulate the descent of landed property in cases of intestacy, would in any way affect the rights of the Crown in regard to the nominal or real ownership of the unsold lands of the Colony? Not at all. It is a mistake, however, to call the Bill one to regulate the descent of landed property in cases of intestacy only. You might as well pass a Bill to punish murder, "in cases where life was taken." For murder cannot possibly be committed unless there be life taken. And so, to regulate the "descent" of landed property implies, in itself, that there is intestacy in the case. If there be a will applying to the land, there is no intestacy as to that land, and, therefore, the question of descent cannot arise. The Bill, therefore, is here again wrong in expression, if not in idea.

26. A kind of contradiction? A redundancy: it is like saying that such a man murdered another, and also killed him. If you say to regulate the descent of landed property, but only in cases of intestacy, you involve a contradiction. The Bill is one to alter the descent of landed property; or, rather, to destroy it—for "descend," in the true sense, it never will.

27. "To provide, in cases of intestacy, that lands should be dealt with as personal property" is now dealt with? That would be more correct, certainly, than the present title.

28. But if I understood rightly, I think, in an answer you gave as to the objections you had to the Bill, you said that the passing of a Bill of this kind would so far change the tenure of real property, and the law of inheritance, as to cause the waste lands—the Crown Lands of the Colony—to pass, not to Her Majesty's Heir, but to Her Majesty's Successors: Would a Bill of this kind affect in any way the rights of the Crown, either in succession, or in any other way, to the Crown lands of the Colony? Well, I think that, as the Bill now stands framed, the effect might be to vest the Crown lands in Her Majesty's Executors, and not Her Heir, if she died intestate as to those lands.

29. But would not an enactment of this kind be overridden by the imperial law, so far as the rights of Her Majesty were concerned? I do not know. I give my impression, of course, without argument, and also without any very extensive reading on such points, or any reading specifically on this point:—but it strikes me, that if you abolish the law of descent of all landed property in this Colony, in the sweeping terms here used, the Heir of the Crown would no more take the land than any other heir would.

30. But I presume that Her Majesty, in effect, stands rather in the position of a trustee, with regard to the lands of this Colony, than in the position of an ordinary holder of the land? The Crown is, of course (in a certain sense) only a trustee. But your Bill abolishes the law of descent, equally in trust cases as in others. If a trustee, having at present land vested in him were to die intestate, the land so vested would by your Bill go to his executors, and not as at present to his heir, why not then in the case of the Crown?

31. I apprehend that the rights of the Crown being affected in that way, would be provided for by the provision, if I recollect rightly in the existing land laws of the Colony—in the Acts of Parliament—which provide that the land shall vest in Her Majesty, Her Heirs and Successors. A Bill of this kind would not override any provisions which might exist in the Imperial enactments affecting the lands of this Colony, I presume? I take it for granted that the difficulty suggested may be met in some way; and, perhaps, the Bill as to this portion would be simply void; but as the difficulty has been pointed out, a clause will perhaps be thought prudent to anticipate and obviate it. I do not state the point as an insuperable objection; I desire merely to shew the possible extensive consequences of such a Bill, so framed; and it can, of course, be altered at the discretion of its framers.

32. This particular objection, I apprehend, could be completely got rid of by the insertion of a provision to the effect that it should not affect the right of the Crown? Yes. I recollect no such law, however, as that to which you have referred, vesting the lands of this Colony in the Crown, and the heirs and successors of the Crown. The Sovereign takes these lands by the same constitutional right which gives Her the Crown itself.

33. By Mr. Piddington: And, upon that constitutional principle, might I ask, does the Crown ever die—can there be any comparison between the demise of the Crown and the demise of an individual? The Crown, in contemplation of law, certainly never dies; but, nevertheless, the Crown lands would by the present law descend to Her Majesty's Heir, which can only be on Her demise. The Bill, however, professes in terms to alter the descent of land, in cases of intestacy; and makes no exception whatever. Now, it may be, for I am not going to decide the point, that the Crown lands might so descend, notwithstanding this

Bill:

The Hon.
Sir A. Stephen,
Knight, C.J.

23 July, 1858.

The Hon.
Sir A. Stephen,
Knight, C.J.

23 July, 1858.

Bill: but the difficulty is of that startling character, that no man who is cautious, and desirous of avoiding needless litigation, would I think be willing to leave the Bill as it now stands, without making a provision which may easily be so made. The change is a very sweeping one; not in any sense less than an entire revolution in the law, as to the tenure and descent of landed property. The consequences of such a revolution, as I have already said, cannot be in a moment foreseen. But every possible inconvenient consequence should, surely, be guarded against.

34. *By the Chairman:* Referring to the objections which you have pointed out to the Bill on the score of policy, do you not think that a law which would provide that where a parent died intestate his property should be divided amongst all his children,—is more likely to cement family attachment, than a law which provides that in a case of that kind one person, the eldest son, shall take the whole of the property, if the whole be landed property—leaving the other members of the family destitute, or dependent upon his good will or brotherly affection? Well, I think not. I am happy to confess myself a great believer in the thing called family affection:—and, in a majority of instances, I think that the eldest son would be likely to give his mother a home, in the place probably where he and his brothers and sisters had been born; and that he would not be deaf to their claims while infants upon him. Heartless instances to the contrary doubtless may be adduced; but, by your present Bill, the land must be sold away from the family in all cases, and the proceeds divided. The widow will take her one-third in money. The shares of the children must be set apart for them separately, in money. If of age, each will take his own. As to the rest, the risks of investment, or of misappropriation, I think will be found to counterbalance the supposed advantages. The sums will be comparatively small, in most instances, to each child, and each will be made independent of the others; none therefore having a claim above another in respect of the property. The administrator may be an honest man, but in a great number of instances I fear that he turns out, in the course of years, to be either a dishonest one, or an improvident, imprudent, or careless one; and I believe that the property stands as good a chance of being thus dissipated as by the present system it has of being absorbed exclusively by the heir. On the other hand, I quite admit that many cases may be adduced, in which a system of division between the children in some mode or other, such as by setting apart portions of the property for the younger children, in intestate cases, according to their requirements, might be wise, and in every way desirable. But, if this be what is sought to be done, it may be done without selling off the property, or even passing it into the hands of an administrator; and without encountering any of the risks and difficulties to which I have adverted, or touching in any way the law of Inheritance. I do not see why the heir should not be compelled by law to provide for his brothers and sisters, and also for his mother, out of the property. But, assuming even that in all cases the mother becomes administrator, and gives the usual security as such, I am by no means prepared to say that the chances of the children would be invariably much better than they would be in other hands. For, admitting her to be better in all other respects, what security is there for her prudence? I perceive that by section 3 of this Bill, sales of lands, and, as I read the section, the appropriation, too, of the proceeds, are in a great degree made subject to the control of the Judges. My belief is, in the first place, that at least one additional Judge would be required for that special duty; for in effect all these estates would thus be thrown into Chancery. If the Judges are to have any control in such cases, they could as easily exert that control over the heir as over the administrator; and then the descent of property would be left undisturbed.

35. But do you not think, that where a number of brothers and sisters are dependent upon the brotherly affection of the eldest son of the family—(and also his mother)—instead of upon legal right, all the parties there are in rather a false position with regard to each other; that the younger members of the family, and the females of the family, are placed in a position of dependency upon the personal character, or personal caprice of the elder brother, which they ought not to be subjected to—having as good a natural right to share in the property of their common parent as the elder one? I do not acknowledge that assumption. I do not admit that all have the same natural right. The natural right of the children is to have so much of their deceased father's property as they necessarily require. Some may require a good deal, some very little, and some none at all. I do not admit the right of a grown man of full age, in a flourishing business, to have (for example) the tenth of £5,000 left by the father, while perhaps three or four sisters or brothers under 12 or 14 years may require much more each than their tenth respectively to support and educate them. One of the children, moreover, might be a cripple, or the like. The mother, also, might require more (or perhaps much less) than her third share. I think that by this equal division between children of the proceeds of the father's property, in money, while their birthplace and homestead are sold away from them all, family ties and family affection would rather be impaired than cemented.

36. But I presume that the natural rights of a man's children are all alike: that is, the natural right they may have to share in his property—to get so much of it as they may require; there is no special natural right which the eldest son has to a particular share of the property, or to the whole of the property, to the prejudice of his younger brothers and sisters? That I entirely concede. I recognize no natural right in the eldest son to take the whole of the property to the exclusion of his brothers and sisters, and believe the law of primogeniture or other heirship to be a mere creature of positive law. I may add, that in one county in England, which retains ancient usages more I believe than any other, there is to this day an equal division of the father's land among all the sons alike.

37. In the County of Kent? Yes: the most Saxon county of England. A large, if not the greater, part of the lands there are to this day so descendible. As far as I recollect, such is supposed to have been the ancient British law prior to the Conquest; and I believe the law of primogeniture to be owing entirely to the feudal system, which the Normans then introduced into England.

38. Do not the views you have expressed, with regard to the greater necessity under which the younger children are supposed to labor, for some provision from their parent, as compared with the elder members of the family, and especially the elder sons,—does not that strangely militate against the handing over to the eldest son, who may be generally in a position to win his own way in life, the whole of the landed property, to the prejudice of the younger members of the same family? Some instances of practical injustice and hardship, as I have already said, may be adduced as flowing from the present law. I ought perhaps to say of hardship, not of injustice; because the Legislature, in any country, has a right to regulate the descent of landed property in that country. Therefore, in the strict sense, there can be no injustice in the matter. The law of England is framed, throughout, with a remarkable disregard to particular instances, because of its wide scope and large general views of things; general and ultimate consequences being its care. The law of primogeniture in England, referentially to real property, is founded rather upon political and national considerations, connected with our constitutional monarchy, than on any other—moral, social, or domestic. The preservation of an aristocracy, or, at least of an independent landed class, attached to the soil, not easily swayed by popular commotions or clamour, and yet able and quite sufficiently disposed to withstand unitedly the Crown itself, whenever necessary,—the creation of families, connected with possessions held by them for generations,—the selection for these purposes of some one member in each, who, as representing the family, should be both an educated person and a man of consequence,—such are the views, doubtless, which have maintained that law in England; although, in its initiation, the immediate or sole object was the having of one person, in each family, who should be an effective military retainer. Under a law distributing property, or exciting the trading spirit only, by causing it to be sold and the proceeds divided in cash, that gallant chivalry, and those sturdy yeomen who fought and won the battles of Cressy and of Agincourt would never have existed.

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1858.

39. You have expressed an opinion that the natural rights of all a man's children to share in his property alike are equal—to have so much of the property of their deceased parent as will maintain them: in that case do you not think that, where the law is called into action at all, it ought to secure those natural rights, instead of interfering for the particular benefit of one particular member of the family, to the prejudice of all the other members of the family? Supposing the wants of each member of a family to be equal, my opinion would be that each has a fair equal claim to the pecuniary distribution. But the answer to your question will depend on this; whether we are to regard particular instances of inconvenience, or even of occasional distress in some of the younger members of a family, where the eldest enjoys ample means of relieving it, as more the objects of Legislative solicitude than the political and national considerations to which I have adverted. Your question assumes, moreover, that the succession of the eldest son is to the prejudice of all the others:—which is part of the very matter in debate. In some points of view, indeed, the younger should not be left to depend upon the bounty of the elder; but yet, such a position I think induces kindly feelings. It gives occasion for the exercise of many virtues. And it is not more unnatural, to my apprehension, than the idea of each son having his father's property sold off, the proceeds divided, and then each left to shift for himself elsewhere, as best he may.

40. Can you say what the common or ordinary practice is of persons who are possessed of property, and more especially landed property—whether it is the general practice to make wills, or to leave their property to be disposed of in accordance with the law of the country? If the meaning be, whether men who do make wills leave their property more generally to the eldest son, or more largely to him than to the other children, I cannot tell you. I have no data to furnish any answer upon the subject. But the number of intestacy cases predominates considerably, I believe, over the number of wills.

41. Do you not think that the application of this law would be only in exceptional cases—that in the great majority of instances, where persons had any considerable amount of property, and especially of landed property, they would provide for the disposal or descent of that property by will, and actually do so? One would think that persons possessed of landed or of personal property would generally make wills; but I know as a fact, that there is a singular, almost a superstitious reluctance in men to make wills at all; and that the duty is frequently deferred until death overtakes them. I doubt whether men ever die intestate designedly.

42. *By Mr. Macarthur*: Does not the reluctance to which you allude arise, possibly, in many instances, from the great difficulty parties may experience as to the mode in which they shall distribute and leave their property; I do not mean merely the legal difficulty? It may be one cause of a man's postponing his will that he is uncertain as to the best mode of distribution or settlement; and he may expect changes in his property, or changes in the state of his family. Of course those things do happen. Still, those are not insuperable objections to the making of a will, nor do they impose except rarely a serious difficulty. A codicil, or a series of codicils, would settle matters in all such respects. I know, however, from solicitors, that many men are unable to distribute their own property rightly, and at the last consult their legal advisers on the subject.

43. As to their properties? Yes. I have known a man go to his lawyer, being disposed to make one particular distribution, and after conference determine on making another.

44. So that in fact the lawyer made the will, and not the proprietor himself? Yes. But the latter, I have no doubt, acted wisely in taking the advice given him.

45. *By the Chairman*: You say that a law substantially similar to the Bill now before the Committee has always prevailed in the County of Kent, with regard to most properties there? Yes:—a law dividing the property itself, or giving it equally to all:—not dividing the proceeds.

46. Are you aware whether that has led to the prevention of the growth of a landed gentry or aristocracy in Kent, as compared with any other county of England—is Kent remarkable now for the small subdivisions of property, and the absence of gentry, or even of an

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1858.

aristocracy? I should say certainly not. The aristocratic spirit prevails so extensively in England, that settlements of land in families to enormous amounts, and favoring out of all proportion the eldest son, are there almost universal. And where an hereditary title exists in a family, the descent of a large portion of the land conjointly with the title is of course always provided for.

47. Does it not seem to follow that the passing of a law of this kind, either in this Colony or in England, will not necessarily prevent the growth of a landed gentry? I have never suggested that it would "necessarily" prevent the growth of a landed gentry, but that its tendency is in that direction. The tendency of the law will be, I conceive, to equalize property:—or certainly to discourage, if not prevent, the accumulation of property in the hands of one person in one family—and indeed its continued possession in any family. Such a tendency may, of course, be counteracted by wills and settlements; but the disposition perhaps may be itself discouraged by such a law.

48. But does not the actual result of the existence of a law of this kind in the County of Kent show that it can scarcely be said to have any such tendency—considering the actual condition of property there. You speak of the existence there of distinguished families, and of large properties held in that county? Large properties. I have already said that, in England, men generally have such a love of accumulating and transmitting landed property in their family, and vesting it therefore in one individual as its heir, that settlements or wills for that purpose are almost universal; defeating consequently the tendency of the law. I do not know, however, what the effect may be in the case of small landholders; and perhaps in Kent there are few comparatively of that class.

49. Do you not think that Englishmen will naturally bring with them the same personal characteristics to this country which in England leads to the accumulation of property in the hands of one individual; and that thus a corrective will be furnished here to the tendency which you suppose this Bill will have to lead to the subdivision of estates? I think not. There is here such a disruption of old ties, and even of old associations, and such an isolation in the particular member of any family who may have emigrated hither, that old ideas and feelings change; and the disposition of which we have been speaking has yet, I think, to be created in this Colony, in the mass of cases. There are men here of no mean family, but they are younger sons, almost exclusively; and when they acquire fortunes, I fear it will be found that they will go back to England, just as so many of our rich squatters have done. There is as yet no such thing prevalent in this Colony, so far as I have observed, as respect for family; and the desire to found one, therefore, is not likely to be very general. There are few examples of recognized claims to distinction; and the tendency of the community is, as it seems to me, for each man to think himself perfectly equal to every other.

50. But is that not rather a distinct feeling from the natural tendency that a man would have to create a family name for himself and those that might succeed him—has not almost every Englishman a kind of instinctive tendency to create for himself a family name? I do not know. I used to think so in England. I have not thought so in this Colony. I should not say so with respect to Australians in general.

51. I presume that if it can be shown that in the great majority of cases men who have property to leave, and especially landed property to leave, do bequeath that property by will, and that this law would only come into operation in exceptional cases, it could not then produce any sensible effect on the subdivision of property, or upon the prevention or promotion of the growth of a landed aristocracy, or a landed gentry, in the Colony? If men be determined to found a family, and to perpetuate the name by landed possessions, this law will of course not prevent them.

52. But I mean that, supposing the number of wills which are known to exist, as compared with the number of persons who are proved to die intestate, is in the former case very great as compared with the latter, would not that go to show that a Bill of this nature can have no sensible effect upon the general disposition of property in the Colony, or upon the growth of a landed gentry? Exactly so. If it be found that men, generally speaking, who have landed estate, provide for the disposal of it in their own way, a proof will be thereby afforded that the law, in whatever shape, will not, or does not, furnish the rule as to the disposition of property.

53. In cases of intestacy, where the deceased person leaves personal property, that personal property is administered, I suppose, either by the person administering the estate, or by the Curator of Intestate Estates: There would, I presume, be no more risk of the improper application of property converted into personalty, than there is by this Bill in the case of property left by intestate persons to be dealt with as personal property? Certainly not. The risk will only be greater by so much as the amount to be applied is greater.

54. But there would be nothing in the conversion of real property into personal property which would tend to increase the risk attending property which had passed to the administrator as personal property, or which in its nature was personal property according to the ordinary law? Not at all. But in this Colony the second marriage of widows who have property is a very common occurrence, although they also have children to be maintained out of it: and I much fear that in many such cases the children do not benefit, to the full extent of their rights, by the law which prescribes the distribution of its proceeds among them.

55. But they can, I presume, obtain protection from the Courts, if malappropriation of their property is going on by the administrator? The children have, of course, the right of protection; and the Court always does its best to assist them—when a suit is instituted, and the facts are proved. But, considering the helplessness of children in such a position, the idea of redress is practically fallacious—an idle fancy, in most cases.

56. By reason of what? Chiefly the difficulty of procuring evidence. For who, after a few years, knows anything about the property? There may still be, indeed, the mother: but the property is gone; and who would impeach her in such a matter. It is not that the mother's affection

affection has been wanting; but she has not the means left of assisting the children. She is married again, and perhaps the money was expended with no bad designs originally. And where are the children? They are perhaps seven or eight years old; or the eldest not sixteen. Who is to institute and prosecute a suit for them? You have no "Orphan Chamber" here; and men are so engaged with their own affairs, that (except in politics) they cannot attend to the affairs of others. The Judges are so constantly occupied, that they could not interpose in such matters, even if it were their province. But we will suppose that these children look after their own property when they grow up. The mother however is now gone; the father-in-law is gone; and the property is gone. They state their case to an attorney. He requires money to set him in motion; for the task will be no easy one—and the suit is no labor of love to him. But the children have no money to give, and the case ends before it has begun.

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1868.

57. Do you think that an alteration of the law, such as that now proposed, would be likely to lead to increased litigation, between members of the same family and the next of kin in cases of intestacy? I do not see why it should. The property will have to be sold, and the proceeds divided; and there, except as to the shares of the children under age, will be an end of the matter.

58. *By Mr. Macarthur:* You do not contemplate the possibility of dividing the property? No. If the Bill proposed that, I should consider it many times more objectionable. There is, however, nothing to prevent subdivision by will. A man may make what distribution he pleases, and the land may be sold to strangers, or subdivided at his discretion.

59. *By the Chairman:* The natural result of the alteration would lead to landed property being realised, and the proceeds being divided? Certainly.

60. Do you consider that, in the event of a Bill of this nature passing, it would be advisable to bring the sales of land in intestate estates under the control of the Supreme Court? I should say not. I do not see why the Judges should have anything to do with such matters. Where the Court administers an estate, it of necessity directs sales:—but I presume that you do not propose really to throw all these cases into the Court.

61. You see no reason why they should have more control over the sale of land than over personal property? No. If the Judges were required to say what sales were wanted, and when a sale would be prudent, and what sums were necessary for the children, and, in short, to administer landed estates as the Court does in Equity, that would be a different thing. But you will require an additional Judge expressly for the duty, and probably an additional Master in Equity. In administering an estate in Equity, the Court makes allowances for the bringing up of children, and appoints receivers and guardians, and so on. I did so myself, indeed, in one case where there was no suit; but there the estate was in the hands of the Curator, and so, in a degree, under our control. In that case the deceased had taken to drinking, and, it is said, drowned his wife, of course by accident, and shortly afterwards he drank himself to death, and the whole of the children were thrown upon the Court. In that case, after a good deal of trouble, I found suitable persons who were kind enough to undertake the duty of guardians, and I made them an allowance for the poor orphans. But we have not often time to do these things; and there is great responsibility, and often serious risk incurred, by the doing of any act of kindness in such cases.

62. I understand you to say, that unless the Court is made the administrator of the intestate estate, you see no reason why the sales of land in intestate estates should be more under the control of the Supreme Court than the sales of ordinary property? There is no reason that I can see. It appears to me that the duty which the Judges are called upon to discharge here is, in terms, more the duty of an auctioneer. The words are "with the approval of the Judges;"—or at their discretion.

63. It gives them a certain amount of power? The power to say that it is a good time to sell, or that it is not. And if we decide that it is a bad time to sell, what is to be done with the children; who want food, clothes, and education. If you give the Judges the powers which they have in Equity,—if you will really take the duties of *parens patriæ* upon yourselves,—you may do a large amount of good. The property of families might then be properly looked after. But the scheme, to be effective, would cost a good deal of money; much more than the Assembly will give.

64. But in that case, I presume, if you provided that the Judges should have the administration of estates where there happens to be landed property, it would be desirable that they should have the control over intestate estates in all cases; and see that they are properly administered for the benefit of the children and next of kin? Not *equally* desirable; for the amount of personal property in general would be far less. But, assuming the amount in either case to be the same, there would be practically no distinction.

65. Do I understand you to say that it would be desirable to constitute such a court; or to give the Supreme Court power to administer intestate estates? I think that, if the powers of the Court of Equity were enlarged, and regulated, so as to make it similar to what I understand the "Orphan Chamber" is under the Roman Dutch law, great good would be attained. But practically that would be to constitute such a tribunal the general administrator or curator of all intestate estates, and to take them out of the hands of individuals. Or it would be a tribunal merely in aid of administrators, as the law might provide. Property would be thereby secured, and perhaps occasionally better discretion might be exercised, than by administrators. But it would be necessary to simplify and cheapen the proceedings in such a tribunal to the utmost, or the smaller estates might be nearly absorbed in costs. In spite of every effort, I am afraid that the losses in intestacy cases are even now very large.

66. Have you any other suggestions to offer as to the alterations proposed in the Bill, or as to additions, or as to any measure in substitution of this Bill, which would practically accomplish the same results? I fear that under such a Bill, however framed, family mansions, and landed property, to which families frequently are attached, and to which families born on it ought to

The Hon. Sir A. Stephen, Knight, C.J. 23 July, 1858.

to attached,—since the love of country is intimately interwoven with such a state of things,—will be universally sold away from the family, wherever the last owner shall have unhappily died without making a will. I imagine that section three was framed with some vague notion of enabling the Judges to interfere in such cases; but I do not see how they could interfere, or what test or guide could ever regulate the interminable questions which may arise.

67. But I would ask whether the passing of a law of this kind would prevent a number of the children, in a family where the parent had died intestate, from agreeing among themselves to allow the eldest son to retain any portion of the landed property—such, for instance, as the family mansion;—whether the passing of this Bill would prevent them from so agreeing, with the consent of the administrator? I do not see, in such a case, (unless all the children were of age) how the administrator could consent. Who is to bind the younger children? Who is to prove that it is for their interest? What is to guide the administrator in giving his consent? His duty would be to protect, pecuniarily, all alike. He has nothing to do with family considerations. If the eldest son, or the mother, wishes the mansion to be retained, why is that to influence him? It appears to me that such considerations, practically, could never be allowed to operate. The affair must be merely commercial. And if the mother herself were the administratrix, I do not see that she could with safety act otherwise.

68. It would lead therefore to landed property being realized? No doubt of it. A favorite horse, that a child has been accustomed to ride, that his father may have given him, or allowed him the use of, must in an intestacy case be sold. But these things may be managed. A friend may come in and say, "Oh! it is a small matter, here is £20; you had better buy it." The administrator, however, could not keep it back.

69. Could you now lay before the Committee any suggestions you may be prepared to offer in regard to the measure before the Committee? Well, in the first place, if this Bill passes there is the question, will there ever be in any case an heir? Where the eldest son takes at all, he will take under his father's will. What will in any case descend to him? There are tombstones, for example: what is to become of them? Or there is some lapsed devise: who is to get that?

70. By Mr. Forster: Giving landed property to all the children, males and females, in the same way that it descends to daughters—that was the suggestion of a legal witness the other day? That is worse than ever. You cannot cut a house into portions. The owning of property in coparcenary leads generally, I believe, to this result:—when the girls come of age, they make a bargain among themselves for the division. We have sometimes had cases in Equity for partition, and I always find that they are most expensive affairs. People cry out about the lawyers; but the lawyers get about one-third, to the surveyors' two-thirds. The charges for dividing the Riley Estate were enormous; and in Collins' case they were very large. Then there are marriage settlements. What is to be done in regard to them under this Bill? I settle a property for the use of my daughter for her life, and after her death for her children. In the event of their all dying, or of her dying without any child, then for the use of my own heirs. In cases of that kind where would the property vest? As to that property I should die intestate; for no man dreams of making a will, (or in fact men rarely make any,) in reference to land conveyed away by a settlement, or the like. By this Bill you will have provided, that all lands and hereditaments shall be taken to be chattels. Therefore there can be no "heir" to them.

71. By Mr. Piddington: But assuming that the law is changed in conformity to the Bill, I presume that persons can provide for such cases? No doubt; but I do not see how such settlements will operate in future. No doubt there are settlements of personal property; and probably the lawyers will prepare settlements of land, as if it was in all respects personal property.

72. By Mr. Forster: As to mortgages; Mr. Norton seems to think that enormous difficulties would ensue in the case of mortgages? There may be difficulties also in such cases. And there are others. Thus; there is at present a presumption in favor of the heir, that a man dies intestate as to all that he has not clearly devised. Now what is to be done with this presumption? That presumption probably would no longer exist; because the law will be the same in reference to both landed and personal property. You must find out the intention, therefore, as well as you can, without any such rule. Then, where a deceased proprietor leaves only daughters, what is to be done? In that case might you not leave the law undisturbed? Take next the case of a woman getting dower. At present she gets the law undisturbed? Take next the case of a woman getting dower. At present she gets her dower, unless it has been prevented by the terms of the conveyance. But by and by there will be no such thing as dower. Under the law regulating the distribution of personal property, however, the widow always gets one-third; and this not only for life, (as is the case with regard to land,) but an absolute dower to that extent at once. And then the widow marries again—almost invariably.

73. By the Chairman: Is not that the case all over the world? Not so much so, I suspect, as in this Colony. I think that a vast number of men come out here in every sense "on spec." And there are fewer women, comparatively. Take next the subject of Reversions. That again is a matter which should be provided for. A man has executed a long lease, (take the case of the Cooper estate for instance,) for 99 years. The reversion, in every one of those instances is in his heir; or in the heir of his eldest son. What is to be done in this case? If all land is to be made personal property, where will this reversion vest? I do not see an answer to that question at present; but I have not time to look carefully into it. Again:—will estates pass, in future, without words of inheritance? At present they would not; but, under this new law, probably they will. If a man, therefore, shall convey landed property to another by a scrap of paper, though perhaps such may not be his meaning, it would pass to the devisee and his representatives, and their assigns, for ever. But is this intended by the framers of the Bill? Or have they bestowed a thought on the subject? The next point which occurs to me, is that of forfeiture. At present, chattels

chattels are forfeited on conviction for crime, but land is not. But if land be put on the footing of a chattel, will it not be forfeited as well as other chattels?

74. *By the Chairman:* Is that law operative? Yes; and operated on too, whenever the Crown Officers know of forfeited property. But criminals are clever enough frequently to make over their property before conviction.

75. *By Mr. Piddington:* Criminals convicted who are possessed of landed property? Yes.

76. *By Mr. Forster:* The Crown will give up the forfeiture in certain cases? Yes. And sometimes the Crown's right to land is given up. But that never was forfeited except in capital cases:—in other words, cases of attainder. I now come to a more important subject, against whom will (in legal phraseology) *time run* hereafter, in cases of intestacy? By the Statute of Limitations, time runs only as against the party entitled to enter. When a man dies, therefore, whose heir ought to enter, the limited period for his suing begins to count from that death; and if within 20 years the heir does not sue, he loses his right. Will the time run, in future, in intestacy cases, against the administrator? If so, from what date is it to begin? Then, in whose favor are the several exceptions in that statute to operate? There are several exceptions; *i. e.* when the party entitled is insane, or a married woman, or an infant, or beyond sea. But which of these will apply to an administrator? Take the late case of Devine's heir. The ancestor there died,—as to the land in contest,—intestate. Under this Bill, his son or grandson could not inherit; for the land would descend only to an administrator. What do you intend to do with the statute, in such a case? Would the person who, as Devine's great nephew, came out here to claim his rights have to take out administration? If he did, why should the youngest of the parties entitled to share be barred, till twenty years had run out against the latter? Would or not an administrator have to give security that he will divide the proceeds? If he need not, what protection would the younger brothers have against the administrator's misappropriation? And if he must, who could find security for two hundred thousand pounds? Surely, the gentlemen who have brought in the Bill ought to make some provision for matters like these.

77. In personal estates some of those difficulties might occur? With respect to the Statute of Limitations, none at all. There is no difficulty in respect to personalty, you cannot bring an action against an administrator, nor can he sue ordinarily, after six years; (with one or two exceptions) after six years.

78. *By Mr. Piddington:* Are you aware that a Bill almost precisely similar to this has been passed by the Legislature of South Australia—are you acquainted with that fact, or are you aware of any difficulties which have arisen there since the passing of the Act? I have understood that there has been such a law recently passed in South Australia; but I have never seen it, and I know nothing of its working. Such a measure can be developed only by time. I regard this as a levelling measure, and that Colony is supposed to be a very democratic one. It is certainly a new Colony compared with this; and difficulties there would be more easily met as they arise, than here. If, however, the law prove to be a good one in South Australia, I should say that that fact would be a very good argument in favor of its adoption in New South Wales. Nevertheless, I have shown quite enough to expose its short comings and defects, whatever merits it may be proved to possess.

79. I think you stated that if this Bill becomes law there would be no heir—that there could be no heir to real estate? Yes; I did say so.

80. Could not a power to convey real estate be conferred upon the Curator of Intestate Estates under a Bill of this nature? Certainly. He is simply an administrator. I was examined as a witness two years ago, before a Committee of this House, of which Mr. Murray was chairman, respecting sales of land by the Curator of Intestate Estates; and I gave my opinion then that such a power was highly desirable. But that is a very different thing from altering the descent, or the legal character of landed estate. There are many instances of land and houses in this Colony, as I am told, lying in the hands of persons without a shadow of title, and therefore generally unimproved, and in some cases falling to decay, because the heir is not known, or is an infant, and absent. In all such cases, I would confer a power on the Court to sell the land, in order that a title may be made, and the land improved—preserving the proceeds for the heir, whenever he might appear.

81. My question only refers to cases of intestacy? Of course. But, by the present Bill, the Curator of Intestate Estates will have power to sell land in all cases where there shall be no administrator. His duties will thereby be very largely increased; for he will have to distribute the property, unless superseded by an administrator properly so called.

82. *By the Chairman:* But supposing landed property to be sold under the operation of this Act, the Curator could give a valid title to the person who bought that property:—either he, or the administrator, would be able to give a title under the operation of this Act? He would, of course, be able to sell the title of the deceased, whatever it was. But titles will be no more freed from difficulties, by any such sale or by the operation of this Bill, than they are now. He or the administrator could only give to a purchaser the title which the intestate had. And I think that the value of all land purchased from an administrator, or from Curator, would be depreciated; because no such person could be expected to give, or would give, a covenant for title. A measure for simplifying titles, and enabling the Court to give an unincumbered title, as under the Incumbered Estates Bill in Ireland, would be a great boon to the country. But such a measure will require thought and legal learning. I hope that the first step has been already taken in that direction by the Land Titles Bill, recently passed in this Colony. Possibly the desired object might be attained by requiring the Curator to disclose his title to the Court; and, if the Court be satisfied with that title, enacting that it should for ever thereafter be unimpeached. Such an Act, however, with whatever caution drawn, would doubtless occasionally extinguish just but remote claims. For my own part, I would willingly advocate any well considered plan to simplify titles; and I have looked into Mr. Torrens's recent Bill, with that view: But really one has not time to

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1858.

sutdy adequately such a subject. I am at present favorably disposed to that measure; though I fear it will by no means operate as the author hopes that it will. The law passed in New Zealand for the registration of conveyances seems to me a good one; and our own is probably the worst in any dependency under the Crown.

83. *By Mr. Piddington*: Might not the Curator of Intestate Estates possess a discretion, within a certain limit, in reference to the time of sale? I cannot answer that question satisfactorily. His duty, I think, like that of an ordinary administrator, will be in general to realize, as soon as he can, without sacrificing the property.

84. But have you any objection to a discretion being given, within a defined limit, with respect to time: a discretion with regard to the sale of landed estate, limited by six months, or twelve months, as may be deemed advisable? I see danger and difficulties in any enactment on such a subject. An administrator already has a certain amount of discretion, as to the time of sale; and, if you extend the discretion too far, you may induce difficulties of another kind. Any such measure will give rise to litigation; for, out of many children one is sure to be dissatisfied, let the administrator do what he will. Personal property, you will remember, is generally of much smaller concern and value than landed estate; and when you have increased the stake to be contended for, you will increase the chances of litigation on the part of any child who may think himself ill-used. One child may say, I do not like to have my mother turned out. Another may urge a sale; saying I think the property is likely to be deteriorated. And, in point of fact, no kind of property fluctuates so much, or so rapidly, as real estate.

85. If the Curator of Intestate Estates, or any administrator appointed under this Bill, possesses the authority by law within the limit of twelve months to sell the estate, can any cause of action arise on the part of the children who might choose to quarrel with him—he being clothed by law with a discretion within the limit of that fixed time? If the administrator does not exceed the particular discretion, which is or may be reposed in him, he will of course succeed in his suit. But my remark is, that a discontented child will complain that the administrator has exercised his discretion unwisely. If, however, an *absolute* discretion be given to the administrator to sell or not within a specified time, as he may think fit, and that time be not exceeded, it follows of course that he will be safe. But, on the other hand, creditors may sue him, and take the land in execution.

86. I think you stated that you had not heard of any inconvenience arising from the prevalence of a law something similar to this in the County of Kent—You know there is the law there of gavelkind? I have no information, or means of knowledge whatever on that subject. I know Kent very well as a locality, and I did in early life know several persons resident there; but on this particular point I know nothing.

87. There is nothing in this Bill to prevent the owner of property from entailing his estate, so far as the English law limiting the power to entail sanctions? I see nothing in the Bill to prevent the owner's making any disposition whatever, by will or otherwise.

88. Do you not think that the law of entail is the true means by which estates are kept in the hands of one individual member of a family? A large portion of property, doubtless, comes to the eldest son in consequence of some settlement or will, and not by descent. And of course a proprietor may entail, or settle his property, as he pleases.

89. Is it not almost universally the practice in England, among the large owners of land—whether titled or untitled—to provide for the transmission of their landed estate by strict settlement, under the law of entail? I think that it is so; but that is in order to carry the law of descent on still further;—that is to say, to prevent the eldest son from selling the property, and so to ensure the perpetuation of the estate in the family. For such a purpose, a settlement or will is of course essential.

90. Such entails are subsidiary to the law of primogeniture? They may be so considered. The father prescribes, in effect, that his eldest son shall get the estate, on condition that he shall not sell it when he has got it.

91. Are you not of opinion that the power of entailing landed estates is that power by which great properties in England are kept together in the hands of one individual? Practically it may be so; but settlements and wills are more generally made, I suspect, to ensure the payment of jointures, and portions for younger children. I think that but for such purposes, and to prevent an improvident or spendthrift heir from selling the property, there would be few settlements in England, and that a man would be content to leave his estate to be disposed of by the general law of inheritance.

92. Even the law of England with respect to the disposition of landed estate, I believe, limits the right to entail within very narrow bounds, does it not? That touches a different question altogether. The law opposes itself to perpetual or long continued restrictions upon the right of the proper owner to deal with his property. It is hostile also to unreasonable accumulations, and undue limits imposed on trading in land, at the will of one man only; who happens to be desirous of enriching descendants in the fifth or sixth generation, at the expense of his own children and grand-children. The law, therefore, while it gives landed property to the eldest son, causes it to descend free and unshackled.

93. If the owner of landed property had the power of carrying the system of entail farther than the law of England now permits, would not that incur the probability that landed property would be retained in the hands of one individual? If the law in that respect were altered, and no other limitation substituted, it of course would follow that a man could tie up property, in the hands of all his descendants in succession, to the end of time.

94. And so maintain an aristocratic class? Yes. But the law of England is practical, and avoids extremes. Its object in imposing the restraints spoken of was, I have no doubt, that which I have explained. It would be intolerable that an owner of property should be allowed, not merely to compel its descent in a prescribed mode for two generations, but for any number of generations. The interests of the State require that restraints on the alienation of land should be reasonable. As a general rule, it ought to be saleable like other

other property. Landed property would otherwise, in process of time, stagnate, and only a few be benefited by its ever unchanging ownership. Our law never favored the holding of lands in mortmain.

The Hon.
Sir A. Stephen,
Knight, C.J.

23 July, 1858.

95. Yes; but it would be a capital means of establishing a landed aristocracy? The law never designed, I conceive, to establish arbitrarily an aristocracy; and still less at the expense of every other interest.

96. Are you of opinion that if the law or custom of primogeniture be abolished the owner of real property will be damnified? Not at all. I do not see how *his* position would be affected. The land would still be land, and be improvable, and transmissible as he thinks fit. So far, I see no objection to the Bill.

97. Lands and houses leased for a thousand years, I believe, are not subject to the custom of primogeniture, whatever may be the extent of the land leased, or the value? Exactly so.

98. Are you aware of any dangers arising from that circumstance? None at all. And if the custom were universal to execute leases for a thousand years, land, no doubt, would practically become personal property. Moreover, if a man so pleases, he can always convert his land into personalty by that simple process. Ultimately, however, even those thousand years will run out; and then who will, by your law, get the property?

99. And no cases of danger or difficulty have come under your notice in respect to lands and houses that have been leased for a lengthened period, and which have been divided among the children of an intestate person? I know of none:—but I can at present call to mind no such instance.

100. *By Mr. Mucarthur*: Have any such cases come under your notice? There are instances of long leases, in cases litigated before the Court, which leases always go to the executor or administrator—subject to the reversionary right of the landlord or his heir. But the nature of the land, in all these cases, remains as it was before; and very long terms of years, except in connexion with the fee simple, are rare.

101. *By Mr. Piddington*: Have you had any opportunity of becoming acquainted with the wills of inhabitants of the Colony? I have not. Or, rather, I know little of them. The contents of a will never came before me, unless in some question under litigation.

102. You have no means of ascertaining from experience what the desire of parents in this Colony is with reference to the division of their property among their children? I have very ample means, by simply reading those wills; but of course this is not a kind of reading in which I indulge. By comparing the number of wills, however, with the number of intestacies, and then looking at the nature of the property in each case, and its mode of disposal by will, some opinion could be formed as to that matter.

103. In cases where you have read the wills of testators possessed of land, have you seen any indication that the testators are desirous that their children should not share and share alike in that property? I cannot undertake to give an accurate answer to that question. But my impression is, that the eldest son is almost always more liberally provided for than the younger ones.

104. *By Mr. Forster*: Has not the operation of English legislation, and of legal decisions also, been rather to divest heirs of privileges which they possessed in former times:—For instance, those privileges relating to debts, which formerly (I think you alluded to them) were chargeable upon land? Certainly. The tendency of modern legislation has been, to make men pay their debts; and, with that view, to make land as well as chattels answerable for debts, whether in the hands of the debtor himself, or his heir.

105. And in fact to deprive the heir of certain privileges which he formerly possessed as heir? Just so. The heir in ancient times,—and indeed until a comparatively recent period,—was responsible only for certain classes of debts; and might take the land, therefore, free from a large portion of his ancestor's liabilities. That state of things was, I need hardly say, a disgrace to our law, and now it no longer exists.

106. Has not also the tendency of legislation and of legal decisions been, to abolish the rights of dower? The tendency of legislation has been, also, to defeat or abolish dower.

107. Do you think that the tendency of the law in these respects has been beneficial? In the former case, I think that the law has simply been honest; and that it is monstrous to permit any heir to take his ancestor's land, freed of all liability to that ancestor's debts. This, however, is irrespective of any question of descent. In the particular case of dower, modern enactments have simply put it in the husband's power to deprive his wife of that interest, and in her's to bar it, by a more inexpensive and easy process than formerly.

108. Then the law, in fact, is not disposed to recognise any natural rights in any of those cases? I do not know that the law ever has done so. Nor that there was supposed to be any such right.

109. If the intentions of this Bill were carried out,—supposing the language and phraseology to be altered, and put into a better shape, it would, would it not, go only rather farther than our modern legislation has been going, but in the same direction? I do not think so at all. I see nothing in English legislation to justify the idea that the course of descent was ever meant to be touched. But, when land did descend, the law has endeavoured to make it descend untrammelled, and liable to its former owner's debts.

110. Do you consider the mode of distribution of the proceeds of property adopted by the Statute of Distributions to be a reasonable and equitable mode? I do not know that it is otherwise. That is to say, if there must be a fixed rule.

111. Do you think that it might be improved upon? I do not know that it could. It proceeds upon the assumption, that, whether the property be less or more, the widow always requires one-third, and the children always require the other two-thirds; and these last always in equal shares. Now the actual case is frequently very different. But, supposing that one uniform rule is essential, because discretionary distribution would be impracticable, then I think the present mode of distribution a good one.

112. Well, supposing the best mode of distribution of personal property arrived at, do you think

The Hon.
Sir A. Stephen,
Knight, C.J.

23 July, 1858.

think that it would be unreasonable, in those limited cases where the State is called upon to stand *in loco parentis*, to deal with real estate—would it be unreasonable to adopt the same mode of distribution of the proceeds in those particular cases? If one uniform rule must be adopted, I see no reason for a different one, in distributing the proceeds of land, than that which obtains in distributing the proceeds of chattels. Except, indeed, that landed property is usually so much more valuable; and that some portion of that land might not unnaturally be separated from the rest, and set apart for the family generally. The family mansion, for example.

113. Do you not think that nearly the same objections as those you have alluded to, as regards the advantage of retaining the family mansion, and other things, might apply to pastoral properties, which, I presume, under the present law would be treated entirely as personal property? I fear that I do not rightly collect what you mean.

114. Such as squatting stations. There may be family mansions on squattages. I believe that there are some now, as on other estates. There may be children born in these places; and they may be just as much attached to family mansions as others? It is scarcely possible for me to answer any question about squattages; because I do not certainly know what that kind of property is—whether it be anything or nothing.

115. At present it is personal estate only: a station has the right to it? I do not, at present, know what the right to a station is. My idea of a squattage is, a great wild place extending nobody knows where, and nobody can tell how far, upon which people live as long as they can, make as much money as they can, and then go to England:—neither building churches, nor schools, nor houses of any kind—worthy the name; nor indeed leaving anything to record the occupier's presence, except a few blackened stumps. Give the squatters, however, a permanent interest in these tracts, and we may perhaps see a better state of things.

116. With regard to a suggestion of yours, that land, though descending under the present system, might be charged with the maintenance of the younger children and the widow, or the younger children at least—might it not sometimes happen, in the very fluctuating values which attach to property in this country, that the heir in many cases would refuse the inheritance altogether, and then the same sort of difficulties would occur as if a law of this kind had not been passed? I do not perceive the difficulty. If he refused to enjoy the inheritance, the title would still have vested in him; and the law could compel him to provide for the widow, and the younger children, or make the estate over to some person who would, exactly the same.

117. Could the law compel him, if he refused, to have anything to do with the estate—would the law compel him to make the title over? No doubt it would. In either case, his liability could not extend beyond the value of the property, of course.

118. I presume it would be the same if land was left to the eldest son or any other person charged with the maintenance of others—if he refused the bequest would the law take it from him altogether, and give a title to another person? The law would compel the devisee to carry out the trusts to the extent of the value of the property. If he refused to do so, or rejected the devise altogether, he could be compelled to convey the title to some one else.

119. It would not attach as a personal debt to him? Certainly not. The charge would be a liability on the estate only.

120. The land would be sold? The charge would be like a mortgage. The deceased owner having subjected the land to certain charges, it would be liable to them just the same as if he had executed a mortgage on it.

121. Then it would be sold, and if there was a family mansion upon it that mansion would go away? Exactly. So it would in any other case, where the owner of land died with charges on his land. If a man devises his estate, and is insolvent, it will go to pay his debts. So it will, if he died insolvent and intestate. In all such cases, the first claim is in honesty that of the creditors. Whatever your law of descent, the property of a deceased debtor will always, I presume, go first to pay his debts.

122. The point I was aiming at is, that this suggestion of yours, of enabling the Supreme Court to charge landed property with the maintenance of children might end in doing just the same thing? No doubt, if the estate is insolvent. But no system is framed for exceptional cases. A hopelessly incumbered estate may, nominally, devolve or be distributed as you please:—the result will obviously be the same. This has nothing to do, therefore, with any question as to the mode of descent.

123. By Mr. Macarthur: In the early part of your evidence you alluded to the law of gavelkind. That is an exception to the general principle of the law of England as to the descent of property. The law of primogeniture being the general principle of the law of England, all intestate estates would descend upon that principle; but, as this Bill proposes to introduce the principle of equal distribution amongst the members of the family, is it not probable that the tendency of such a law would be, to produce the opposite state of things to that which exists in England under the law of primogeniture? That is to say, is it or not my opinion that the tendency of this Bill will be to spread and divide property?

124. The principle of the law of England is, that property goes to the eldest son. The law of gavelkind in Kent is a very insignificant exception from that law. There the general custom or general principle of primogeniture, in the course of years, and in the general operation of things, produces an effect upon the exceptional case. But here we propose, to make the principle which governs the exceptional case the general principle of the law. Would not the natural consequence in the course of years be, to produce here very opposite results to those which we see existing with reference to landed property in England? It strikes me, that such would probably be the tendency of such a measure. Its natural tendency will be, I conceive, to destroy attachment to the soil generally; and indirectly to impair the love of family, or the desire to perpetuate a name. Its effect will be also, I think, to equalize property, by rendering sales in all intestacy cases unavoidable. In England, it is certain that many intestacies occur, in which the land goes exclusively to the eldest son;

yet

yet I do not believe that, in those cases, the younger sons are left to starve. Suppose now a man of landed property, settled in some country where probably his ancestors have lived for generations before him. He knows and feels that he is the "gentleman" of his neighbourhood or village. The people look up to him; and he attends to their wants, and protects their interests. He discharges, in short, all the duties of his station, which we see performed in England by so many country gentlemen; living almost as a father does in a large family. He knows that his eldest son, his heir, is to be the gentleman of the place after him; owner of the same possessions, lord of the same manor, and the like. In this way you see, blended, the love of a family name and attachment to the land, with which that name itself has been so long associated. These two affections tend to unite families and neighbourhoods together; and to make men take a permanent interest in their country's welfare. By this succession to the soil, too, there is perpetuated an independent race and class; and a not offensive family pride is induced, the effect of which is favorable to character.

The Hon.
Sir A. Stephen,
Knight, C.J.
23 July, 1853.

125. When we speak of natural right in the children to succeed to the property of the parents, does not that right derive its existence from the feeling of family: I cannot conceive that it exists in any other way? I do not at all admit, myself, the right which has been mentioned. It appears to me to be just and natural that the children should be provided for according to their wants. Except in reference to this, I no more recognise the right of the eldest, or any one of them, than the right of another. Every such claim, however, rests only on the recognised right of succession in a family. It seems to me, that the property of the parent should be made to assist his children, in proportion to their wants. This seems the natural law of the case. A mother devotes her chief attention and care to the child who most requires it. The law of natural affection, which ordinarily pervades a family, supplies here the guide. Every natural right must be in conformity with those laws, of which the author is God.

126. So that the best possible distribution of property amongst a family would be that which best accorded with the claims of family affection—which carried out the claims of family affection? That is my opinion. The natural right, in such cases, seems to me to be that which natural affection dictates. But the succession of one son alone, on whom his mother and sisters or brothers may have a natural claim, (if the ties of family be once recognised,) as strong as on the deceased father, for assistance from the family patrimony, is not necessarily inconsistent with natural rights—while that mode of succession may subserve some of the highest social and public objects.

127. Where families are properly brought up, the eldest son considers himself as inheriting the duties of the possessor of the estate towards the whole family, as well as any peculiar advantage to himself? Unless thoroughly debased by selfishness, he certainly will. Property entails duties, quite as much as it confers rights; and in many cases, (I should hope the majority,) those who succeed to the rights, do by no means feel absolved from the duties of their position. But, lest heirs should neglect them, to the injury of the younger children, the law may perhaps wisely interpose, by enforcing the performance of those duties.

128. Where the eldest son, supposing him to succeed to the property, neglects those duties, and forgets the observance of the natural right, founded on the laws of God, to which you have alluded, he is in fact to be looked upon as an exception, at all events, from those principles which ought to govern human beings? As far as my own impressions extend, though probably I could specify few instances either way, I think the case does form the exception.

129. And I think you have said, in an early part of your examination, that we should never legislate for exceptional cases—that we should endeavour to legislate upon general principles, rather than exceptional cases? All legislation, it seems to me, should be founded upon broad and general views, and with reference to the mass of cases which arise or are likely to arise, rather than with a view of meeting such as form exceptional instances. We have spoken of the custom of gavelkind. There is another; that of Borough-English, as it is called. The origin of this may have been, that the *youngest* son was the one most likely to need the property; or it may have been a desire to retain the property, for a certainly longer period, in at all events the same family. This seems to be the most ancient tenure known in England.

130. Supposing this Bill to pass into law, do you think that it will obviate cases of hardship and distress, such as may possibly have existed under the operation of the present law? Not at all. My opinion is that it will rather tend to aggravate them. The estate, instead of being kept together by the son, or by the mother in his behalf, must in every case be sold, and the proceeds distributed or kept for distribution; each child getting, or being entitled to get, an equal share, after deducting the mother's third. The family at large will, I think, in most cases, not be benefited in the long run, or its members individually be made more contented, by this change. It is well known among lawyers, that a hard case makes a bad law:—it is a proverbial expression, implying that no general rule should be relaxed because it may operate harshly in some particular instance. I suspect that two or three flagrant cases of hardship, coming under the observation of certain Members of the Legislature have induced them to favor this Bill. But, with all respect to them, I would suggest that the remedy may introduce evils in the opposite extreme; and that some inconveniences and cases of hardship will arise, make what law you will on this subject.

THURSDAY, 26 AUGUST, 1858.

Present:—

MR. MURRAY,
MR. PIDDINGTON,
MR. FAUCETT,MR. FORSTER,
MR. PARKES,
MR. JONES,

MR. DENIEHY.

T. A. MURRAY, Esq., IN THE CHAIR.

John Fletcher Hargrave, Esq., called in and examined:—

J.F. Hargrave
Esq.

26 Aug., 1858.

1. *By the Chairman:* You are a Barrister of the Supreme Court? Yes.
2. A Bill, the object of which is to alter the state of the law in regard to the succession or descent of landed property in cases of intestacy, has been referred to this Committee—would you be good enough to state your opinion as to the expediency or propriety of passing such a measure as that? The first difficulty I should feel in answering such a question would be this:—The necessity of such a measure seems to be entirely dependent upon some peculiar circumstances of the Colony, as the preamble states, and my residence here has been so short that I do not feel myself competent to give an opinion on the subject of such peculiar circumstances.
3. Under what circumstances do you think it would be desirable, in a Colony like this, to maintain the law as it now stands? I should think, under all circumstances, where you are desirous of improving a Colony, and making it as nearly as possible similar to the Mother Country—to England—I should say continue the same tenure of property as in the Mother Country.
4. In all cases? Yes. I am not aware of any case in which I should suggest any improvement or alteration of the law of tenure that would benefit any Colony. With reference to the transfer and descent of lands held in fee simple, I have always considered that the law of primogeniture lies at the root of the simplification of the law of tenure of land in England, by doing away with the Saxon tenures, in so far as titles to such lands are concerned. The political object and effect of the law of primogeniture, as part of the feudal system, has been to provide for the settlement and permanent location of the Mother Country from the time of William the Conqueror, whose feudal barons became fixed to their several lordships by the law of primogeniture, more than by any other circumstance of that age; and carrying the system down to the inferior barons and seigneurs, and freehold tenants, the law of primogeniture lies at the root of the general settlement and improvement of all landed property, which would not have gone on as it did, nor will it ever go on, so far as I can understand the policy of the law, or can recollect from the constitutional history of England, if directly a baron or any other freehold tenant died his land was divisible; because no man would like to lay out labor or money in building, either in castles or farm-houses, or upon such improvements, if they were to be divided immediately. That is the notion I have of it, looking at it as a mere matter of policy in promoting improvements of the soil of the most permanent and substantial nature.
5. That system might have been very judicious in old feudal times, but how can it apply, or what is there in common in the state of this Colony with the feudalism of old times? I am looking at it merely as to the improvement of the land. When a man buys land in fee simple, that is, to him and his heirs for ever, it is not to sit down upon it and leave it as it is, but to lay out money upon it for the purpose of improving it; and he begins at once by fencing it in, and then proceeds by putting up a hut, a house, or a castle upon it; and I really can see no distinction in principle between the feudal age and our own, so far as the law of primogeniture is concerned. The non-subdivision of land in case of intestacy lies at the root of all permanent improvements of the highest classes.
6. The investment of money in land is *prima facie* proof that the party who invests will seek for some return from the land? Now or hereafter the amount he will expend, and the substantiality of his improvements, will depend on the length of his tenure.
7. So that at any time when persons invested money in land their object naturally would be to cultivate it, and derive some return from it? Yes—first by cultivating it. He begins by improving it in some way.
8. Then do you think the alteration proposed in the law would be a bar to the improvement of land in this Colony? Most distinctly. I state it with great deference; but we see the same principle at work around us in every class of improvements of land. No man will ever build on a leasehold tenure if he could obtain a freehold of inheritance, and the shorter the lease the less substantial the building or other improvement; and so as to the freeholds themselves, no man would build a substantial house even on a freehold, except for the law of primogeniture. Of course this point must be considered wholly without reference to the alienation of the land by devise or otherwise. The Bill compels us to look at the question solely as if land were always to go by intestacies; my remarks have reference solely to such a state of things, which is the only just and sound way of considering such a Bill as this appears to be.
9. You think, then, that if in a case of intestacy the landed property were equally divided amongst all the children of the deceased party, that the land so falling to them would be less likely to be cultivated than if it fell into the hands of one individual? Yes; because each such person taking by this species of division would see that his share of the land would go on in the same way of division throughout; why then should he improve his land in the way I have mentioned?—I mean with buildings and permanent improvements, not mere agricultural improvements,—though as to these also I think the subdivision of the freehold in case of intestacy would be a bar to improvements of every kind. I say this: a person taking in the first instance a grant from the Crown would find a difficulty in improving it himself in

- in the degree I have mentioned, and also in getting tenants to take leases, if it were divisible among all the children of the first grantee, instead of going to the heir-at-law. The first difficulty of a tenant under such a state of things would be, that if the grantee or original landlord died without a will the tenant would have to pay the rent to all the heirs. The tenant could not tell to whom, or to how many the rent was to be paid; each heir in gavelkind is, as the lawyers say, seized of the freehold *per mie* and *per tout*, that is, the tenant must obtain the receipt for his rent not merely from the first heir, but have to pay each portion of his rent to all the children, including the youngest infant; so multiplying all questions of legitimacy, marriage, &c. That would be a very great difficulty. The way the difficulty comes before us in that part of England where the law of gavelkind exists (in Kent) is this: either by special Act of Parliament, a Bill of partition in Equity where infants are interested, or by mutual conveyances among the heirs in gavelkind, you at once obtain a division; and then each tenant improves his own share as well as he can; but the same difficulty must always arise hereafter on every intestacy. If you were to disavow all these lands, that is, make them subject to the law of primogeniture, none of these expensive divisions would ever become necessary, and the improvement goes on smooth enough.
10. Then, in order to improve the condition of a country, intestacy should be very common—should not be a mere accident, but the rule prevailing in the country? Your Bill legislates on that assumption. I have merely considered the simple Bill before me. I have no idea of the larger question you now suggest. I dare say it may be so. Your Bill does not affect the right of devise, which has effectually prevented, since the reign of Henry the Eighth, any mischief from the law of primogeniture. As soon as a man improves his grant, or even contemplates improving it, he takes care to make his will; unless he wishes the law of primogeniture to give all his grants to his eldest son. Every man knows at least that much of the law of the land, and if he does not devise his land otherwise, we must assume that he meant what has resulted from intestacy.
11. But I think you stated just now that you thought the political condition of the country would be affected by it? I do not think people would improve the soil so permanently as under the law of primogeniture. I did not enter into the politics of the Bill further.
12. But it is not proposed under this Bill that any right which persons have now to dispose of their property by law should be taken away? No; I understand that; but my observations have reference simply to the Bill as it stands, which, in effect, abolishes the law of primogeniture.
13. Cases of intestacy would of course be exceptional cases? Yes; but the Bill in its terms and effect goes far beyond exceptional cases. For instance, it would raise a difficulty with regard to existing titles. Suppose on looking into a title at the present moment I find that the grantee died ten years ago, and that he was intestate, as the first clause of this Act stands; I have to trace the title through all his children. Suppose I go back to the beginning of the Colony, to the first grantee in 1788—he is dead, and his heir—tracing it by the law of primogeniture—A. B. is also dead. If this Bill passes now, I should have to trace the title of that grant, at great expense and labor, from 1788 to the present time, and through every one of his children and their children, so that title becomes valueless. That is the case, and if you start from the present time, it seems to me this will henceforth hereafter always be the case; just as in a gavelkind title to a freehold in Kent. Whenever we come to an intestacy in a gavelkind title, conveyancers well know the consequences.
14. But is not there some limitation? There is the Statute of Limitations, which, of course, applies to all cases alike, and has nothing to do with the proposed Bill either way, so far as I can see.
15. Do you think the existence of such a law as that proposed would prevent the cultivation of land? The tendency of such a law would be against any improvements, and therefore against cultivation. But I was trying to show how the Bill would increase the difficulty of tracing titles, and every lawyer knows very well, and, I dare say, every landowner not a lawyer has experienced that the expense of tracing titles is too great; even as titles are now, this expense interferes very much with the free alienation of land, and therefore with its improvement. In England, under the law of gavelkind in Kent, the cost of proving the title strictly would be sometimes half the value of the property, and may easily exceed the whole value, unless met by special conditions of sale.
16. But may not that arise from the complicated state of the law in regard to landed property in England? It is the simple case I am putting of the succession in cases of intestacy by gavelkind, as proposed by this Bill.
17. It has been held by a very high authority that it requires almost a lifetime to master the law of England in regard to landed property? Certainly; but the point before us now is only one point of that law.
18. Then it must in consequence be very complicated? Yes; but the Bill before us does not enter into these complications.
19. And under what state of things has that complicated system risen—under the old feudal system? Not at all. The difficulties arose from the system of conveyancing, whereby the lawyers have been obliged to frame instruments of every possible variety to meet the infinitely variable schemes and projects of landowners, thereby giving rise to long and intricate titles, and all the questions of construction. I think the want of a good system of registration has a great deal to do with the complication of titles; but that subject I have not recently thought much about. In my opinion the present system of conveyancing, and the long and expensive abstracts, are very great impediments to the free alienation and improvement of land.
20. I presume, then, that you do think the existence of the law as it now stands facilitates the improvement of land? I think the simple point before us on this Bill is the descent of the title to one child, or a single individual, ascertained on the death of the owner dying intestate,—that simple point of law improves the land in every point of view that I can see it, rather than its division among all the children, or among a class of individuals.

- J.F. Hargrave Esq.
26 Aug., 1858.
21. I will read you this letter, and perhaps you will give me an answer to a question or two concerning it:—"Pardon the liberty an humble unknown individual takes in troubling you with some information on a subject he is deeply interested in, viz., the Bill you have now before Parliament—on the injustice of the eldest son becoming heir to all the landed property, with a share of all moneys, goods, and chattels. Eight years and a half since my sister-in-law was married to a widower, whose first wife died two years before giving birth to the fourth boy. The husband was as stout and strong a man as I have seen. Twelve months after, when riding into Braidwood alone, he was seized with apoplexy, and was found in the bush after having lain four hours in a scorching January sun. He was speechless and helpless, and continued so for three days, when he died, intestate. I was at a loss how to act. His property left consisted of a farm of 50 acres, about 3,000 sheep (for which he rented a run), some 200 head of cattle, and a few horses, with two allotments of land in Braidwood. Thus were the four fatherless and motherless children left in the care of a young female, so incapable of conducting the affairs that I saw it to be my duty, having no children of my own, to give up my own farm, and with my wife to live with them and do all in our power for them, as if they were our own. The runs being limited and scrubby the sheep cannot be increased. The wool and cattle with a small dairy keeps the wolf from the door. But with educating and clothing the children and expensive wages it requires great labor and economy. Now the hardship is this: the two allotments in Braidwood would have been an independence to the whole family could the land be built upon and improved—the rents a regular income. But it cannot be done, for by so doing the other members of the family would be robbed of their hard earnings to the enriching of the heir-at-law. And the same with the farm, whereon we have built a stone cottage with out-houses and fencing, &c., all which they that have labored most for must part with and give up to the more fortunate one that came first into existence. And what is to become of the widow, and the other four youths left homeless by him that should have acted a father's part?" &c. That seems to me to be an instance where the existing state of things prevents the improvements of landed property very materially? In what respect? the title descends to the eldest son, who can do what he pleases with it.
22. But years must pass away before he attains his majority? I did not catch that. The writer of this letter does not specify the infancy of the heir-at-law, which is the only legal bar to the *improvement* of the land. If the owner of all this property and the father of these children, and the husband of this "young female incapable of conducting these affairs," chose to surround himself day by day with these properties and these objects of care without altering the familiar devolution of his property, it is he that it is to blame, if any one. But I can see no blame to any one, because I cannot assume him not to have *intended these results*, and therefore why should the world or the Legislature interfere with him or his property.
23. But in a country like this do you think it desirable that the distinction which exists should be maintained between real property and personal property? Yes. When you say "in a country like this," I repeat, as at first, that I do not understand nor observe any peculiarities of this country yet. I think—(but with great deference to the opinions of others) that the more you fix the population—which it is admitted is the political effect of the law of primogeniture—the more you induce them to fix themselves:—by giving them the same hereditary title they take from the Crown "to them and their heirs for ever"—the more inducement people have to stay. But if you make the allotment as movable as cattle, the people will become as movable—they will sell and go as readily.
24. That must be in accordance with their own inclination? Yes; but I think the inducement to stay is suggested to their minds by the knowledge that the land into which they put the spade for the purpose of improvement—which they cultivate or improve to any extent, descends to them and to their heirs for ever. My experience in England has led me to believe so. I have often heard laboring men in England, when talking about the pound an acre as the Australian price of the freehold, discuss all the improvements and uses they would make of the land, and not even in Kent would any laboring man wish his tenure to be gavelkind—no such notion would enter any one's head in England. I think we also see the same principle inducing every working man in England to become a member of one or other of the numerous Freehold Land Societies—anxious to get a freehold, not so much for the franchise, though that was the origin of these societies, but that he may have an allotment where every shilling expended in improvement, and every hour of spare time employed in cultivation, is for the benefit of his children, which he knows can only be by the law of primogeniture.
25. But do you think the Government of a country has any right, directly or indirectly to impede liberty of action? No. The Government ought not to interfere in any way; but with the political view of this Bill, I beg to be understood as speaking without consideration, merely as the matter strikes me, being unacquainted with the special circumstances of the Colony.
26. But what has the Government of a country to do with a man selling his land or not; he is the best judge of his own interests, whether he desires to sell a farm or a horse? Yes. If he takes a grant he may sell it on the same day, or whenever he likes. That is quite another subject from the present question, whether it would be beneficial to the country that the land should, without either deed or will of any kind, descend to one individual rather than to three or even a dozen.
27. But it bears upon the question whether there should be any distinction between personal property and real estate? The distinction we start with from the first grant: A man takes from the Crown and the Crown transfers to the subject by the simple "grant" the whole title to the land, the same as Her Majesty has in the Crown. It is to Her and Her heirs for ever, subject to forfeiture under the Act of Settlement; so with the tenure of an allotment—it is to him and to his heirs for ever. That is what Englishmen are generally very

very anxious to get; and I think they tolerably well understand the meaning and effect of J.F. Hargrave Esq. the words "heritage," "heirship," "heirs," and so on. If you say instead you shall take a grant for a thousand years you fulfil the grand object of this Act. It will then descend as chattels real divisible among all, and you can do without a word of this Act. Such a grant will then pass to the executors or administrators, or to the Curator of Intestate Estates. Why not from the date of operation of this Act stop the issue of any grant except for 10,000 years, and enact that, as to existing grants, the words "heirs for ever," and similar expressions, shall "be deemed, adjudged, and taken for all purposes to be executors, administrators, and assigns for 10,000 years?" 26 Aug., 1853.

28. Are you aware that for a very long period of time the course of reform in regard to landed property has had the tendency of breaking through the old feudal system? The feudal system had lost all its bad effects by the statutes of uses and of wills in Henry the Eighth's reign; and from that time land became gradually available for all the purposes of family provisions and commerce, as easily as personalty, the last nominal relics of feudalism being abolished in Charles the Second's time. But the tendency of all sound law reformers in England since Lord Eldon's time, and since the uprooting of the old tory system, has been, not to abolish the freehold tenures of land, but to make them stronger and more serviceable for their real uses and purposes. We have been doing away with technical absurdities in law which the change of manners and circumstances enabled us to get rid of without peril to the social or political fabric; but we have not been altering the main principles of one law of property, except by assimilating all the copyhold and other less tenures to the simple freehold tenure "to a man and his heirs for ever," with all the incidents of that tenure, especially the descent to one heir, instead of being divided among many inheritors, which I consider quite as essential a part of what we like to have in England as that the Monarch's title to the Crown should be indivisible. I do not think any of the tendencies of reform have been in the direction of this Bill from the time of the Reform Bill to the present time. Of course all the legal reforms have taken place since then. In one of the Real Property Commissioners' reports, upon which all English law reforms have been founded, as to the subject before us, there is a separate report on the question of gavelkind tenure of Kent, and the propriety of disavailing those lands by a general Act, but it was not done, and for very good reasons; but no one ever considered for a moment that any possible advantage could result from the extension of the system to the whole country, as by this Bill. Every lawyer knows very well that there is not a single advantage in the gavelkind tenure, and that its disadvantages and inconveniences are numerous and great, though somewhat diminished by its other peculiarities, as, for example, in the right of alienation by the heirs in gavelkind at the age of 17 instead of 21, but then only by feoffment. It is many years since I had occasion to look into the Real Property Commissioners' reports, but I never heard any suggestions of there being any ground to prefer the gavelkind tenure to the common tenure. The penal laws in Ireland which imposed the gavelkind tenure as a penalty on the Roman Catholic landowners of Ireland from the reign of Queen Anne to the reign of George the Third, show pretty well that the tendency of the gavelkind tenure is against improvement. The object was to put down the old Irish families—the Roman Catholic families—who had supported the Stuart cause in Ireland, and to reduce their landed influence. The mere prevalence of this gavelkind tenure for 30 years introduced also a tendency for that subdivision of property in Ireland which has always been considered so injurious to every rank of Irish landowners, down to the mere cottier and conacre tenant. I could not illustrate my meaning better than by referring to the former condition of Ireland as described by Arthur Young and other writers.

29. But was not that law introduced in the reign of Queen Anne, coupled with other conditions which had the effect in a greater degree than the law itself? The main point I recollect was this—that if I was within the scope of those penal laws at the time of my death and left freehold lands or entail —

30. You could not will it? No.

31. *By Mr. Deniehy*: You could exercise no function at all in connection with it? Yes. Of course it did not apply to *bona fide* sales; but if it did not, the object of it was to subdivide property if it descended. That was the main object of it.

32. *By the Chairman*: You see that law you refer to was coupled with a condition which we never dream of now? I do not understand how the question before us is affected by that. The owner could sell for a *bona fide* consideration.

33. *By Mr. Faucett*: But he could not bequeath land by will? I am not aware how that circumstance affects the point before us. The descent in gavelkind broke up the properties, and prevented improvements. The forbidding to devise the lands only made the mischief general; the mischief was in the subdivision, and was so understood, I believe, by all who have considered the subject, and it strikes me so now. I should like to see that Act of Queen Anne's reign. Supposing, now, under a will a man devises lands to his heirs in tail male or tail female, or tail special of any kind, what construction would have to be put upon that, because the Bill says all lands and hereditaments shall be deemed, adjudged, and taken to be chattels real for all purposes?

34. *By the Chairman*: It is proposed to alter that clause thus:—"From and after the passing of this Act all lands and hereditaments within the said Colony shall, in cases of intestacy, be deemed, adjudged, and taken to be chattels real?" That alters the case before us now; but I do not see how that would settle the many questions that might arise by such an Act.

35. *By Mr. Deniehy*: It is only where an individual has died without signifying his own wish—we do not wish to interfere with the liberty of disposal of effects real or personal? Certainly, the words inserted may make a difference, as to which I cannot see how the Act would be construed in the cases I put; and then there is the second clause; referring to uses and "wills."

- J. F. Hargrave Esq.** 36. *By the Chairman:* That, also, is to be altered. It is a misprint. The word "wills" will be struck out, and even then, perhaps, the clause will require some further consideration? I do not know what the effect of such a clause as this would be, enacting that an Imperial Act of Parliament shall apply were, *in fact*, it does not. The Act of Parliament of Henry the Eighth does not apply to chattels real—I mean the Statute of Uses. What will be the effect of the operation of a clause of this sort in this Colony—in what respect will the Statute of Uses apply? It does, no doubt, apply now to chattels real, *pro tanto*. You can create a term of years under the Statute of Uses. It is utterly impossible to predict the effect of such a clause as this is. I think the case of the infant mentioned in the letter which you read might be met, as it is in England, by giving the Court of Chancery power to deal with such estates, whether by granting improving leases or otherwise. In England, if an infant heir-at-law is entitled to property, without trustees or other guardians, the whole of that property goes into Chancery, and the Court can grant leases and improve it. I suppose a simple application of that Act here would meet the difficulty mentioned, so far as improvement is concerned.
37. You think, then, that it is inexpedient to alter the law? I would not go so far as that. I would say that I do not see any reason for altering the descent of lands of intestates.
38. Are you aware that cases of grievous individual hardship occur in the law as it stands? No, I am not. It is possible that the third section would meet all the difficulty; that is, that the power of sale should be invested in the Judges of the Supreme Court. You would then give them exactly the power the Court of Chancery has in England in dealing with infants' estates. So far as the State is concerned, that seems to me to be all that can be wanted—that the property shall not remain in the hands of an infant heir incapable of improving it; but the subdivision of the property is another question altogether, and I am not sure that the State should interfere for the merely exceptional cases you allude to.
39. *By Mr. Deniehy:* Do you see any difficulty in carrying out those provisions. In looking at the Act I should divide it into two points of view—first, as affecting the tenure and the construction of instruments which regard existing titles. That is the first part. Suppose we take a title from the Crown: the first section says, "from and after the passing of this Act all lands and hereditaments in the Colony shall, in cases of intestacy, be taken to be chattels real." You see we are not going to make it retrospective, and open up all sorts of questions about existing tenures? There is not a better way than to let the grants that issue from this time be for a thousand or for ten thousand years. There it is: there is no freehold tenure then in such grants.
40. That is in order to have a technical completeness; but supposing we do not disturb anything at present existing? If you go beyond the grants that are issued after the present time you must affect existing titles.
41. As I understand the matter, it is to make this Act prospective and not retrospective. It would not, therefore, affect titles already in existence? I do not see how you can help it if you make the clause read "All lands and hereditaments shall be taken as chattels real in cases of intestacy after the passing of this Act."
42. Henceforth, it is simply that if any individual shall die intestate, notwithstanding the nature of any instrument under which the intestate dies seized the land shall be divided equally? But supposing in tracing a title back through an heir-at-law who died 20 or 30 years ago there is an intestacy occurs in that title.
43. That is before this Act shall come into operation? There is nothing, as I see it in this Act, to say that it shall not be affected.
44. I wish it not to have a retrospective operation; we would make it law from the date when it is passed? And only from the deaths at the present time?
45. *By the Chairman:* I think if we tried to do that we could not —? Is not that the effect of the first section? By enacting so as to affect existing properties you must make the Act retrospective.
46. *By Mr. Deniehy:* The words are so general? That is what I am afraid of; you alter the tenure, and therefore affect existing interests. For example, a man now seized in fee knows and intends that his land will descend to his eldest son, subject to dower to his widow, without any other act on his part. By this Act you compel to make a will to accomplish these intentions, and so expose him to all the uncertainties of due execution of the will, interpretation of his meaning, construction of words used, and so on. Is not that making the Act retrospective? can you avoid this effect, and is it understood that these effects are beneficial?
47. But the first clause is, that all lands and hereditaments shall in cases of intestacy be taken to be chattels real after the passing of the Act—that plainly contemplates after the passing of the Act? Then that had better be put in it—persons dying after the passing of this Act. Let the Act apply merely to cases of intestacy from that date.
48. *By Mr. Faucett:* This is the clause of the statute of Anne which has been referred to: "And be it further enacted by the authority aforesaid, that all lands, tenements, and hereditaments, whereof any papist now is or hereafter shall be seized in fee simple or fee-tail, shall from henceforth, so long as any papist shall be seized of or entitled to the same in fee simple or fee tail be of the nature of gavelkind, and if not sold, aliened, or disposed of by such papist in his lifetime, for good and valuable consideration of money really and bona fide paid, shall for such estate from such papist descend to and be inherited by all and every the sons of such papist any way inheritable to such estate, share and share alike, and not descend on or come to the eldest of such sons only, being a papist, as heir-at-law; and shall in like manner from such respective sons, being papists, descend to and be inherited by all and every the sons of such sons, share and share alike, and not descend to the eldest of such sons, being a papist, as heir-at-law only, and that for want of issue male of such papist, the same shall descend to all his daughters any way inheritable to such estate in equal proportions; and for want of such issue among the collateral kindred of such papist, of the kin of his father any way inheritable to such estate in equal degree, and for

"for want of such kindred to the collateral kindred of such papist of the kin of his mother J.F. Hargrave Esq.
 "any way inheritable to such estate and not otherwise; notwithstanding any grant, settle-
 "ment, or disposition by will or otherwise that shall be made by such papist otherwise than
 "such sale, alienation, or disposition be made by such papist as aforesaid; subject never-
 "theless to all such debts and real incumbrances at the time of the decease of such papist
 "charging such estate"? Under the Wills Act of course they could devise it as they
 pleased, if not sold or disposed of for good and valuable consideration of money really
 and *bona fide* paid. 26 Aug. 1858.

49. *By Mr. Deniehy*: Is there any difficulty you feel with regard to the second clause being worded thus:—"Shall be deemed, adjudged, and taken to be chattels real"—If the word "real" had been left out, would your difficulty have been overcome? The difficulty I feel is this: supposing I take the Statute of Uses in my hand, and went through the different clauses and applied them to chattels real—

50. Chattels—not chattels real? Chattels real—a term of years.

51. But if we strike out "real"? Then chattels without the word "real," would mean—

52. Just effects like money? It is impossible to say what would be the effect of that statute—what would be the effect of enacting by the Colonial law that all the clauses of the Statute of Uses shall apply to "chattels real," or even to "chattels," I cannot say.

53. *By the Chairman*: I take it that this is the object of the law: that law was passed in the time of Henry the Eighth, to give parties who had land in use the right of disposing of it, and it was held to apply to real estate—positive real estate—landed property held in fee simple; and there was a decision given in the Courts that it did not apply to chattels real—that is for an estate held for a term of years, and the object of this clause was to let the Act apply to landed property generally—to give the same application of that Act to terms which had been before given to land in fee simple? That would open up a great many questions which would apply to the interpretations of instruments that had been drawn under that Act. The statute of Henry the Eighth was held to apply merely to freehold, because it uses the words that whoever shall be "seized" of the use shall be held to have the same meaning in the possession as it has in the estate. It does not use the word possession in the enacting clause. The Judges, evading the operation of the Act, made it apply to the terms of years, notwithstanding the absence of the word possession, by introducing a few words into the clause—only three words were introduced, which repealed that Act so far as its political effect was intended; but I think that that second section will open a great many questions of the difficult construction upon existing instruments. If you apply it to Acts in regard to real and personal estate under the Statute of Uses, and enact that the Statute of Uses, in all its words from the beginning to the end, shall apply to chattels real, I should be afraid it would open a great many questions of construction in reference to existing instruments. I do not see what is the object of it in this Act itself, because the first section and the third, providing that the sales of all lands under the Act by any administrator or the Curator of Intestate Estates should be subject to the approval of the Judges of the Supreme Court, will meet every case of intestacy and hardship.

54. The first section? The first and the third together. If an infant heir-at-law is seized of estates which are unimproved and would remain so, then the Curator might be authorized to take possession and sell them under the direction of the Supreme Court, or grant infant's leases, or do what they please for the benefit of the infant. With regard to the division of the real property among all the children, that is for the father himself to decide, and we consider in England that the fraternal affection between the elder and the younger children will meet any accidental failure of the father's intention. The eldest son is generally supposed to do what his father would have done, and not to hold all the lands exclusively to his own benefit, because his father died without a will accidentally, or from some error in the execution of his will; but the law should not legislate for these exceptional cases.

55. *By Mr. Forster*: You mean to say that the non-application of the Statute of Uses to chattels real does not arise from any specific words in the statute, but from certain incidents to that particular sort of estate? Yes; it arises from the omission of that word "possessed" after the word "seized." The words of the Act are, that where one person shall be seized to the use of another—where A shall be seized to the use of B, B shall be held to have the same estate in the land as he had in the use.

56. So that in fact the statute did not apply, because there are certain incidents which could not apply to that particular species of personal estate? Yes; and terms of years did not exist then.

57. These difficulties will scarcely affect the object intended if these incidents did belong to chattels real—that would make the statute operate? Yes, if you could be "seized" for a term of years.

58. So that in fact a clause like this cannot confer those incidents upon that species of personal estate? That is my impression.

59. And consequently the clause is useless? Yes. I think the proper way to accomplish the proposed alteration of tenure would be to follow as nearly as could be the Act of Queen Anne, omitting all the words referring to religion. You would then get into none of those difficulties of construction applicable to a new form of words, but specifically declare that where any person dies without having sold his land, or is seized of land in fee simple or fee tail, it shall descend to the children, to be equally divided among the sons and daughters, precisely in the words of Queen Anne's Act, if such is the intention of this Bill. Then you get rid of all these difficulties and questions about chattels real. As the Act stands, the first clause reads to me as if the Legislature enacted that every acre of land shall be deemed, adjudged, and taken to be for all purposes a mob of cattle.

60. But it has been suggested that the better expression would be personal estate? But I do not see what you gain by these new forms of legislation, as personal estate is already divided.

- J.F. Hargrave Esq. 61. But supposing that to be the case, all lands would then be distributed under the Statute of Distribution, instead of as now? But you have an Act to that effect, 54 George III., which to some extent enacts that all realty shall be personalty, and you have already one of your Equity Statutes for the administration of estates founded upon that, viz., the adopting the corresponding English Act. The Legislature here has not adopted the English Act. For instance, a creditor previously to this Act for reforming the law in this respect, that is to say, under the law as it stood in Lord Eldon's time, might borrow money, lay it out in England in land, and the heir took the land, and if there was no personal estate the creditor got neither land nor money. Among the first Acts for reforming the law after King William IV. came to the throne was this Act of 1832, to stop that by making lands liable to simple contract debts under a due course of administration of all estates in equity. Any creditor could file a bill and make all the debtor's land assets for the payment of all his debts. That Act has never been adopted here, but instead of that you have only the Act which declares the lands of traders to be for all purposes of personalty. That Act, it struck me—I have not looked at it for some weeks—it struck me that an extension of that Act would meet very nearly the whole that this Act purposes, or ought to purpose. And to what extent it does not meet the hardship there is an Act to that effect, 54 George III.
62. So it would be desirable to abolish the distinction of real estate and personal estate? Yes. There are no good grounds for distributing the administration of property of that kind among creditors in a different way, when they get into the public hands, and have to be administered. I think the rights of property with regard to real estate and personal estate are very different. I think we start with that. The very foundation of our laws is built upon a difference between them, and to what extent they produce mischief we have met these mischiefs by commensurate statutes. With regard to creditors, that has been met—a creditor can get at the land of a debtor as at his personalty.
63. That was one of the distinctions between real and personal estate which produced great injustice? Yes.
64. And that has been remedied? Yes.
65. And have not the other distinctions been remedied—the law has been gradually reformed, has it not? It has not altered the law of tenure, but merely the administration of the rights of creditors. Where a creditor ought to be paid to all notions of justice and equity the law has stepped in and met the mischief by a corresponding remedy.
66. Then, so far as the public were at any time called upon to exercise the right over the administration of estates either real or personal the tendency of the law has been to rather assimilate the two? This law can only be put in force by a creditor, and therefore only affects the property of debtors dying without making provision for the payment of their debts. All debtors should be just to their creditors before they are generous to their devisees.
67. And, so far as public right has been concerned, has not the effect been to assimilate the two estates? No; the law did not interfere with the tenure of the estate, but prevented injustice, which would otherwise arise from the neglect or fraud of the debtor.
68. I am not speaking of the character of these estates in other cases; but where public right is exercised over them, do you not think the tendency has been to assimilate the character of the two estates? No; the public would never have interfered at all had it not been for two or three gross cases, where a man borrowed money and bought an estate, and then died, without paying the debt, or leaving provision to pay it, as the law stood before the Act of William IV.
69. That is what I understand by the exercise of a public right. The creditor being unable to enforce his claim, the public then in a court of justice exercise their right to administer a remedy to the injustice created by the distinction? But that does not affect the tenure of the land; the Act very wisely limited the remedy to the mischief.
70. Not of course where the right of private property is exercised—the right of private proprietors to do what they like with their own property; but do you not think that where the administration of property is exercised it should be done as simply as possible? Yes; but I am not prepared to say that land should be transferred as stock in a bank, or shares in a railway.
71. What is the objection to transferring land as readily and as easily as railway stock, provided no rights are touched, in cases where the public have to step in between persons injured? I do not see any objection; but I think the more easy and simple it is the better.
72. Is the mode of distribution of personal property under the Statute of Distributions in itself in any way inequitable? No; I do not see anything inequitable in its operation.
73. Then do you not think it would be reasonable to administer the proceeds of landed property that fell into public hands as they would under this law, under the same system? I think difficulties would arise in consequence of other estates which have been carved out of land and not out of movable personalty, with regard to leases, settlements, and existing limitations of all kinds.
74. But I presume it would be possible for lawyers to get over those difficulties—that they are not insuperable? I think that as to future legal instruments they might be diminished. I think that gradually has been done by several modern Acts of Parliament, simplifying conveyancing in many respects.
75. Then you admit that the intention of this Bill (if those difficulties can be overcome) would be a beneficial one? No, I do not think that; but I think the more you can simplify the transfer of land the better—I mean the transfer of absolute indefeasible estates of inheritance from one individual to another. The more you can shorten the conveyance and abstracts and do away with uncertainty the better; but these uncertainties do not arise from the law so much as from the various and intricate intentions of the owners; and it seems to me that in any case of intestacy arising you would increase the expense as to all these matters

matters consequent upon the intestacy; because you would have to trace the title (whatever it might be) through every one of the children, instead of one only, in case of intestacy. The title to land as property passing by deeds, &c., would be much affected by these unqualified words of the proposed Bill. The question is one of simplifying the transfer of land by abolishing the law of primogeniture, which would have exactly the reverse of simplification.

J.F. Hargrave
Esq.
26 Aug., 1858.

76. But if the intention of this Bill—I would not say the intention of it as it may be construed—if the intention was carried out of administering landed property by the same system by which personal property is now administered in the particular cases to which the Act refers, would it not so far be a simpler mode of dealing with the question of administering intestate estates? I quite agree with you in regard to administration. I think land should be administered; but by administration I understand the distribution of its proceeds among people who have certain equitable rights—as creditors, legatees, and others—to a compulsory sale, not the subdivision of the legal interest among a class of individuals, where every one who ever owned a freehold estate intended it to go to a succession of individuals, unless by deed, will, or otherwise, he expressed a different intention, or unless the law of contract created other rights as for creditors; and that is always done under our shortest English bill in Equity. Administration of it, as between the creditors, that I consider to be met by the 3rd section of the Act, either through the Curator of Intestate Estates or through the administrator when he takes out letters of administration and proceeds in due course justly and duly to administer the same; and I assume, under the law as it stands at present, paying all the debts out of real and personal estate according to the equitable rules of marshalling assets.

77. But suppose there are no creditors, is there any particular reason why landed estates should descend to one son—to the eldest son? Is there any better reason for that than for distributing the proceeds in the way this Bill would under the Statute of Distribution? There you raise up all those questions about the advantages of the law of primogeniture. I have always been accustomed to consider—and I have seen nothing to induce me to alter my opinion—that it is one of the principles of tenure which has the greatest possible tendency to improve property. It provides that a man shall have the land, or that it shall be to him and his heirs for ever; and it descends to his eldest son, in order that it may descend to him and his heirs for ever, instead of being divided into subdivisions *ad infinitum*. And all our laws of real property as to dower, and the innumerable other legal incidents of freeholds of inheritance, would be affected by this first clause to an extent which I cannot foresee.

78. But is there any necessity for subdivision under this Bill? Yes; the first thing a man entitled to real estate of an intestate would do after the death of the intestate, would be to file a bill in Equity for partition. If there is an infant interested he must do so, if this law passed into operation.

79. But under the operation of this Bill the estate need not be divided, need it, because it could be sold in its integrity? By the administrator! That would not deprive any one of the children of the power to file a bill for the partition, which might eat up every sixpence of the money. You might as well throw your money away, in most cases of this sort, as move for a bill of partition. Every lawyer practising in Courts of Equity knows that the costs of the commission alone for dividing the land is often more than the land is worth. The costs of surveyors are frequently very great, and so are the difficulties attending on division. Supposing there are five children, and that one portion of the land to be divided has a house upon it, how is the property to be equitably divided; that is, supposing the man to have left his land to be equally divided among his children? Any directions or trusts for *dividing landed estates* are sure to lead to expense and litigation. The trustees cannot act with safety or without liability.

80. That is a case under a will? Yes; but it is just the same right if you make it a chattel real. I do not understand this Act to affect the rights of partition.

81. But under this Bill, would not the operation be to sell the estate in its integrity and divide the proceeds? By the administrator?

82. By the administrator—is not that rather a mode of getting rid of the difficulty? Yes, that would be a good mode, if it is compulsory, and would put a stop to these bills of partition; but can you so alter the tenure of land, and ought you to do so?

83. By Mr. Denichy: I have always understood that is the effect of it? I only looked at the Bill the other night, and gave it my best consideration. If this last clause could have the effect of stopping bills for partition, and the other consequences of the first clause, it would be well.

84. By Mr. Faucett: If what is intended to be accomplished is accomplished, the result would be that lands of all kinds would come under the administration of the law for intestate estates, and would be liable to be sold by the administrator precisely as in chattels? The administrator has a species of discretionary power to sell, at present, and you would have of course the same discretionary power to sell if this Act were passed and the object attained? To that extent it certainly would be a very great advantage. I have no question it would in that case be very beneficial, especially by putting a stop to bills of partition.

85. Suppose you could separate altogether any recollection of feudal tenure, or Saxon tenure, or any other tenure—laying aside all considerations of that kind—is there any reason whatever why there should be a difference in the descent of land that is held by a person for a term of years, and the descent of land that is held in fee?—Taking it on principle alone, is there any natural or just reason why there should be a difference? No; I am not aware of any.

86. I will give you an example:—A person has a leasehold, we will call it for 999 years; another person has an estate in fee—is there any reason why a difference of law should exist with respect to these two kinds of estate? Unless there may have been some political reason in the institution for the different modes of granting, in the first instance.

87. I am putting political reasons aside altogether, and taking a case of simple justice? Certainly

J.F. Hargrave Esq. Certainly not, provided you do not deprive a present owner of fee simple land of his present right to allow the land to descend to his eldest son, unless ousted by some formal written instrument, as will, or such like.

26 Aug., 1858.

88. Then the words "seized" and "possessed," that lawyers are so very familiar with, are of course technical terms to designate particular species of estate, and nothing more? Yes.

89. And saying that a person cannot be seized of a chattel, saying that that is an absurdity, is simply saying that it is a wrong expression, and nothing more—that it is an improper use of a technical word? The word *seizin* implied a great many rights and liabilities as to the person granting and taking the *seizin*.

90. It implied no more with respect to an estate in fee than the word "possessed" with respect to an estate for years; the one expressed the liabilities of one estate, and the other the liabilities of the other? It does not now; because by conveyance you are enabled to carry out as much with respect to one as to the other.

91. Now, taking this Debts Act in England, and the Debts Act you referred to, 54 Geo. III.—the Colonial Statute—do not these two Acts entirely assimilate the law of freehold estate to chattel estate in land with respect to debts? My impression, on looking at them sometime ago was, that they had that effect; I know they have been acted upon for that, subject, however, to the rights of marshalling in Equity, as between the creditors and legatees, if any.

92. This statute of 54 Geo. III. makes the houses, land, and other hereditaments or real estates in the Colony, belonging to any person indebted, liable to and chargeable with all just debts, dues, and demands, which shall and may be assets for the satisfaction thereof, in like manner as real estates? Then you see a difficult question would arise upon that. You see that is 54 Geo. III. Our Act in England passed in William the Fourth's reign was subsequent to that many years, and it may be questioned whether that Act would incorporate into our practice an Act passed many years after.

93. But making them assets in Equity and assets in Common Law is no distinction in principle? I dare say it is not.

94. But, laying aside the mere technical lawyer, surely there is no distinction between making real estate liable for men's debts in Equity and liable for men's debts at Law—in principle there is no difference? No, I do not think there is.

95. Is not the only difference the manner of administration? The difficulty arises in my mind in this way:—I find in your Colonial Statute you have adopted the first of the English Acts, 11 Geo. IV and 1 Wm. IV, c. 47, for consolidating and amending the laws for facilitating the payment of debts out of real estate; and then I do not find the other, 3 and 4 Wm. IV, c. 104, to render freehold and copyhold estates assets for the payment of simple contract debts; and I could not see the reason for that omission.

96. This Colonial Statute seems to be more general than the English statute? It is; but why adopt the Traders' Act, if they did not adopt the other?

97. Well, going a step further, is there any reason in principle, any reason in justice, why the law as to intestate estates should be different with respect to terms in land or lands held in fee—laying aside again political reasons, or reasons of tenure, or anything of that kind, and simply confining yourself to considerations of justice and Equity? No; I do not see any reason why if a man lays out his money upon land it should not have the same rights and duties as regards personalty, excepting that he does lay it out upon land which he knows will have different rights.

98. I will take again the same instance: suppose a person has a term in land for 999 years, and another person has an estate in fee in land, is there any reason why, when both these people die, the land of one should descend in a certain line, and the land of the other in a different line? No, excepting that when a man bought it in the first instance he had a motive, one would suppose, for buying that particular description of property.

99. Well, if he buys after this law shall be passed, will there be in such cases any injustice or wrong? The only injustice and wrong will be this:—A man cannot buy land which shall descend to his eldest son if he dies intestate.

100. At present the injustice is the other way—he cannot buy land which will descend to all his children? He may divide it as much as he likes, either by deed or will. The simple question is, on which side should the onus lie, on the individual or the class, to show a written proof of their title. At present the onus lies on the class to show the intention to disinherit the heir.

101. Confining your view to the principle of justice, do you see any distinction in principle between the descent of a term of 999 years and an estate in fee—is there any reason why one should descend in one line and the other in another line? No; I do not see any reason why they should.

102. The general tendency of the law of late years has been to simplify conveyances more than to change the principle of descent—there has been an effort, no doubt, made in England to alter the principle in reference to estates in intestacy? No doubt.

103. Now, coming to the next matter—supposing we assent to the principle of this Act, and considering the first clause, can you form any opinion as to whether that clause would affect settlements that have been already made in any way? Looking at the clause up to the present time, I should have thought that the words enacting that all lands and hereditaments shall for all purposes be adjudged to be taken as chattels real, were for all purposes too wide to meet the case and include existing rights to some extent. That is the difficulty I felt in my own mind, but there may be nothing in it.

104. Supposing a settlement were being made, do you think this Act would affect such settlements in any way. If there were any reservation in the Act, do you think any doubt could be raised about it? Yes; I think if now a freeholder were settling his property that the first section would render necessary very great consideration as to how he should draw his conveyances, and as to how he should frame his limitations.

105. Could you at present suggest any alteration which would be desirable? No, not at J.F. Hargrave Esq. this moment.
106. In the distribution under the Wills Act—in the present distribution of intestate estates, chattels real are administered by the administrator and reduced to money. Now, is there any difficulty in treating lands in the same way, and in placing lands in fee in the hands of an administrator in the same manner? There is no difficulty, for this Act of Parliament by its first clause professes expressly to do it, if the Act of Parliament has the power to do it. But how would you ascertain—supposing a man dies and the administrator takes possession of the chattels or stock, and sells everything he can find; and with regard to his lands—how can he ascertain the parcels of his land—the quantity of land to sell—excepting by reference to his grants, and by some complete and full and accurate maps and proper system of registration. But supposing that to be all done; there is no reason whatever why he should not do it; but then these being matters which are fixed in the country, you have to identify them in a different manner, and by different evidences of title.
107. But to come now to the matter of title—you say that it simplifies titles, especially in estate in fee to a man and his heirs for ever? I do not mean to say that. It is the largest title a man can have, no doubt.
108. I understand you to say that allowing land still to continue to descend to the eldest son simplified the matter? In this respect, that you have only to prove the heirship of one individual instead of a number of individuals.
109. That is what often occurs in the present instance where lands descend to the family? Then you have a troublesome title.
110. *By the Chairman:* But that constantly occurs? Very seldom in England, and I should think no person having only daughters would allow it to occur, for he would immediately execute a will with proper trusts to sell and divide the money, otherwise the daughters must have their bill of partition.
111. There can be no doubt a descent of that kind will render the tracing of titles more—I will not say difficult—but more troublesome? No doubt of it.
112. Still, that also is a mere matter of detail? Yes, that is all; if you had a perfect system of registration it would be nothing, of course. With a perfect and compulsory system of registration of all titles as well as of births, and description of parcels by reference to maps also under Government care, there would be no difficulty about that—it would only lead to the producing of five registers, perhaps, instead of one. But as we have a very imperfect system it multiplies the difficulty so many fold where you have an intestacy. If that occurs fifty years hence you have to trace so many titles down. There are also other objections to any such system of registration.
113. But this Act, of course, will not interfere in any way with the control a person has over his property? No, probably not.
114. But do you think this Bill, if passed into an Act, would have any effect in inducing people to be more particular about making wills? I think it would make them very much more particular in making wills.
115. If they were anxious to found a family for instance—an anxiety indeed very general in England, whatever the tendency may be here—do you think that this Act would or would not have the effect of inducing them to make wills—to be more particular in that respect? I should think any person acquiring freehold estate, the first thing he should do would be to make a will in reference to it, otherwise he knows it must go to his eldest son. Of course, if he does not wish that to take place he makes a will declaring his other intention.
116. That is if he disapproved of the form of descent? Yes.
117. *By Mr. Denichy:* I understand you to see no objection to the principle itself, but that you see some difficulty in carrying out the administrative details? I do not see any objection to the principle other than I have stated.
118. You see no reason why landed estate should not be distributed as chattels are under the present law? I do not see any reason, excepting that a person by buying property of that class does not seem to wish it to be so.
119. But, irrespective of that, you see no reason in justice or equity why it should not be so? No.
120. Then, if the present system of records in the transfers of land were kept up as it is now with the system of registration you allude to, do you think that would remove the difficulties? If you had a perfect system of registration of births so as to be able to trace the pedigree, I think the difficulty would be quite met, so far as the heirship is concerned.
121. And the system of registration and transfer of lands precisely as if there were no alteration in the character? If you had a perfect system of registration—the system of registers of transfer may be perfect—I have not looked into it.
122. If a system of registration for transfers of lands from person to person such as we see at present exists, continued notwithstanding the change in the character, you think there would be no difficulty? No, not with the particular objections about the subdivision of property, I do not think there is any difficulty whatever, except the multiplication of evidences; it would be as easy theoretically to trace for five as for one, but then you would have to prove the negative—that the intestate left no other children.
123. In the instance of an intestate's property being sold by an administrator and the proceeds distributed—the administrator conveying as the Court would convey—can you see any difficulty then? No; he would convey as perfect a title to the freehold under the order of the Court.
124. As the individual living could have done himself? Yes.
125. And, seeing that the administrator would convey subject to any outstanding estates, what becomes then of the difficulties with respect to the small estates to which you have referred? I do not understand the question.
126. Supposing the intestate has died leaving his estate subject to small outstanding titles,

26 Aug., 1858.

J.F. Hargrave titles, and the administrator sells subject to those—subject to whatever titles and the proceeds he gets for the sale of such land he distributes—would not that obviate all the difficulties of the minor titles in the estate of an intestate? I am not aware what would be the effect under the Intestate Estates Act. If you make the title an Act of Parliament title, of course it would have that effect. The title is looked into by the Court, and whatever incumbrances exist, notice is given that if they are not paid off the estate is sold subject to them.

Esq.
26 Aug., 1858.

127. For instance, supposing an intestate was seized with an estate charged with an annuity, it is sold subject to the annuity, and there is no difficulty about the matter? No.

128. *By Mr. Jones*: And the annuity would be in quite as good a position? Yes.

129. And the same with regard to any similar settlement? Yes.

130. *By Mr. Dench*: Then you see no reason why, among the various species of titles to land, there should not be this by which the administrator under order conveys intestate estate to the purchaser, just as a trustee would under other circumstances? I think that is desirable. There should be some officer or person who had power to make the title to the freehold, precisely as the assignee in bankruptcy.

131. The only difficulty you see is the possibility of one or more of the descendants harassing the administrator by filing bills in equity for partition, which this law would not take away as it at present stands? No; it would not take that away.

132. But what I meant to say is, you see no possible interference from any other cause, but filing bills of partition by descendants of the intestate? No, I do not, I confess. The clause seems to me to be perfectly strong enough to prevent anything of that sort.

133. Then any similar clause taking away the power of filing such bills you think would operate fully? Yes; but it is very likely that is met by the Curator of Intestate Estate's Act.

134. What do you think would be the effect of this change on settlements? I think the words "for all purposes" so wide as to open up many questions with regard to the effect consequent on an alteration of the law declaring that all lands within this Colony should, for all purposes you can possibly conceive of, be adjudged to be chattels real, so that settlements would require some modification, and fresh settlements to be drawn up in a different way. I dare say there is no difficulty in it, and that it might be very well managed by a slight alteration of the present forms of settlement.

135. You see no insuperable or serious difficulty? No; it might be very beneficial.

136. There would be no difficulty about settlements, but you think it would act beneficially. How do you think it would operate upon mortgages? Very likely in the same way, because it would certainly make both forms of instruments identical.

137. The older mortgages are frequently treated in that way—created a term? Yes, and you have the Act, which provides that a freehold shall be as personal estate for debts of all sorts.

138. Then you would treat it as chattels real? That would be the first question to be decided, although I do not know whether the Courts would treat it so; such a clause as this might create very many difficult questions which I do not foresee.

139. You, yourself, see no difficulty in treating a mortgage under the change proposed to be brought about by this Act? Only the difficulty of dealing with a new Act of Parliament. I would much rather adhere to the old modes of conveyance than adopt new ones, the effect of which I did not know. Almost every statute in England has been covered with interpretations and decisions.

140. With respect to mortgages which have been made upon fee, and which would have to be dealt with under this Act, do you see any difficulty? No. I dare say there would be no difficulty; but I have not considered it.

141. Treated as fee under the old law: in dealing with them under this law would you see any difficulty? No; except that which one always feels on deciding new points.

142. Then it is simply a matter of difficulty, and not of insuperable objections? I dare say it is. All Acts of Parliament seem to lead to a great many difficult decisions.

143. Mortgaged land sold under the operation of this Act will, of course, be sold subject to the mortgagee's claim? Of course.

144. *By Mr. Jones*: It could not be put in any worse position? It could not be intended to do so, and I do not think it would have that effect.

145. Not by any possibility? I think not. That could not be the intention of the Act.

146. You stated that, under the operation of the law of gavelkind in Kent, the expense of titles was very much increased? Very much so.

147. Sometimes to the extent of half the property? Yes; to any conceivable amount.

148. To what do you attribute this increased cost? Tracing the title through all the children instead of one. A few years ago I recollect a house being sold for five or six hundred pounds. An intestacy had occurred, and there were five children to trace the title to instead of one; two were in America, and one in India, and we were only able to find two of them.

149. One of your objections to this Act, as it is now drawn, is, that you fear it would lead to a similar increase in the cost of titles? It must certainly do so, if you have to trace the title through these intestacies; but it struck me that this might be met by the third clause, which purports to create an Act of Parliament title through the Curator.

150. Could it not be provided in a bill of this kind that in cases of intestacy land should be realised, and the administrators give a title? As in the Act for administering the encumbered estates of Ireland; but I am speaking of difficulties which would arise hereafter—from the date of this Act.

151. There would then be no more difficulty in tracing titles? No; if you have a perfect system of registration. Where deeds are transferred from one person to another you have a simple mode of conveyance—simply substituting the Curator for the —

152. Heir-at-law? Exactly.

153. And a clause providing for that would meet the objections which you urged against the Act on account of the increased cost resulting from the operation of the law of gavelkind in Kent? Yes; and it is very likely the third section would have that effect.
154. *By Mr. Deniehy:* The administrator makes sale of the estate for the benefit of the children, would there then be any necessity for looking to the heir-at-law at all? I should think the administrator would take his place.
155. Do you see any difficulties in connection with the interference of heirs-at-law? Not if you put them out of ownership, as by the first section—it never descends upon him.
156. *By Mr. Forster:* What would be the effect of such a law as this upon rights following the inheritance—family rights and commonage rights? They arise simply from custom. You have no system creating customary commons out here.
157. Family properties which follow the inheritance—what would become of those—family vaults, and all that sort of thing? They would pass under the word hereditaments. I think the freehold of the family vaults is in the parson of the parish. It is a question what would be the effect of that.
158. *By Mr. Liddington:* Does the parson of the parish part with that portion of the freehold in the churchyard? I have seen some documents where he purports to part with it to A or B and his heirs for ever, but I think it is the same right of occupation as the occupation of a pew inside the church. I do not think it gives the grantee any right to sell to a mere stranger. I think it is a right which may be kept up by the executor or some of the family by keeping the tomb in repair, but I am under the impression that the freehold remains in the parson.
159. In some cases they descend, I believe, with the inheritance? Inheritance of what? A parson could grant to his parishioners but not to a mere stranger. The residence within the parish used to give the old liability to pay tithes, and among the rest the right to have a pew in the parish church, and the right to be buried there if you paid certain extra money for it.

J.F. Hargrave
Esq.

26 Aug., 1858.

WEDNESDAY, 1 SEPTEMBER, 1858.

Present:—

MR. R. CAMPBELL,

MR. FAUCETT,

MR. MURRAY.

T. A. MURRAY, ESQ., IN THE CHAIR.

John Nicholas Beit, Esq., called in and examined:—

1. *By the Chairman:* This Committee has been appointed to inquire into the expediency of altering the law in regard to the succession of landed property in cases of intestacy, and we wish to have your opinion upon the subject? I have looked at the Bill, but I do not feel at all competent to express an opinion in reference to its construction, because it scarcely expresses that which I have understood from the discussion upon the subject to be its real object, namely, the abolition of the law of primogeniture.
2. I must explain to you that the sole object of those who support the question is to alter the law so far as it relates to the succession of landed property in cases of intestacy, that is, that if a person dies intestate and possessed of landed property, that landed property shall be subject to division in the same manner as chattel property,—that is the sole object. The object is not to interfere with the right of any parties to dispose of property by law, if they choose to make wills, but simply that the eldest son shall not possess to the exclusion of all the other members of the family in cases of intestacy? That is what I have understood.
3. The construction of the Bill is a matter of secondary consideration. The principle, the expediency of altering the law, is the question upon which we want your opinion. It will be necessary to be very careful—to employ professional people in order to work out that object? I have a general objection to any Bill which on the face of it does not show its object. With respect to that which is in point of fact the law of primogeniture in cases of intestacy, I may say that that is a matter which, in consequence of being in early life employed upon administrative purposes, has come particularly under my consideration, and I am clearly of opinion that in a free country the object of this Committee is a matter, not of expediency, but an absolute matter of necessity. I cannot conceive how it is possible to continue the law of primogeniture as it is in the British dominions. There is no possibility that it can work for any good, and every probability and frequent occurrence that it works great evil. Therefore it has been abolished in nearly all the more highly civilized European States except Great Britain.
4. Is it abolished in the German States? In the Northern German States: in all the Protestant States.
5. In the North of Europe is it abolished? It is abolished.
6. And in Southern Europe—in Spain? I am not sufficiently acquainted to speak positively upon the subject.
7. Then, in Germany, do the possessors of large landed properties dispose of them by will? By will; but under the best legislation which now exists upon the subject—the Prussian—the disposal of property by will even is to a certain degree restricted, which I understand is not the object of the present Bill.
8. In Prussia there is a restriction? There are certain restrictions.
9. As to the right of disposing of property by will? Yes; for example, you cannot dispose of inherited property by will away from the natural descendants.

J. N. Beit,
Esq.

1 Sept., 1858.

J. N. Beit,
Esq.

1 Sept., 1858.

10. You cannot leave it out of the family? You cannot leave it out of your own family—(there are some other provisions)—nor can a man dispose of the property which he has received by marriage with his wife other than to her children.

11. Then the property that the mother has got in her own right is secured to her own children? Yes.

12. Their marriage law, then, must be different to ours? Their laws are very different. I believe both in Prussia and Saxony that the laws in that respect are far superior to the British laws. There is a special—you might call it a court—established to take care of the minors. There is the superior college of pupils; but I do not think all that affects the present inquiry.

13. No, but it is interesting matter in connection with the subject? Yes. All these particular matters have been so fully studied by some (I believe) of the greatest philosophical thinkers and statesmen of the age. Immediately after the war, when it was first promised that the Northern German States should have constitutional Government, all the students at that time applied themselves to the study of the British Constitution, and comparisons were made with the existing German States. A great many alterations have been beneficially made by the existing despotic Governments, and very great improvements have been enacted, all except constitutional Government.

14. You are of opinion, then, that it would be advisable to alter the law in this Colony? I think if you do not alter it (the sooner the better) very great evil will arise. I think it has already existed too long. Combinations of the most fatal kind arise in every country where the law of primogeniture is carried on in the way in which it is carried on here. I have not heard from any quarter any sound argument in favor of upholding it. I should be very glad to hear any argument which can be adduced in favor of it, because I think I am fully prepared to show the entire groundlessness of it.

15. It has been said that it has the effect of supporting families—maintaining families? You mean of maintaining a certain part of the family. You should say to maintain one part of a family at the expense of the other.

16. *By Mr. Faucett:* To preserve the family name and importance? The vanity of sacrificing a large proportion of the family for the purpose of the other branch—it cannot be anything else. But as you propose to do away with the law only as far as it regards intestate estates, there is nothing to prevent any individual so inclined to sacrifice one part of his family for the benefit of the other; as it remains in the breast of any individual to leave his property to his eldest, or to any other son. But it has been found necessary in modern legislation to impose some restrictions. In Prussia and Saxony there is a power to create what they call majorats, which is in point of fact the same, that is to give to the eldest of the family the priority of succeeding to certain estates—which is in some respects equal to our entails. But the law has provided that a man shall only be allowed to create a certain proportion of his property majorats.

17. It is something like the French law? No; the French law is somewhat different still.

18. The principle is the same? The French law imposes, I believe, greater restriction.

19. But the principle is somewhat of the same kind? Yes, the principle is of the same kind. In point of fact, the Commissioners that drew up the Code Napoleon visited the German Universities to inquire into these particular laws.

20. *By the Chairman:* Great stress has been thrown upon the argument that the necessity under which the junior members of a family are thrown by the law of primogeniture of working out their own way in the world, has a most beneficial effect, not only in the promotion of the fortunes of the junior members of families, but also in regard to the country at large—do you think there is any weight in that argument? I think the weight is the other way, especially in England. In no country does it operate, it appears to me, so fatally as in England. In England where the peerage is hereditary, and gives the right of legislation, you should prevent by all means the want of activity in an elder son, who is destined to be the hereditary legislator. In taking away from him all inducement to distinguish himself by his personal acquirements, you find that the result is, that only the junior branches of the family ever attain to any distinction.

21. *By Mr. Campbell:* The Chairman's question does not apply only to the peerage? I believe my reply was strictly an answer to the question of the Chairman.

22. There are numbers of landed proprietors in England who are not in the peerage—your remarks would apply, not to the sons of the landed gentry, but only to the peers? It applies to the peers to some extent, but it applies equally to the landed proprietors, because you find that it is only the junior members of large landed proprietors who distinguish themselves either in the professions or in the House of Commons. You very seldom see the head of a considerable family so distinguished.

23. *By the Chairman:* But the great mass of mankind in almost every country in the world are thrown upon their own resources, and are obliged to exert themselves in order to obtain a position in the world? But why should a legislature ever wish to produce that heart-burning, that ill-feeling, and that distress in the lower walks of life, (because there it applies only,) which that law must necessarily produce? The power remains in individuals of considerable property to will according to their particular intent. If any family wishes that it should remain in the old state, there is nothing to prevent its being done; but the law as it stands frequently proves most painful in its effects, inasmuch as people that have acquired a moderate amount of property, and are not sufficiently prudent to make a will, or who put off the duty from time to time, die intestate, and the son, or the successor of the son, comes in and sweeps the property away from the whole family. It is to that I refer when I say that the law as it stands can only produce mischief, and can never produce any beneficial result.

24. On the contrary, the dependence in which the junior branches of families are thrown upon the elder representative of the family has a most demoralizing effect? Most extraordinary

ordinary; and I believe that a great many of the evil effects which we have witnessed in all countries, and especially in England, are attributable to it.

J. N. Bell,
Esq.

1 Sept., 1858.

25. You think then that there is no weight in the argument—that the necessity of the younger branches of the family working their own way in the world, and depending upon their own energies, does good not only to themselves but also to the country? No.

26. The great mass of mankind are thrown just as much upon their energies; nine-tenths have to work their own way in the world. This will be but an infinitesimal addition to those, perhaps, who have to fight their own way in life? I do not know whether anybody here present, or many men in the world, have had an opportunity of experiencing the much greater difficulty which is thrown upon a man of opulent family and expectations to work his way in the world left without means, as compared with those upon whom the world makes no equal demands.

27. Have you known any instance of hardship arising from the existence of the law of primogeniture in this Colony? I cannot name anybody in particular. I have heard of matters, but being only distantly connected I cannot refer to them.

28. *By Mr. Campbell:* Will you state the evils that you know to have occurred in England? I could not refer to names.

29. Could you refer to cases? Well, there have been a great many to which, in the course of my stay in England, and particularly in London, I paid particular attention. A great many very painful cases have been brought under my notice.

30. *By Mr. Faucett:* Perhaps you could give a general idea of the nature of those cases? Very numerous cases have occurred to people in middling life—farmers, and so on. I have known of people who have retired from business of various description, who have purchased landed estate and lived upon the revenue derived therefrom. They have postponed making their wills, when it was well known that their intentions were to provide for the junior branches of their family; but where, in consequence of the head of the family dying intestate, they have been thrown entirely upon the world. Cases are so numerous, and can be obtained in such numbers in England, that I think the evidence of a single individual witness would scarcely be of sufficient weight.

31. *By Mr. Campbell:* But how are you to determine, where such cases occurred, that it was not done with the concurrence of the deceased? Because he has not expressed it.

32. The expression is in not having done it, to my mind? That he wanted the younger members of the family to go without any share?

33. That he wanted the younger members to go in the way the law directed? You mean that he wished the eldest son to take the whole of the property—that, knowing the law gave the whole of the property to the eldest son, he on that account declined to make a will—that, being satisfied with the provision of the law, he thought there was no need to express himself on the subject. I think that a wise Legislature should most particularly prohibit such a fraudulent proceeding on the part of any man, because his only object can be this:—he would not like to put his own hand to an instrument to rob the younger part of his family, and therefore he makes use of the bad state of the law to do that which he would not have the courage to do; but that his family should not know that he had done it with his absolute will, he leaves the matter of his intent in doubt. I consider it to be nothing better than a mere fraud.

34. How can it be fraudulent? Anything which a man does that he has not the courage to express is, to a certain extent, a fraud, in my opinion.

35. But you assume that the man does it without feeling—you only assume it? I do say, if he has got the intention of doing that which he does under the cover of the law as it stands—if he has the intention to do it, and the courage to avow it, he will still be able to do it under the law which you now propose—if he means to do it in the way I describe, and which I designate as fraudulent.

36. But may not the same conclusions be the other way? I think that all his deprived children will be inclined to think in the way which I attribute. I happen to be an elder son, and an only son, and therefore I never felt partially in the matter.

37. Then you are interested in this question? I am not at all interested in it.

38. By having been disinherited? No; I am an elder son, and an only son, and therefore I am perfectly disinterested in every shape. I have, however, a large family myself, and I know what my own feelings would be upon the subject.

39. The assumption of it being that the deceased intended to make a will—I do not think you could prove that by the instance you have given to this Committee? That he intended to make a will! I do not want to prove the intention of the deceased.

40. I understood that the question from the Chairman was to the effect that there were so many instances of deceased persons not having made wills when they intended it? No; I did not hear such a question.

41. That it was necessary to provide for the omission of that deceased person? No; I understood the Chairman to say, that in cases where a person had died without making a will the consequences had been fatal.

42. Well, I ask for an instance where they were so? I have mentioned to you that they are so numerous that I cannot now bring to my mind particular matters. To do this, one must be perfectly acquainted with the circumstances.

43. Then, with reference to the principle of this Bill—the providing that where a deceased dies without a will his property shall be divided—do you not think, if it becomes law, greater litigation will ensue amongst the heirs of parties so dying, than would be the case under the present law? Why, what litigation can there be?

44. A person dies, leaving distant connections as his heirs? Well.

45. And under the provisions of this law it is necessary that each gets a share? No.

46. And the difficulty will be to find out the distant relations? Distant relations are not all entitled.

- J. N. Peit, Esq.
1 Sept., 1858.
47. Well, cousins? It is only the next of kin, I suppose, according to the law of descent.
48. Well, they are all to go share and share alike? If they are members of the same degree of consanguinity of course they would share alike.
49. There would be great difficulty in finding out the heirs? Not at all. I never find that there is any difficulty in finding out people who are to take.
50. The present law as it stands saves a great multiplication of deeds, does it not? Ah! there you hit upon the right point. There, indeed, I expected—hoped, in fact—the Committee would in some respects come upon the difficulties which exist under the British laws. There is one of the laws which have remained in Great Britain—an heritage of the same feudal times as the law of primogeniture—that is the holding of property. In all these countries which I have named to the Committee in which the law of primogeniture has been altered, there has also been made that alteration in the law of holding property which has simplified it in every possible way. Not only are the transfers and subdivision facilitated, but all litigation is absolutely avoided—I may almost say rendered impossible. I know it would appear to every English lawyer difficult; but the holding of property in Prussia, Saxony, Hanstown, and all the northern parts of Germany is so that it is impossible to litigate. But it is no part of the law; it is part of the administration. When once the holding is secured there is no possibility of litigation; and, with respect to the divisions, such cases as are here considered difficult on account of the deeds are remedied there with the greatest ease.
51. That is when there is a multiplication of deeds, but I allude to the multiplication which will arise if this Act be passed. Every man must make a will? Not at all.
52. If he wants his property to be left to his children either equally or unequally? Not if he wants it to be equally divided.
53. It compels a person who wishes to give his heritable estates to his eldest son to make a will, which under the present law he need not do? Yes.
54. Then, if this law were passed, it tends to multiplication of deeds? No; it will make so many less deeds, because every man under the present system who will not absolutely disinherit his younger children is compelled to make a will.
55. But if this law passes it compels every one to make a will? No.
56. To ensure his property going in the way he desires? If he is not satisfied to let his children share and share alike.
57. *By Mr. Faucett:* Mr. Campbell's statement is this:—If a person does not wish his property to go share and share alike among his children, then he must make a will? Will you allow me to ask you a question, Mr. Faucett?
58. Certainly? In this Bill it is stated that the statute concerning uses and wills passed in the twenty-seventh year of Henry the Eighth's reign shall be deemed and taken to apply to chattels real.
59. The words "and wills" will be struck out? Does that constitute equal division?
60. No, that is a mere technicality? What is the law of England if you abolish the law of primogeniture?
61. That is too large a question? No. I mean the law of descent—the law of division of property.
62. The chattel property—not freehold—is divided now in a particular way amongst the children and the wife? Amongst the children only, share and share alike.
63. The wife gets one portion and the children share the other? Yes.
64. *By Mr. Campbell:* If this law were passed it would involve the making of more wills than are made at present? I say, on the contrary, that less wills would be required.
65. By the present law you state that an eldest son inheriting from his father requires no deed, he inherits by descent—now, if this law passes it will make the owner of heritable estate make a will? What for—why should they?
66. Supposing he has sons and daughters, he must make a will if he wants his property to go to his eldest son? Yes.
67. He must make a will? Yes.
68. Therefore it is a multiplication of deeds? I cannot see it.
69. *By Mr. Faucett:* In the present state of the law, if a person wishes his property to be divided between his sons and daughters he must make a will? If you say the generality of parents —
70. I am not speaking generally? Well, any one that will be so unjust as to give his property to one —
71. I did not ask with reference to that, but merely concerning the multiplication of deeds. I say more wills will be made than under the old law, inasmuch as by the old law—where the holder of heritable estate intended to give it to the eldest son—he had no occasion to make a will, because the law gave it to him; but if this law passes he will be obliged to make a will—therefore it includes a multiplication of deeds, does it not? No, I think quite the contrary. You will not have one quarter the wills, because by rendering this division equal among the children you do not compel the father to make a will in order not to exclude the other children. According to the law as it at present stands, every right-feeling father is obliged to make a will to *prevent* an injustice to his children. But under the law contemplated it is only necessary for him to make a will in cases where from some motive, whatever it may be—pride, vanity, or any other motive—he wants to commit a great injustice to the mass of the children. There is just this difference: as the law now stands every man is obliged to make a will if he would not commit an injustice to his children in the one case, while in the other he is only obliged to make a will if he intends to commit an injustice.
72. *By Mr. Campbell:* Very often wills are made which give rise to great litigation, are there not? Well, that may be so.
73. Don't you know instances of it? I know that wills have been contested, but that has been in consequence of that very law. They have always arisen out of the law of primogeniture—not always, perhaps, that is going a little too far—but very often.

74. There are many wills contested from the way in which they have been drawn up by the solicitors? Yes; but a great many contests have always arisen in consequence of the operation of the law of primogeniture. J. N. Beit, Esq.
75. Is it not likely that if this law be passed more wills will be made, and more litigation arise in consequence? I deny that there will be more wills. I think there will not be a quarter the wills which are made at present, but that the people will be content with the course of law. 1 Sept, 1853.
76. *By Mr. Faucett:* You stated at the commencement of your examination that in a free country it was a matter of necessity to destroy the law of primogeniture? Yes.
77. In the first place, what do you mean by the law of primogeniture, using it in that way? I mean where the eldest son inherits the whole of the landed property.
78. Whether by will or by settlement—in either case? By will, it is not by primogeniture.
79. Would you be kind enough to say how the freedom of a country is in any way connected with the question? The freedom of the country is greatly affected by it, by the feelings which arise in the country—by that mock aristocracy which is created by this law of primogeniture—an aristocracy of mere possessions.
80. That is what you call a mock aristocracy—an aristocracy of possessions? Yes.
81. That is an aristocracy which has nothing to boast of but property? They are a sort of aristocracy by virtue of their possessions, and not by virtue of that which the word implies—the best of the people.
82. In fact an aristocracy in consequence of the law and not in consequence of merit? Yes.
83. England is a very free country, notwithstanding this law—is that in spite of the law? It is in spite of the law; but they are not so free in their social relations.
84. England? Yes; they are not so free in their social relations as despotic countries, where they have no Constitutional Government.
85. Then your statement does not contain your argument. They have abolished the law of primogeniture in these despotic countries? Yes.
86. And is the freedom of those countries promoted in the slightest degree by the abolition? Yes, the social freedom.
87. Not the political freedom? I am speaking of social freedom.
88. But there must be some restriction upon social freedom? When I said at first that in a free country the abolition of the law of primogeniture was a necessity, I meant by that, that it is a necessity to prevent a description of revolution. With the high degree of civilization which the descendants of the present Anglo-Saxon race (as you please to call yourselves) boast, for the high civilized nations of Europe, although in a new country to establish anything which has the faults of the old feudal system must lead, I believe, to revolutions; but it can be done by reform, and it is that reform which we are now contemplating.
89. At all events, whatever way property descends the descent must arise from the regulation of law? Not necessarily.
90. There is no natural descent for property—not natural course of descent? There is a natural course of descent—the will of the deceased.
91. That is the artificial course—the expressed intention? Yes.
92. There is no natural course of descent? Then you might as well say that there is no natural right of property.
93. No: perhaps I might go so far as that if I wanted to go to first principles: the right of property is artificial? But it is one of those rights which are merged in society and civilization.
94. I imagine that the right of property is one of the first steps towards civilization? It is the result of civilization.
95. It is the result and a step in advance, because it is a check on barbarism? Well, perhaps that might lead us away into metaphysical research. The rights of property are pretty well recognized in all civilized countries, and the rights of transmission are also recognized.
96. But, coming away to the more practical and less theoretical matter, you are aware, I suppose, that the law of primogeniture as you call it only applies to real property in this country? Yes.
97. Landed property—freehold property? Yes.
98. You may have a quantity of money, for instance—it does not apply to that? No.
99. Do you know any reason whatever why there should be a distinction between the two estates—why £100,000 in money placed in a bank and property of the same value in land should descend the one in a different way from the other? None whatever. That is what I have before stated. I cannot imagine any valid argument to maintain the law of primogeniture. That is the only difference I believe of descent. But allow me to ask you one question, which I am not particularly clear upon, because I have forgotten these things: According to the British law, if a man dies possessed of landed property and a chattel estate—both of considerable amount—the eldest son inherits (the father having died intestate) the landed estate; but how does he share in the personal estate?
100. That does not affect the question. The particular division we are not considering just at present? But does he participate in the chattel estate as well?
101. Yes; if there is no will my impression is that he does. But we are not talking of that matter at this particular moment. Coming to the question again, I think you stated, Mr. Beit, that the younger sons of landed proprietors were the only persons that obtained distinction in England? I say generally.
102. Well, of course you are aware of many eminent, very eminent persons who were the eldest sons? Eldest sons!
103. Many noblemen of great distinction? I cannot say that I am at present. There may be.
104. Do you think there is greater difficulty in the younger sons of men of property getting on than in young people who have no property whatever? Yes.

J. N. Beit,
Esq.

1 Sept., 1858.

105. Tell me how that difficulty is greater? In one way you propose to me to speak of the sons of noblemen and of high families; in the other you want to apply my answer to the great community of life.

106. Just so—to young people who have no property—who are thrown on the broad of their backs at the commencement of their life without connections and without money? I say that the sons, generally speaking, of persons of no property at all—who die without property—have not so much difficulty as the sons of opulent parents who leave them nothing.

107. With respect to the holding of property in the continental states which you have been speaking about, you said it was a matter, not of the law, but of the administration? Yes.

108. Do you mean to say that the holding of property and its descent determines upon the administration of the Government? Not the descent. The descent remains, necessarily, in the Courts of law.

109. It is fixed by law? It is fixed by law, and determined by the Courts. But after that determination is come to the administrator of the minor receives the order of the Court, and it is simply entered in the public register.

110. Then, do I understand you to say that there is a system of registration there that simplifies the descent? It does not simplify the descent. Anybody that comes to the registrar, and says "this property is mine now," has to justify it by an order of the Court.

111. What do you mean by the minors' Court you spoke of? The minors' Court is a Court which is understood to watch over the interests of minors.

112. It is similar, I suppose, to a branch of the Equity jurisdiction in our Courts where the Lord Chancellor has a jurisdiction over minors? Over certain minors—only wards of Court.

113. Any minor may be made a ward of Court? In the College I spoke of every guardian that stands under that Court must account to that Court. He cannot dispose of anything without.

114. I suppose that Court is similar to that branch of our Equity Court? It is more simple and more general, and it extends to the smallest person—to all minors. In point of fact it is called the High College of Guardians.

115. You think, then, that on the whole this alteration in the law of intestate estates would be beneficial to the community at large—still more so than to the small number of large landed proprietors? It is for the community at large that it is of the greatest importance. I should suppose the large landed proprietors would take care to devise by will in this country.

116. You say that you have had a great deal of experience in intestacy matters? Not in intestacy matters; in administrative matters.

117. Well, in your experience of administrative matters, did you ever know an instance, even one instance, of a person in England who had made a fortune and invested it in land—had bought land—and who afterwards made a will dividing that land equally among all his children—did you ever know one solitary instance of a will to that effect? I have never heard of such an instance, but I am not sufficiently acquainted with such matters.

118. Well, then, if a person in the present state of the law having landed property does not make a will, does not that raise a strong presumption that he wishes his property to descend according to the law? Well, I should be sorry to impute to the people in general so heinous an intention.

119. Is not that a fair presumption, when a person knows the property will descend in a particular way if he leaves it to descend in that way? I think not. I think it is not fair to draw a presumption which implies a sort of guilt.

120. You attribute it to carelessness, and also to unwillingness to make a will? I consider that, in the great majority of cases, either carelessness or in consequence of postponement, or, as you say, unwillingness to make a will. To that I should attribute it in the great majority of cases. That a man should have it in his mind to deprive his family of any of his means for the purpose of giving all to his eldest son, and in order to do this, makes no will—I consider to be criminal.

121. It simply comes to this, that whenever a person who has landed estate that he can dispose of by will settles that upon his eldest son, he commits a heinous crime in your eyes? Yes, if he has got no other means wherewith to provide for his other children.

122. You said that wills were contested in consequence of the law of primogeniture? Frequently.

123. How does that arise? By the heirs-at-law claiming against any will which will deprive them of that which they would receive.

124. But supposing a change in the law took place, and if a person made a will leaving his landed property to his eldest son, the other children would contest in the same way? They might do so.

125. In fact, it would be removing the contesting party; it would, in fact, be simply altering the position of the contesting party? It might be so—it would not be so heinous.

126. With respect to the number of deeds that might be executed—if this law were altered you do not think it would cause that increase in the number of wills? I cannot see how it is possible, because the great majority of people certainly do not wish to deprive their younger children of a fair share of their property.

127. You think they would all be satisfied that the landed property should be divided in the same way as money is now divided? I have not the slightest doubt that they would. Either a man is possessed only of landed property, or landed property and chattel property; and, if he is possessed of landed property only, I think that he would certainly wish that that landed property should be divided. If he is possessed of both it can make no difference, because they

they will all share alike; but the present law appears to me to be so unnatural—so against human nature—so against justice and right—that the eldest son should sweep away all the landed property, and, if there is any chattel property, to take a share of that also. To anybody who studies the matter it appears monstrous. But will you allow me to suggest to the Committee one matter which has been raised. It is the only objection which appears to me to have some validity, although it is only superficial. It has been said that it leads to too great a division of landed property. That is, I believe the only tenable argument which has ever been raised against the law of equal division. It has been said that in France, for example, it has taken place. Now I do not think it has taken place even in France to the extent which has been said. In the Prussian and Saxon dominions it is partly provided against. I cannot tell you whether it is by law or by local custom; but it has been greatly facilitated by that which I have alluded to before—by a method of registration. Families in these parts of Germany—families of some respectability (without going to the magnates of the land) wish even moderate estates to keep together, and they will it so that the estate shall not be divided; but, notwithstanding that, every child gets his fair share. But it is only one who administered the estate, and the others only hold mortgages upon it. Suppose I die and leave an estate worth £10,000, and I have got five children—they are each entitled to £2,000. The estate is valued at £10,000, and either the eldest or one of the others, as they can understand each other, becomes the immediate possessor of the estate, and each of the other children have £2,000 inscribed upon it as priority of mortgage. By a manner of registration where the law is so simple and so easily transferred there is not any hardship upon any one of them, because the son or daughter who remains in possession either pays the others their mortgages out, or they transfer them to anybody who will have them. It is done so constantly with so little difficulty, and such great facility, that, in point of fact, persons get their money immediately.

128. That reduces the eldest son to this position—he receives the property largely embarrassed, causing one of the terrible difficulties which occurred in reference to property in Ireland? That has been from the nature of the holdings of the property in Ireland, where you have encumbered an estate with something unreal—not part of the inheritance.

129. Where a person inherits incumbrances weightier in fact than the estate can bear? If I have an estate of £10,000, and my son is only entitled to £2,000, he can choose how he will have it. He can sell the estate at once. There is nothing to prevent him selling it. Or, I may leave it in such a manner that the estate is not to be divided, so that the estate must be sold in its integrity. There is no hardship. There is never any trouble in these matters, where the law of inheritance in that respect has been fairly laid down. There have been difficulties existing in the Prussian dominions, but those matters have been most satisfactorily settled. It was thought it never could be done. The difficulties there were much greater on account of the feudal services which were in existence, and which were inherited with the estates. A man did not merely inherit a piece of land, but he had also the services of the serfs upon the estate. There was great difficulty there to divide these matters, but it has now been most effectually and satisfactorily done, and the country has attained through it a degree of prosperity which she had never known before.

130. Notwithstanding the despotism? Notwithstanding the despotism.

131. And on the whole you prefer what you call social freedom with a despotism to political freedom without social institutions? You should allow me to answer the question, and not answer it for me. I have not said so.

132. Well, is it so? There is a great deal to be said on that subject. It requires more elucidation than you would like to see upon the minutes this Committee.

133. You say that no such thing as law-suits about property take place in Prussia—how is that possible? About property! Not about property—against the holder.

134. Two persons never contend about the right to be holders of a property? After it has once become the property of one. It is impossible. You might just as well say you will contest the right of holding a thousand pounds in the funds in England when once it is in your name.

135. When once it is determined that A is the owner of the property B cannot come in; but you frequently have A and B contending about the right to a property in Prussia? About the right to a property—that is property which at that time has no living owner.

136. Are there not contests as to the right of ownership of lands in Prussia? After a person has been acknowledged owner? I must put you that question, because very frequently in England and the British dominions, in fact all over the world, law-suits have arisen against persons who actually thought they had a good title to the land they held. If you have once a title such as the law gives in Prussia there is no possibility of any one else coming in; there is an end of it.

137. But that is the same thing in England, I suppose. Where the Court has once decided in England that a person is the owner of property, that person is for ever the owner. There is no further possibility of disputing that? But you may purchase land from somebody. He transfers it to you. You go to your solicitor about it. He consults counsel. You get an opinion that the title is good, and you make the purchase; but after paying your money somebody else comes and disputes it, and shows that there is a flaw in the title. There is no possibility of anything of the kind in Prussia.

138. They must be very honest there? There is no honesty involved in the matter at all.

139. What is the Statute of Limitations in Prussia—how many years' possession give a title? It gives no title at all.

140. No title except by deeds? No title except by the public registers.

141. Then, whenever a person is registered in Prussia as the owner of a certain property, the law pronounces that person to be the owner? He is the only owner.

142. Then, in fact, it is a kind of parliamentary title he gets? It is a parliamentary title, if

J. N. Beit,
Esq.

1 Sept., 1858.

J. N. Beit,
Esq.
1 Sept., 1858.

if you please to call it so. It is very simply done. Some time or other there must have been an original title, no doubt. Whatever it has been that title is registered. That is Mr. Faucett's land. It is described, and it cannot be transferred but by Mr. Faucett in person, with two witnesses to identify Mr. Faucett, or by decree of a competent Court.

143. So, then, it does occasionally come before a Court of law? It need not. Suppose Mr. Faucett dies, and his heir claims this property, he must go through that Court which decides about wills and descents, and he gets a simple order—the same as you get from the Arches Court in England—to prove that he is the person entitled to it.

144. There has been a great objection raised to the passing of any such law as this that is proposed—to establish that equal division in cases of intestacy—on the score of its upsetting to an immense extent the law which now relates to landed property; do you think that an objection of that nature ought to be regarded as insurmountable? It upsets the law of landed property—Do you mean retrospectively or prospectively?

145. Both prospectively and retrospectively? Prospectively it can have no weight whatever. I cannot see how you can attach any weight to it prospectively. But retrospectively I am not sufficiently aware in what way it can operate. It is just possible there may be some such considerations which I cannot perceive, and I should be very sorry to express a decided opinion that they do not exist because I cannot see them.

146. *By the Chairman:* Do you think it would affect the rights of mortgagees at all? How can they be in a position to be affected by such a change?

147. It has been said here that the securities of mortgagees would be affected by it? Impossible. As you have mentioned this proposition to me, I may say that I think the only parties who could be affected by it would be the holders of *post obit* bonds, and for them I would not have much consideration. Of course it is clear that if any of these settlements are made in regard to landed property, such as mortgages, marriage settlements, and the like, they would hold good—they would all be inscribed on the property.

148. *By Mr. Faucett:* Suppose here a person in the present state of the law buys land from the Crown, that land is "to him and his heirs for ever," to use a legal phrase. The meaning of that is, that if he dies without making a will the land will descend to his eldest son, and so on. That is, in other words, a settlement. Although it is called a grant, it is in fact a settlement? No; it is a settlement upon his heirs.

149. It is a settlement made by him to go to his heirs for ever. Does it not go a little farther: is it not to his heirs and assigns? Oh! yes; but that is nothing. To him and his heirs for ever is quite sufficient. That, however, is a settlement so long as it remains; because, if he makes no will, then that land goes of necessity to his eldest son. He has bought it and got it settled in that way. If he chose he could have got it settled in any other way. No doubt if we repeal the law we affect grants of that kind, although made before the alteration of the law. We alter the line of descent, and make it different from what the purchaser of the land intended? Not in the slightest degree, because he has the power to do it if he wishes to do it. For the sake of your argument you say that it is to a man and his heirs, but it is no such thing; the grant is made to his heirs and assigns.

150. But if he does not assign, it goes to his heirs; assigning must be an act of his done subsequently? If he is solvent.

151. We are supposing that he is solvent, of course? I want to show you this; because it is to come to the heir without entail it does not prevent the creditor taking in preference to the heir. Why should the children be in a worse position? They have as much claim upon the father as any debts which he may have incurred. It is a most savage law. I do not utter my own sentiments merely. You will find that some of the greatest authorities on jurisprudence for the last fifty years have expressed it over and over again. In the German Universities, and in forming the Code Napoleon, all these matters have been so fully discussed and so ably handled as to show that it is a remnant of barbarism which ought not to be tolerated.

ADDENDUM.

Since giving the foregoing evidence I have been reminded of the case of a highly respected gentleman, residing for many years in this Colony, who we will call X. X was the youngest son of a large family, whose father was the possessor of a large landed estate in Kent, of the value of £4,000 or £5,000 a-year. The father died intestate, the eldest son was killed in battle soon after the decease of the father, and the estate descended upon the second son, a scape-grace, who had previously become involved, and who shortly dissipated the whole estate. The whole of the family were left destitute, and left dependent upon relatives, who fortunately were able to educate them, and to prevent their descending entirely from a position in society.

JOHN N. BEIT.

1858.

Legislative Assembly.
NEW SOUTH WALES.

DISTRICT COURT.
(PETITION IN FAVOR OF ESTABLISHMENT OF, AT GUNDAGAI.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Humble Petition of the Magistrates, Licensed Graziers, Stock and Landholders, Farmers, Storekeepers, Licensed Victuallers, Tradesmen, Mechanics, Laborers, and other Inhabitants of Gundagai and the adjoining Districts,—

RESPECTFULLY SHEWETH :—

That Gundagai is an important Police District, in the Pastoral District of the Lachlan, on the main trunk line of road of the Colony, uniting it with the Sister Colonies of Victoria and South Australia.

That Gundagai, from its central situation as a Police Station, as shewn by its lock-up being the receptacle for prisoners from nine different Police Districts, renders it an eligible place at which an Assize Town should be established as the seat of a District Court with a jurisdiction in criminal cases.

That, owing to the non-existence of any such institution nearer than Goulburn, parties are, in many instances, deterred from prosecuting criminals, preferring to put up with the first loss rather than incur the great inconvenience of travelling over almost impassable roads, at a great loss of time to themselves, and of serious injury to their business; and that, under these circumstances, many criminals are allowed to go unpunished.

That the convenience and well-being of a population of upwards of nine thousand would be studied by the extension to Gundagai of an Assize Court, or the establishment of a District Court; and that five thousand would at once receive immediate benefit therefrom, Gundagai being a convenient distance from Burrowa, Binalong, Tumut, (whose population is rapidly increasing,) and Wagga Wagga.

That during the past and present year, one hundred and twenty-five prisoners have been received and forwarded from the lock-up at Gundagai to Goulburn, the whole of whom could have been dealt with at Gundagai had such Courts as above specified been in existence; and thus, the enormous expense incurred by witnesses in travelling to Goulburn would have been saved, and the great risk of prisoners escaping would have been avoided, as there are no receiving houses on the road between Gundagai and Goulburn.

Your Petitioners respectfully submit, that the very large revenue derived from the sale of lands and other sources in this Unsettled District, entitle them to the favorable consideration of Parliament, more particularly as they have not, hitherto, received any benefit from the expenditure of public moneys.

Your Petitioners, therefore, pray that your Honorable House will take the above premises into your favorable consideration, and will extend a Court of Assize, or a District Court having Civil and Criminal Jurisdiction, to Gundagai.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 86 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ASSIZE COURT.

(PETITION IN FAVOR OF ESTABLISHMENT OF, AT TAMWORTH.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1858.

To the Honorable the Legislative Assembly of the Colony of New South Wales, in
Parliament Assembled.

The Petition of the Magistrates, Licensees of Crown Lands, Miners of the Hanging Rock and Peel River Gold Fields, and other residents of the Town of Tamworth and the Pastoral Districts of Liverpool Plains and the Gwydir,—

HUMBLY SHEWETH:—

We, the undersigned Magistrates, Licensees of Crown Lands, Miners of the Hanging Rock and Peel River Gold Fields, and residents of the Town of Tamworth and the Pastoral Districts of Liverpool Plains and the Gwydir, humbly approach your Honorable House on a subject affecting, to a considerable extent, our social position and welfare.

We beg to draw the attention of your Honorable House to the great distance at which your Petitioners reside from an Assize Town, and to the circumstance of much crime passing unnoticed, to the serious prejudice of society, on account of the great loss of time occasioned by prosecuting at the Assize Court in Maitland, thereby involving a lengthened absence of individuals from their homes and occupations.

Your Petitioners would wish especially to press upon your Honorable House that from the position of Tamworth it forms the central dépôt for the reception of prisoners from the Northern and Western portions of this part of the Colony on their transit to Maitland, and that a large portion of Police in their respective districts, but more particularly in the Police District of Tamworth, are almost exclusively employed in the escort of prisoners.

As evidence of the correctness of these views, your Petitioners would beg to submit to your Honorable House the respective distances of the following Benches from the nearest Assize Court, held in Maitland:—

	Miles.
Tamworth, distant from Maitland	170
Nundle and Hanging Rock, ditto	162
Wee Waa, ditto	275
Warialda, ditto	300
Armidale, ditto	240
Wellingrove, ditto	282
Tenterfield, ditto	326

In addition to which, your Petitioners desire to remark, that although the distances are computed from Maitland, the Police Districts extend, in most cases, fully 100 miles further, thereby increasing the expenditure.

Your Petitioners desire further to show how well adapted Tamworth is, from its central position, for an Assize Town in the Northern Districts. From Maitland, the present Assize Town, to the extreme of New England is 360 miles, and Tamworth being but 170 miles from the former, and 190 miles from the latter, it is but 10 miles from the centre, while Armidale is 60 miles from it. Presuming that the twenty-eighth degree of parallel will be the boundary of the new Colony of Moreton Bay, your Petitioners would still be of opinion that Tamworth would be more central than Armidale as a place for an Assize Court in the Northern Districts of New South Wales; and in proof thereof, your

Petitioners respectfully beg to submit, for the consideration of your Honorable House, the following Table:—

	Miles.		Miles.
Murrurundi to Tamworth	65	To Armidale	140
Nundle and Hanging Rock to ditto ...	40	To ditto	110
Wee Waa to ditto	130	" "	200
Warialda "	130	" "	200
Bingera "	70	" "	140
Woolshed "	50	" "	120
Wellingrove "	170	" "	100
Tenterfield "	190	" "	120
	845		1,130

Which, in the aggregate, proves that at each sittings of Assize and Quarter Sessions, supposing that there are but two cases from each Bench and six witnesses, 27,360 miles would be saved by Tamworth, instead of Armidale, being created an Assize Town; this saving of mileage would consequently be attended with a vast saving of expense to the Government—resulting from the allowances in the shape of travelling expenses to witnesses, the escort of prisoners, and the travelling expenses of the Judge and Crown Law Officers. Your Petitioners are of opinion, that at least £3,000 per annum would be saved.

But there being every reason to believe that the thirtieth degree of parallel will be the boundary of the new Colony of Moreton Bay, thereby fixing the boundary within thirty miles north of Armidale, your Petitioners would respectfully observe, that it would be inconvenient and unnecessary to have the Assize Courts of the Northern Districts at two extreme ends, viz., Maitland and Armidale.

Should the boundary of the new Colony be fixed at the thirtieth degree of parallel, then the following Table would evidence most strongly the centrality of Tamworth, and its claim, from position, to an Assize Court:—

	Miles.		Miles.
Murrurundi to Tamworth	65	To Armidale	140
Nundle and Hanging Rock to ditto ...	40	" "	110
Wee Waa to ditto	130	" "	200
Warialda "	130	" "	200
Bingera "	70	" "	140
Woolshed "	50	" "	120
	485		910

Wellingrove and Tenterfield being in the new Colony, those Benches would cease to have any connection with New South Wales; consequently the aggregate in mileage here shown, supposing that there are two cases and six witnesses from each Bench at each sitting of Assize and Quarter Sessions, proves that upwards of 30,000 miles would be saved to witnesses, &c., by Tamworth, and not Armidale, being the Assize Town; this saving of mileage would be accompanied with an additional saving of expense to Government.

As an additional evidence in favor of Tamworth being created into an Assize Town, arising from its position, your Petitioners beg respectfully to remind your Honorable House, that when in the year 1848 the Law Commissioners' Report was submitted for the consideration of the Honorable the Legislative Council, the Colonial Secretary recommended Tamworth as a suitable place for an Assize Town.

It is the confirmed opinion of your Petitioners, that many persons refrain from prosecuting owing to the great distance of the Assize Court from their respective abodes, and consequent expense; and what is of more importance, the serious inconvenience to individuals, in whatever employments they may be engaged. These remarks apply still more to witnesses not interested in the prosecution.

In committing this Petition to the favorable consideration of your Honorable House, your Petitioners beg to say that Tamworth, from its central position, as well as from its vast increase of population, and the extensive operations, both in Commercial, Mining, Pastoral, and Agricultural pursuits of the extensive districts surrounding it, has every claim to be created an Assize Town; and, having every confidence of the wisdom of your Honorable House, your Petitioners entrust this their Petition to its most favorable consideration.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 653 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

COURT AND RESIDENT JUDGE AT ALBURY.

Ordered by the Legislative Assembly to be Printed, 11 May, 1858.

To the Honorable the Members of the Legislative Assembly of New South Wales.

The Petition of the undersigned Inhabitants of the Town and District of Albury,—

HUMBLY SHEWETH:—

That your Petitioners, as inhabitants of the Colony of New South Wales, deem themselves entitled to share in the benefits of British law, as administered in the ordinary Courts of Justice.

That the Murrumbidgee District contains, according to the last Census, upwards of nine thousand inhabitants, and that, with the exception of the Police Courts and Small Debts Courts, no legal tribunal has ever sat within the limits of this extensive territory. That the aforesaid nine thousand people are thus virtually deprived of their rights as British Subjects, and that the denial of these rights amounts to a denial of justice.

That your Petitioners have been agitating for *seven years*, with a view to obtain their constitutional privileges in this particular; but their numerous Petitions, Memorials, and Addresses, have hitherto failed in the objects sought,—that measures for the institution of District Courts in the interior have been prepared and debated upon, under the present and preceding Cabinets, but that ministerial changes have, on each occasion, interfered to prevent the realization of your Petitioners.

That your Petitioners consider it almost unnecessary again to particularize the various hardships to which they are exposed, in having to travel 220 miles to prosecute offenders, or to attend the sittings of the County Court in Goulburn. That the lawless condition of the interior districts, and the impunity enjoyed by criminals and vagabonds, particularly horse and cattle stealers, owing to the unwillingness of prosecutors and witnesses to incur the serious loss involved by a journey to Goulburn, are also matters of notoriety.

That the case of your Petitioners is none the less urgent on that account, but every day's delay increases the loss and inconvenience suffered by your Petitioners, and consequently adds to their discontent.

That your Petitioners feel convinced that a Judge, if making periodical visits from Sydney, must necessarily spend nearly the whole of his time in travelling from place to place, owing to the very extensive tract of country to be travelled over. That, whatever may be the pecuniary loss to the legal profession in Sydney, your Petitioners consider themselves entitled to the services of a Resident Judge, believing that by no other means can the suppression of crime in the Murrumbidgee District be successfully accomplished.

Your Petitioners therefore humbly pray, that a Bill for the establishment of Civil and Criminal Courts at Albury, may receive the early consideration of your Honorable House, and that the question of appointing a Resident Judge may be also entertained in connection with the measure.

And your Petitioners will ever pray.

[Here follow 258 Signatures.]

THE HISTORY OF THE

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

1858.

Legislative Assembly.

NEW SOUTH WALES.

DISTRICT COURT AT WAGGA WAGGA.

(PROPOSED ESTABLISHMENT OF.)

Ordered by the Legislative Assembly to be Printed, 18 May, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of the Police
District of Wagga Wagga,—

SHEWETH :—

That your Petitioners, appreciating the importance of the measure before your Honorable House for the establishment of District Courts, beg most respectfully to direct your attention to the necessity there exists for one of those Courts at Wagga Wagga.

That your Petitioners having in a former petition fully set forth the great advantage to the community in the Southern Districts the establishment of a District Court in a central position would confer, beg most strongly to reiterate the superior claims of Wagga Wagga as a central place for a Court,—being in the middle of a large grazing and agricultural community; distant from Gundagai on the east 50 miles, from Tumut on the south-east 70 miles, from Albury, on the south, 85 miles, from the Billy Bong and Lower Murrumbidgee, on the west, about 60 miles, and from the “Levels” leading to Burrowa and Binalong, on the north, about 60 miles; all of which several places, as well as the whole course of the Lower Murrumbidgee and Murray to the Darling, would participate in the benefit of such a Court.

That the nearest Court, at Goulburn, is 183 miles distant, and consequently many offenders escape with impunity.

That the population of the Wagga Wagga District is rapidly increasing, from which respectable and intelligent jurors could at all times be impannelled for the trial of cases.

That the Court House at Wagga Wagga is so constructed as to admit of enlargement for the purpose of holding a District Court.

That, from its very central position, and being the great thoroughfare to the Colony of Victoria, *via* Deniliquin, together with its growing importance, the public convenience would be greatly benefited by a Court.

Your Petitioners, therefore, most humbly, yet earnestly pray, that your Honorable House will be pleased to consider the necessity for establishing such Court at Wagga Wagga.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow 272 Signatures.*]

1858.

Legislative Assembly.
NEW SOUTH WALES.

DISTRICT COURTS.

(PETITION FOR ESTABLISHMENT OF AT YASS.)

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 Petition of the undersigned Inhabitants of the Town and District of Yass,—

HUMBLY SHEWETH:—

That the central position of the Town of Yass, situated as it is in the midst of the surrounding Districts of Goulburn, Queanbeyan, Burrowa, and Gundagai, renders it a peculiarly proper place for the establishment of a District Court; and the circumstance of there being a Court House and large lock-up already built in Yass, is an additional reason why such a Court should at once be established there.

That the population of the Districts of Yass, Queanbeyan, Burrowa, and Gundagai, amounted, according to the last Census (taken in 1856) to 7,687 souls; and that much inconvenience is felt by the inhabitants of those districts in having to prosecute criminals and recover any debts amounting to more than £10, at Goulburn—the nearest Assize Town.

That the great expense attendant upon criminal prosecutions, when the offenders are tried at Goulburn, frequently deters parties from prosecuting in cases of felony, and not unfrequently induces persons to commit crimes which they know are not likely to be prosecuted, for the above reason; and your Petitioners cannot too earnestly impress upon your Honorable House the necessity which they feel exists for giving to the District Courts Bill now before the Assembly an extensive criminal as well as civil jurisdiction; for they feel assured, that without the former the Bill will be shorn of more than half its advantages; and with respect to the extent of civil jurisdiction to be conferred, your Petitioners respectfully submit that such jurisdiction should not be less than £200, as originally proposed by your Honorable House. Your Petitioners further respectfully suggest, that a clause be inserted in the District Courts Bill enabling the wives of plaintiffs and defendants to give evidence on behalf of their husbands, whose just claims are frequently defeated by the absence of such a provision in the present law of evidence; and, although your Petitioners are aware that a Bill is now before the Legislative Council which has for its object the admission of the evidence of wives on behalf of their husbands, your Petitioners see no reason why (in the present state of the business before your Honorable House, and in the uncertainty which must attend the passing of that Bill in so short a Session as the present is likely to be,) the clause above suggested should not at once, as was done in the late Masters' and Servants' Act, (which has been found to work well in that respect,) be added to the provisions of the District Courts Bill, which your Petitioners earnestly hope may be perfected during the present Session of your Honorable House.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 110 Signatures.]

4.

1858.

Legislative Assembly.

NEW SOUTH WALES.

DISTRICT COURTS.

(PETITION FROM CERTAIN COLONISTS IN THE SOUTHERN DISTRICTS.)

Ordered by the Legislative Assembly to be Printed, 2 November, 1858.

To the Honorable the Legislative Assembly of New South Wales.

Petition of the undersigned Colonists,—

SHEWETH :—

1. That your Petitioners have to deplore the many and great impediments thrown in the way of the public in these districts in the attempts made to prosecute parties suspected and accused of crime.

2. That these impediments arise in consequence of the very long distance which the Courts of Assize and of Quarter Sessions are held, viz., in the town of Goulburn.

3. That Goulburn is distant from Deniliquin 400 miles, from Moama 450 miles, from the Moulamein 470 miles, from Balranald 520 miles, and the outlying portions of the Police Districts above-named are proportionably further from Goulburn than these townships.

4. That the journeys to Goulburn to carry out the law against criminals committed for trial prove seriously, and oftentimes ruinously, expensive to prosecutors and witnesses in these districts, and that in a large number of instances parties will not prosecute, and quietly submit to being robbed and otherwise seriously injured in property and person rather than undergo the perils and expenses of a journey to Goulburn to prosecute.

5. That there are now residing in these districts about 4,000 persons.

6. That in this great extent of country, in a population so scattered, many badly disposed persons secrete themselves, some of whom are charged with the highest crimes against life and property, and that of late several desperate characters, who for a long time eluded justice, have been apprehended here.

7. That in the preliminary judicial investigations before the various Benches of Magistrates, your Petitioners have discovered on many occasions an utter reluctance on the part of prosecutors and witnesses to give direct evidence against accused parties, in consequence of the fear attendant on a journey to Goulburn; that, therefore, this obstacle has a demoralizing influence, inasmuch as the truth is often on oath denied or evaded.

8. That, not only do these evils entail great expenses on private persons, as prosecutors and witnesses, but the public also suffer hereby, inasmuch as parties summarily convicted before the local Benches have to be sent to Goulburn at an enormous cost.

9. That in consequence of the continuance of these evils, for many years past there has been a growing discontent in the minds of many of the well-disposed ; that this discontent has extended in too many cases to disaffection to the Government of New South Wales, as at present constituted, because the disaffected conceive that their wants are totally disregarded, and that they do not enjoy that protection to which as British subjects they are entitled.

10. That your Petitioners, while they share in this discontent, they do not participate in the disaffection, because they are satisfied that your Honorable House has the power and will to do justice to all classes, however remotely situated from the seat of Government.

11. That your Petitioners have looked with unfeigned pleasure on the inauguration of Responsible Government in the Colony, in the certain hope that the evils of which your Petitioners now so loudly complain will receive speedy attention, and proper remedies be forthwith applied.

12. That Deniliquin is distant from Moama, 50 miles, from the Moulamein 70 miles, and from the extreme boundary of New South Wales in this direction 270 miles.

13. That the whole of the Billabong District, extending to the Murrumbidgee and up the river last named, and around a large tract of country towards the Upper Murray, are within easy distance of Deniliquin ; that, therefore, your Petitioners submit to your Honorable House that Deniliquin is admirably and centrally situated for the purpose of holding superior Courts of Justice, and that the local advantages far outweigh those offered by any other town in this great district.

Your Petitioners, therefore, humbly pray that your Honorable House will, with all reasonable despatch, sanction the establishment at Deniliquin of Courts embracing criminal and civil jurisdiction.

[Here follow 101 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

STATE OF THE MAGISTRACY.
(PEARCE v. BAYLY.)

PROGRESS REPORT

FROM

THE SELECT COMMITTEE

ON THE

STATE OF THE MAGISTRACY;
(PEARCE v. BAYLY)

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE,

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 September, 1858.

SYDNEY:
PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 29. TUESDAY, 18 MAY, 1858.

11. State of the Magistracy :—Mr. Murray moved, pursuant to notice,—
 (1.) That a Select Committee be appointed to inquire into the state of the Magistracy of this Colony.
 (2.) That such Committee consist of Mr. Parkes,* Mr. Piddington, Mr. Thornton, Mr. Egan, Mr. Jones, Mr. Forster, Mr. G. Macleay, Mr. Marks, Mr. Lee, and the Mover.
 Question put and passed.

* Seat declared vacant 31st August, 1858.

VOTES No. 63. THURSDAY, 22 JULY, 1858.

1. Paper :—Mr. Martin laid upon the Table the Return to the Address in reference to the case of Pearce v. Bayly, adopted, on motion of Mr. Murray, on the 13th instant.
 Ordered to be printed, and referred to the Select Committee on the State of the Magistracy.

VOTES No. 88. FRIDAY, 3 SEPTEMBER, 1858.

5. State of the Magistracy :—Mr. Murray, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before, the Select Committee on the State of the Magistracy, in reference to the case of Pearce v. Bayly, the proceedings in which were referred to that Committee on the 22nd July last.
 Ordered to be printed.

CONTENTS.

	PAGE.
Report	3
Extract from the Proceedings of the Committee on Friday, 3 Sept., 1858.....	4
Witness	4
Minutes of Evidence	5
Proceedings in the case of Pearce v. Bayly before the Bench at Liverpool	6

1858.

STATE OF THE MAGISTRACY.
(PEARCE v. BAYLY.)

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 18th February, 1858, "to inquire into the state of the Magistracy of this Colony," and to whom were referred on the 22nd July last, "a copy of the Proceedings in the case of Pearce v. Bayly, tried before the Bench of Magistrates at Liverpool, in November, 1857," have agreed to the following Progress Report,—

Your Committee deem it their duty to bring the facts connected with this case immediately under the notice of your Honorable House, as they not only serve to indicate the state of the Magistracy in certain instances, but also illustrate the dilatoriness of the Government in dealing with such cases, even so far as mere investigation is concerned. Vide proceedings in the case appended.

The Attorney General, on the part of the Government, called for these proceedings on the 7th of December last, and they were transmitted to him from the Police Office at Liverpool on the following day. But although very nearly nine months have since elapsed, no further action, according to the evidence of *Mr. Plunkett, Secretary to the Crown Law Officers, (hereunto appended) has been since taken in the matter. *Vide evidence appended.

These facts appear to your Committee to demand immediate attention, for they serve to prejudice the public interest, and bring the administration of justice into disregard.

T. A. MURRAY,
Chairman.

Legislative Assembly Chamber,
Sydney, 3 September, 1858.

PROCEEDINGS OF THE COMMITTEE.

(EXTRACT.)

FRIDAY, 3 SEPTEMBER, 1858.

Members Present :—

The Honorable T. A. Murray, Esquire, in the Chair.

Mr. Forster, | Mr. Piddington,
 Mr. Egan.

* * * * *

By direction of the Chairman, Resolutions of the House referring to the Committee, on 22nd July last.

"A copy of the Proceedings in the case of *Pearce v. Bayly*, tried before the Bench
" of Magistrates at Liverpool, in November, 1857."

on 27th ultimo,—

"A copy of the Report of the Commission appointed by the Government to inquire into the conduct of Charles Luke Bayly, Esquire, J.P.,"—moved for by Mr. Forster, under a Resolution agreed to by the Committee, on the 21st July last.—

read by the Clerk.

Committee deliberated.

Certain of the documents attached to the "inquiry into the conduct of Mr. Bayly" having been read by the Chairman, the subject matter therein was found to be irrelevant to the proceedings in the case of *Pearce v. Bayly*.

The Chairman having then laid before the Committee,—Letter from C. Luke Bayly, Esquire, J.P., dated 21st ultimo, requesting to be heard by the Committee prior to their consideration of, and decision respecting, the depositions in the case of Pearce v. Bayly,—

Read the same.

Deliberation continued.

Motion made (Mr. Forster) and Question—"That it is expedient that the immediate attendance of the Secretary to the Crown Law Officers be requested, for the purpose of ascertaining whether any action has been taken by the Executive Government with respect to the case of Pearce v. Bayly, since the 8th December last"—*agreed to.*

Deliberation further continued.

Mr. *W. E. Plunkett*, Secretary to the Crown Law Officers, examined.

Committee then *Resolved* :—

“(1.) That this Committee having taken into consideration the proceedings before
“ the Bench of Magistrates at Liverpool in the case of Pearce v. Bayly, and,
“ having examined the Secretary to the Crown Law Officers, are of opinion
“ that the conduct of the Government in neglecting to take further action
“ with respect to this matter ought to be immediately brought under the notice
“ of the House, inasmuch as such neglect is calculated to prejudice the public
“ interest, and bring the administration of justice into contempt.

" (2.) That the purport of this Resolution be embodied in a Progress Report.

" (3.) That such Progress Report be brought up, and laid upon the Table of the
" House by the Chairman *this day*.

" (4) That the Chairman do give notice that he will move for the adoption of the
" said Report, and that an Address be presented to His Excellency the Governor
" General, transmitting a copy of the same."

* * * * *

[Adjourned.]

WITNESS.

Page.

W. E. Plunkett, Esquire, <i>Secretary to the Crown Law Officers</i>	5
---	---

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

STATE OF THE MAGISTRACY.

(PEARCE v. BAYLY.)

FRIDAY, 3 SEPTEMBER, 1858.

Present :—

MR. EGAN,
MR. FORSTER,MR. MURRAY,
MR. PIDDINGTON.

T. A. MURRAY, Esq., IN THE CHAIR.

William Edward Plunkett, Esq., called in and examined :—

1. *By the Chairman*: You are Secretary to the Attorney General? I am Secretary to the Crown Law Officers.
2. Have you any knowledge of the case of Pearce v. Bayly, which you see on record in a paper ordered by the Legislative Assembly to be printed, 22nd July, 1858? I am aware of the correspondence which took place on the subject, and a copy of the whole correspondence relating to the charge of assault I believe was furnished to the Committee.
3. What correspondence took place in reference to this case of Pearce v. Bayly? The circumstance was reported to the Attorney General, among other statements made respecting Mr. Bayly's conduct, and a copy of the proceedings was written for.
4. That is the answer to the letter written on the subject? (*Referring to Captain Moore's letter of 8th December, 1857.*) Yes, that is the reply.
5. Did you write the letter applying for a copy of the proceedings? Yes.
6. That is Captain Moore's answer, forwarding the proceedings? Yes.
7. What was done subsequently to that? I did not bring the whole of the papers with me to refresh my memory.
8. We wish to know whether anything was done? No further notice was taken by the Government, that I am aware.
9. The proceedings were received in December last? About that time.
10. And nothing more has been done? No.
11. There has been no further correspondence? No.
12. No action has been taken? No action has been taken by the Government, that I am aware of.
13. Do you think it likely that any action could have been taken without your knowledge? The Attorney General said it would be desirable to have the matter brought under the notice of the Executive, and instructed me, I believe—I speak from recollection—to write to the Bench for a copy of the proceedings, or the original proceedings. Captain Moore forwarded the proceedings to the office, with the view, I believe, of the papers being placed before the Executive. They were laid before the Attorney General, and I am not aware that anything more was done.
14. You are not aware whether they were ever laid before the Executive Council? I think not.

PEARCE v. BAYLY.

(PROCEEDINGS IN THE CASE BEFORE MAGISTRATES AT LIVERPOOL.)

Ordered by the Legislative Assembly to be Printed, 22 July, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 13 July, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid on the Table of this House,—

“A copy of the Proceedings in the case of Pearce v. Bayly, “tried before the Bench of Magistrates at Liverpool, in “November, 1857.” (*Mr. Murray.*)

S. MOORE, Esq., J.P., to THE ATTORNEY GENERAL.

*Police Office, Liverpool,
8 December, 1857.*

SIR,

I have the honor to acknowledge the receipt of your communication of the 7th instant, requesting that a copy of the proceedings of the case of assault of “Pearce v. Bayly” should be transmitted to your office.

I herewith transmit a copy of the case.

I have, &c.,
SAM. MOORE.

THE HONORABLE
THE ATTORNEY GENERAL,
Sydney.

A. No. 1.

Complaint on 9 Geo. 4, c. 31, for an Assault and Battery.

NEW SOUTH WALES, }
LIVERPOOL, }
TO WIT. }

BE IT REMEMBERED, that on the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, at Liverpool, in the Colony of New South Wales, Thomas Pearce, of the said Town of Liverpool, personally cometh before me, Kinnear Robertson, Esquire, one of Her Majesty's Justices of the Peace in and for the said Colony, and upon his oath complaineth to and informeth me that Charles Luke Bayly, Esquire, of the said Town of Liverpool, Justice of the Peace, did on the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, at Liverpool, in the Colony aforesaid, unlawfully assault and beat the said Thomas Pearce, by spitting in his face, contrary to the Statute in such case made and provided, and against the peace of our Lady the Queen; and thereupon the said Thomas Pearce prays that I, the said Justice, will proceed in the premises according to law.

THOS. PEARCE.

Sworn before me, at the Police Office, in the }
Town of Liverpool, this 20th day of }
November, A.D. 1857, }

KINNEAR ROBERTSON, J. P.

[*Summons granted for 23rd November, 1857.*]

Liverpool,

Liverpool, 23 November, 1857.

SAMUEL MOORE, ESQ., J.P.

Present:—

WILLIAM HANNIBAL LANE, ESQ., J.P.

KINNEAR ROBERTSON, ESQ., J.P.

Charles Luke Bayly, Esq., J.P., is called on to answer the charge of an assault committed by him on the person of Mr. Thomas Pearce. A medical certificate having been produced, stating his inability, from indisposition, to attend this day, the case is postponed until Friday, 4th December, 1857.

SAML. MOORE, J.P.

W. H. LANE, J.P.

KINNEAR ROBERTSON, J.P.

CERTIFICATE.

I hereby certify that I have this day visited Charles Bayly, Esq., professionally, and find him so much indisposed from a severe attack of diarrhoea as to be unable to leave the house or transact any business whatever.

Liverpool, 23 November, 1857.

A. M. HOSKINGS, M.D.,
and Surgeon.

Before

SAMUEL MOORE, ESQ., J.P.

WILLIAM HANNIBAL LANE, ESQ., J.P.

Liverpool Police Office,
4 December, 1857.

Charles Luke Bayly charged with assaulting and beating one Thomas Pearce, on the 20th day of November last.—Pleads guilty.

Thomas Pearce, of Liverpool, in the Colony of New South Wales, butcher, being duly sworn, on oath states:—

I have heard the information now read in Court; it is true; Mr. Bayly was in a state of intoxication at the time; when I left the place he followed me and spit in my face again; when I went to leave the place altogether, Mr. Bayly shut the door and would not let me out, until Mr. Andrews ordered him to leave the place.

By Mr. Bayly: I state you were intoxicated; I know you were because of your manner, because you could not walk straight; this occurred at the bar of Andrews' Hotel; when you left the bar I saw you walking round Mr. Andrews' sitting-room; you followed me into the bar; you were standing in the street at Andrews' gate, going into the parlour.

By the Bench: I was perfectly sober at the time; Mr. Bayly staggered when he walked across the room; this took place about half-past two o'clock in the afternoon.

Sworn at the Police Office, Liverpool, this }
4th day of December, 1857, before }

THOS. PEARCE.

SAM. MOORE, J.P.
W. H. LANE, J.P.

John Andrews, in the Colony of New South Wales, publican, being duly sworn, on oath states:—

By the Bench: I recollect the 20th of last month; Mr. Thomas Pearce was at my house in the afternoon somewhere about 3 or 4 o'clock in the afternoon; I saw Mr. Bayly spit in Mr. Thomas Pearce's face several times without any provocation being given by Mr. Thomas Pearce; this occurred in the tap room; not any other persons present; Mr. Pearce got over the railing which divides the tap room from the parlour and Mr. Bayly followed him into the private room attached to the bar, and attempted or did close the door in fact to prevent Mr. Pearce going out; I was in the room; Mr. Pearce took a poker up to defend himself; I before insisted that the door should be opened; I then opened the door; I saw Mr. Bayly again spit in Mr. Pearce's face; Mr. Pearce afterwards went out; Mr. Bayly was not quite sober, he had a little drink; the plaintiff first entered the bar followed shortly afterwards by the defendant; I did not supply the defendant with any drink during the time that Mr. Pearce was there; I do not recollect Mr. Bayly calling for a glass of brandy; I have not the recollection of serving it.

By Mr. Bayly: I do not recollect serving him with any thing at all; by your manner I considered you to be slightly intoxicated.

Sworn at the Police Office, Liverpool, this }
4th day of December, 1857, before }

JOHN W. ANDREWS.

SAM. MOORE, J.P.
W. H. LANE, J.P.

The Bench find the defendant Charles Luke Bayly guilty of the offence of assaulting Thomas Pearce, and fine him in the sum of five pounds, and in default of payment of the sum of five pounds to be imprisoned in Her Majesty's Gaol for the space of one calendar month, and to find sureties to keep the peace towards all Her Majesty's subjects, and especially towards Thomas Pearce, for six calendar months, himself in £50 and two sureties of £25 each.

SAML. MOORE, J.P.
W. H. LANE, J.P.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STATE OF THE MAGISTRACY.
(EXPENSES OF WITNESSES.)

SECOND PROGRESS REPORT

FROM THE

SELECT COMMITTEE

ON THE

STATE OF THE MAGISTRACY;
(EXPENSES OF WITNESSES.)

TOGETHER WITH

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

3 November, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 29. TUESDAY, 18 MAY, 1858.

11. State of the Magistracy:—Mr. Murray moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into the state of the Magistracy of this Colony.
(2.) That such Committee consist of Mr. Parkes,* Mr. Piddington, Mr. Thornton, Mr. Egan, Mr. Jones, Mr. Forster, Mr. G. Macleay, Mr. Marks, Mr. Lee, and the Mover.
Question put and passed.

* Seat declared vacant 31st August, 1858.

VOTES No. 88. FRIDAY, 3 SEPTEMBER, 1858.

5. State of the Magistracy:—Mr. Murray, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before, the Select Committee on the State of the Magistracy, in reference to the case of Pearce v. Bayly, the proceedings in which were referred to that Committee on the 22nd July last.
Ordered to be printed.

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.
-

1858.

STATE OF THE MAGISTRACY.
(EXPENSES OF WITNESSES.)

SECOND PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 18th May, 1858, "to inquire into the State of the Magistracy of this Colony," and who, on the 3rd September last, brought up "a Progress Report in reference to the case of *Pearce v. Bayly*," have agreed to the following Second Progress Report:—

Your Committee beg to lay before your Honorable House a Letter* addressed by the Reverend C. F. D. Priddle, of Liverpool, to the Clerk of the Assembly, on the 5th ultimo, requesting to be allowed the sum of £2 by way of compensation for certain expenses incurred by him in attending upon three different occasions, when summoned, for the purpose of giving evidence before your Committee.

As the ruling† of the Speaker on the 19th August last, with respect to the bearing of the 44th Section of the Standing Orders, precludes your Committee from awarding payment of expenses to an ordinary witness, summoned in an ordinary way, merely to give evidence, they deem it expedient to bring Mr. Priddle's application under the consideration of your Honorable House.

T. A. MURRAY,
Chairman.

Legislative Assembly Chamber,
Sydney, 3 November, 1858.

APPENDIX.

Parsonage, Liverpool,
5 October, 1858.

Dear Sir,

In answer to summonses I attended three times at the Committee Rooms of the Assembly, to give evidence. I shall be glad to know whether I am right in applying to you for expenses incurred in travelling, &c.

At considerable inconvenience I made a point of attending, and now ask for £2 to cover expenses.

I remain, &c.,

CHAS. F. D. PRIDDLE.

R. O'Connor, Esq.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STATE OF THE MAGISTRACY.

FINAL REPORT

FROM THE

SELECT COMMITTEE

ON THE

STATE OF THE MAGISTRACY;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

9 November, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

—o—
1858.

CONTENTS.

	Page.
Extracts from the Votes and Proceedings	3
Report	7
Proceedings of the Committee	10
List of Witnesses	19
List of Appendix	19
List of <i>Separate</i> Appendix	20
Minutes of Evidence	1
<i>Separate</i> Appendix.. .. .	86

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 29. TUESDAY, 18 MAY, 1858.

11. State of the Magistracy:—Mr. Murray moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into the state of the Magistracy of this Colony.
(2.) That such Committee consist of *Mr. Parkes, Mr. Piddington, Mr. Thornton, Mr. Egan, Mr. Jones, Mr. Forster, Mr. G. Macleay, Mr. Marks, Mr. Lee, and the Mover.
Question put and passed.

* Seat declared vacant, 31 August, 1858.

VOTES No. 36. FRIDAY, 28 MAY, 1858.

21. Attendance of Member of Legislative Council:—Mr. Jones moved, That the following Message be carried to the Legislative Council:—

The Legislative Assembly having appointed a Select Committee to inquire into the state of the Magistracy, and that Committee being desirous to examine the Honorable Mr. Justice Therry 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, 28 May, 1858.*

Speaker.

Question put and passed.

VOTES No. 37. TUESDAY, 1 JUNE, 1858.

9. Attendance of Member of Legislative Council:—The Speaker reported that whilst the House was in Committee of Supply on the 28th ultimo, the following Message was received from the Legislative Council:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 28th instant, requesting leave for the Honorable Mr. Justice Therry, a Member of the Legislative Council, to attend, and be examined before a Select Committee of the Legislative Assembly, appointed to inquire into the state of the Magistracy, the Council acquaints the Legislative Assembly that leave has been granted to Mr. Justice Therry to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 28 May, 1858.*

W. W. BURTON,
President.

VOTES No. 38. WEDNESDAY, 2 JUNE, 1858.

6. Attendance of Member of Legislative Council:—Mr. Murray moved, That the following Message be carried to the Legislative Council:—

The Legislative Assembly having appointed a Select Committee to inquire into the state of the Magistracy, and that Committee being desirous to examine the Honorable Sir Alfred Stephen, Knight, Chief Justice, 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, 2 June, 1858.*

Speaker.

Question put and passed.

VOTES No. 40. FRIDAY, 4 JUNE, 1858.

19. Messages from the Legislative Council:—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 2nd instant, requesting leave for the Honorable Sir Alfred Stephen, Knight, Chief Justice, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, appointed to inquire into the state of the Magistracy, the Council acquaints the Legislative Assembly that leave has been granted to Sir Alfred Stephen to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 3 June, 1858.*

W. W. BURTON,
President.

* * * * *

VOTES

VOTES No 46. THURSDAY, 17 JUNE, 1858.

9. Attendance of Member of Legislative Council :—Mr. Murray moved, That the following Message be carried to the Legislative Council :—

The Legislative Assembly having appointed a Select Committee to inquire into the State of the Magistracy, and that Committee being desirous to examine the Honorable E. Deas Thomson, Esq., C.B., 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, 17 June, 1858.*

Speaker.

Question put and passed.

VOTES No 47. FRIDAY, 18 JUNE, 1858.

15. Attendance of Member of Legislative Council :—The Speaker reported that whilst the House was in Committee on the Impounding Bill, the following Message was received from the Legislative Council :—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 17th instant, requesting leave for the Honorable Edward Deas Thomson, Esquire, C.B., a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly appointed to inquire into the state of the Magistracy, the Council acquaints the Legislative Assembly that leave has been granted to Mr. Deas Thomson to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, June, 1858.*

W. W. BURTON,
President.

VOTES No 57. TUESDAY, 3 JULY, 1858.

1. The House met pursuant to adjournment; the Speaker took the Chair.
Papers :—

2. Mr. Martin laid upon the Table the undermentioned Papers :—

(3.) Return to the Address in reference to cases in which the Attorney General declined to prosecute, adopted, on motion of Mr. Murray, on the 4th ultimo.
Ordered to be printed, and referred to the Select Committee on the State of the Magistracy.

VOTES No 59. THURSDAY, 15 JULY, 1858.

1. Papers :—Mr. Cowper laid upon the Table the undermentioned Papers :—

(2.) Return to the Order in reference to Arthur E. Halloran, Esquire, made by this House, on motion of Mr. Forster, on the 8th ultimo.
Referred to the Select Committee on the State of the Magistracy.

VOTES No 63. THURSDAY, 22 JULY, 1858.

1. Paper :—Mr. Martin laid upon the Table the Return to the Address in reference to the case of Pearce v. Bayly, adopted, on motion of Mr. Murray, on the 13th instant.
Ordered to be printed, and referred to the Select Committee on the State of the Magistracy.

VOTES No 65. TUESDAY, 27 JULY, 1858.

2. A. E. Halloran, Esquire :—Mr. W. B. Tooth moved, pursuant to notice, That the Petition of Mr. E. B. Uhr, J.P., presented by him on the 20th instant, be printed, and referred to the Select Committee on the State of the Magistracy.
Question put and passed.
Ordered to be printed, and referred accordingly.

VOTES No 68. FRIDAY, 30 JULY, 1858.

9. Inquiry into conduct of Ch. Luke Bayly, Esq., J.P. :—Mr. Forster moved, pursuant to notice, That an Address be presented to the Governor General, praying that His Excellency will be pleased to cause to be laid upon the Table of this House, a copy of the Report of the Commission appointed by the Government to inquire into the conduct of Ch. Luke Bayly, Esq., J.P., with a view to having the said Report referred to the Select Committee on the State of the Magistracy.
Question put and passed.

VOTES

VOTES No. 84. FRIDAY, 27 AUGUST, 1858.

2. Papers:—Mr. Martin laid upon the Table the undermentioned Papers:—
 (1.) Return to the Address in reference to the Inquiry into the conduct of Charles Luke Bayly, Esquire, J. P., adopted on the motion of Mr. Forster on the 30th July last.
 Ordered to be printed, and referred to the Select Committee now sitting on the State of the Magistracy.

* * * * *

VOTES No. 88. FRIDAY, 3 SEPTEMBER, 1858.

5. State of the Magistracy:—Mr. Murray, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before, the Select Committee on the State of the Magistracy, in reference to the case of *Pearce v. Bayly*, the proceedings in which were referred to that Committee on the 22nd July last.
 Ordered to be printed.

VOTES No. 107. FRIDAY, 22 OCTOBER, 1858.

5. Dr. Harris:—Mr. Plunkett moved, pursuant to notice, That an Address be presented to the Governor General, requesting His Excellency to cause to be laid upon the Table of this House the following Documents, viz.:—Depositions taken in Police Court of Mudgee, in the cases of—
 1. *Turvey v. Caplin.*
 2. *Caplin v. Inder.*
 3. *Inder v. Harris.*
 4. *Regina v. Turvey.*
 5. Also, a receipt from *Turvey to Inder.*
 6. Receipt from Mills (for Harris) to Caplin.
 7. Letter of the Attorney General to Bench of Mudgee, respecting the above-mentioned cases.
 8. The Letters of Dr. Harris to the Colonial Secretary respecting the above-mentioned cases.
 9. Affidavit of J. W. Devereaux, verifying certain facts.
 10. All other Papers and Communications relating to these cases;—
 with a view to the said Documents, when produced, being referred to the Select Committee now inquiring into "The State of the Magistracy."
 Debate ensued.
 Question put and passed.

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.

VOTES No. 116. TUESDAY, 9 NOVEMBER, 1858.

4. State of the Magistracy:—Mr. Murray, as Chairman, brought up a Final Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 18th May last to inquire into the state of the Magistracy of this Colony,—with the Minutes of Proceedings and Appendix.
 Ordered to be printed.

1858.

STATE OF THE MAGISTRACY.

FINAL REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 18th May, 1858, "to inquire into the State of the Magistracy of this Colony," and to whom were referred, on the 13th July last, "Return to Address in reference to cases in which the Attorney General declined to prosecute;" on the 15th July last, "Return to Order in reference to Arthur E. Halloran, Esquire;" on the 22nd July last, "A copy of the Proceedings in the case of Pearce v. Bayly, tried before the Bench of Magistrates at Liverpool in November, 1857;" on the 27th July last, "the Petition of Mr. E. B. Uhr, J.P.," "in reference to the conduct of Arthur E. Halloran, Esquire, J.P.;" on the 27th August last, "Return to Address in reference to the Inquiry into the conduct of Charles Luke Bayly, Esquire, J.P.,"—have agreed to the following Final Report:—

It appears from the evidence before your Committee that the principal portion of the judicial business of the Colony is transacted in the Police Courts; that the great mass of the people, and especially the poorer classes, are dependent on those Courts for the administration of justice; and that the cases tried in them are as important to the parties concerned as those of the higher Courts are to the litigants therein.

It appears also that while there are checks on the administration of justice in the higher Courts in which Judges of high education and great legal attainments preside, and where a watchful bar is in attendance, no corresponding checks exist in the Police Courts in which Magistrates—in some instances but indifferently if at all qualified for the office they fill—exercise summary jurisdiction, a power unknown to the common law, with which the Judges of even the Supreme Court are never invested.

In the Police Courts the Magistrates adjudicate in cases under the Small Debts Act, the Tenements Recovery Act, the Deserted Wives and Children's Act, the Master and Servants' Act, the Impounding Act, the Scab in Sheep Act, the Cattle Stealing Prevention Act, the Publicans' Licensing Act, &c., &c. They fine and imprison, and in themselves constitute judge and jury; yet their responsibility is so slight, that His Honor the Chief Justice regards it as a mere nothing unless they exceed their jurisdiction.

Under such circumstances, it is obvious that the office of Justice of the Peace is a most important one; and that scrupulous care should be taken that the gentlemen placed in it should be unexceptionable in character and ability. And this seems the more necessary when it is considered that they are liable, especially in the Country Districts, to the bias of their own general interest in many of the cases they decide—such as those between Masters and Servants, and under the Impounding Act—and may be regarded in such instances, according to the evidence of the Chief Justice, as to some extent Judges in their own cause.

But, although favorable opinions were expressed by many of the witnesses, of the Magistrates as a body, it appears to your Committee that sufficient care has not been uniformly exercised in the selections made for the Commission of the Peace; that, on the contrary, persons have, in some instances, under all Governments, but more so of late years than formerly, been appointed as much by way of compliment to themselves or their friends as from any other consideration.

Nor has the system of Responsible Government effected any improvement in this respect. Notwithstanding that the Commission of the Peace already comprised the names of 600 or 700 gentlemen, three hundred and ninety-one have been added since the inauguration of our new regime,—of these 174 were appointed by Sir W. Parker, and 210 by the present Government. It is alleged that political considerations have led to several of these appointments. This may be regarded as to some extent proved by the fact which comes within

within the knowledge of your Committee, that during a late administration 14 gentlemen in one district were placed in the Commission on the recommendation of one Member of Parliament

Under these circumstances, the general character of the Magistracy may reasonably be regarded as impaired by injudicious appointments. Sir Alfred Stephen stated in his evidence, that he had "repeatedly seen persons sworn in whom he thought, "judging by their appearance, manner, and style of reading, to be utterly inadequate in "point of education, and to be of an inferior grade generally." He added, "that the bad "appointments of late years—say the last five—had been worse than all those made in the "previous fourteen"; and that he had known "two instances of habitual drunkards on the "Bench, of whom he had seen one in that state in the streets." Mr. Justice Therry said, he "had seen persons sworn in who could not read very well, and whose educational "attainments were of very humble pretensions." Judge Dickinson, "that he had on "several occasions, not in a great many, but on several occasions, more so lately than "formerly, been struck with the deficiencies of the Magistrates in point of education, "by the manner in which they read the oaths." He added, he had seen gentlemen of this class "whose whole demeanour betokened inferiority." These remarks, however, apply to particular cases. Their Honors expressed favorable opinions of the Magistrates generally; but as was urged by Sir Alfred Stephen, "one decidedly bad appointment "to the Magistracy in a district, is highly prejudicial, and tends to bring the whole body "into disesteem. It has the further effect of alienating the more competent and more "respectable portion of the Magistrates from their duties; and it is quite impossible not "to have observed that the instances referred to have already tended to lower the estimate "in which the Magistracy as a body should be held."

That this result has followed in many districts is shewn by the evidence. Judge Therry states that "there is great distrust in the Benches on which such Magistrates appear—"that confidence in the Police Courts is thus destroyed." Mr. Owen says, "The Magistrates, "so far as I can judge, have not the confidence of the public. The mode of appointment at "present is very unsatisfactory." Mr. Plunkett, "I think, looking to the body of the "Magistracy, there are as good Magistrates—men as of high qualifications for the office—"in this country, as in any part of the British dominions; but they are so diversified, and "so many persons not highly, or perhaps at all qualified for the office are among them, that "I do not think they are such altogether as to command the confidence to be wished in the "administration of justice." Mr. Deniehy states that "the decisions of the Justices in the "Police Courts are by no means satisfactory to the public at large." Mr. C. H. Walsh, that "generally speaking there is a want of confidence in the administration of justice by the "Magistrates."

Your Committee attribute this want of confidence to the disregard of the essential qualifications for the office which is manifest in several instances in the appointments made to the Commission of the Peace. The Minister of the day is doubtless, placed in an embarrassing position through the applications which pour in upon him under the present system. If he disregards the recommendations of Parliamentary supporters, he may lose votes in the House—if those of influential electors, possibly his next election.

But the administration of justice should not be dependent on such influences as these. The Courts of the country, high or low, should all bear the same character, and be such that the humblest individual could enter them with full confidence that every case in which he had an interest would be fairly, honestly, and ably dealt with. In so far, however, as undesirable appointments are made, is the risk of erroneous decisions multiplied.

And scrupulous care as to the appointments made seems the more necessary when it is considered that the administration of the law in the country districts by Justices of the Peace, even under favorable circumstances, although on the whole convenient, is nevertheless in itself, in some respects, liable to strong objection. To use the words of Mr. Owen,—“One "of the greatest evils which at present, as it appears to me, interferes with the proper course "of justice, is that the Magistrates sitting from day to day have all their local associations, "and are in some way or another immediately connected, in their business or in their family "relations, with a large proportion of the neighbourhood; and if it be that there are two "litigants, the one not within their circle and the other within it, the bias is, according to "the ordinary principles of human nature, in favour of their connexions or friends.”—“Another objection is, that gentlemen not possessing any legal attainments do not see the
force

"force of the objection which exists to any previous acquaintance with the matter in litigation; and it so happens that, from the peculiar position of the Magistracy at present existing, they generally obtain a previous knowledge of the matter that comes before the Court, and in a great number of cases it is privately discussed. The consequence is, that labor as you may, even with the advantages of legal assistance, the matter is decided before it comes into Court, without the parties knowing it, perhaps without the Magistrates being aware of it." In these opinions your Committee to a great extent concur; and they feel satisfied that these causes produce erroneous decisions in many instances. And it is to be remarked that redress under such circumstances is a matter of great difficulty to many of those against whom wrong judgments may have been given. The ordinary mode of obtaining it would be by writ of prohibition, but the expense of obtaining one ranges from £12 to £25 for each side. Mr. Owen adds:—"Unless corruption be shown against the Magistrates, the Judges do not visit them with the applicant's costs, although the application is successful. If the decision of the Bench be declared wrong, the applicant has still to pay heavy costs. A man in humble circumstances cannot therefore resist an erroneous judgment of any Bench." Sir Alfred Stephen says:—"The infrequency of appeals either to the Quarter Sessions or the Supreme Court against magisterial decisions, is no accurate test of the correctness of magisterial decisions; because the poverty, or ignorance, or indifference of parties in small cases, will naturally induce them to avoid litigation, even where they feel that the Magistrate is wrong. I know personally of some serious mistakes by Magistrates which have never come before the Court."

And—it is to be borne in mind—the very same causes which lead to injudicious and objectionable appointments, prevent the removal of persons from the Commission, however questionable their fitness or blameable their conduct may be. In fact it rarely happens that any man is superseded, even when there is good reason for it. From the returns laid before your Committee, it appears that only four writs of supersedeas have been issued since the commencement of Responsible Government. One of these occurred through insolvency—two of the other cases were brought under the notice of your Honorable House before the Government took action upon them. One of them was of a very serious nature, all the circumstances of which were communicated to the Attorney General in November, 1857; yet in this case the Magistrate concerned was retained in the Commission until your Committee, in September last, specially reported upon it, and brought the dilatoriness of the Government in regard to it prominently before you. The delay in this instance, to which your Committee need not now more particularly refer, clearly shows how necessary it is to guard "in limine" against objectionable appointments.

It is clear that the present system works badly—it is necessary, therefore, that it should be improved; but, though many suggestions have been made, your Committee have had some difficulty in adopting any one of them. All are liable to objection; but, after great consideration, they have agreed to the following recommendations as well worthy of attention, and, as likely to lead to improvement in the general character of the Magistracy as any that have been offered:—

- 1st. That the names of all gentlemen proposed for the Commission of the Peace shall be submitted to the Judges of the Supreme Court, for their opinion, previously to their appointments being submitted for final consideration by the Executive Government.
- 2nd. That a new Commission be issued at intervals of five years.
- 3rd. That it is inexpedient that legal practitioners, or persons in the employment of others, should be placed in the Commission of the Peace.
- 4th. That mere social position constitutes no reason for placing in the Commission of the Peace persons who in character and education are not clearly eligible for the office, or for excluding those who are known to be eligible in these respects.

With respect to the case of Mr. O'Halloran and Mr. Uhr's Petition thereupon, which were specially referred to them, your Committee are of opinion that the subject matter of the complaint and Petition came properly under the cognizance of the Executive Government, by whom it has already been decided.

*Legislative Assembly Chamber,
Sydney, 9 November, 1858.*

T. A. MURRAY,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 25 MAY, 1858.

MEMBERS PRESENT:—

Mr. Murray,	Mr. G. Macleay,
Mr. Piddington,	Mr. Marks,
Mr. Parkes,	Mr. Forster.

Mr. Murray was called to the Chair.

Committee deliberated as to their course of proceedings, and being of opinion that it would be expedient to initiate the inquiry by taking the evidence of one or more of the Judges,—*Resolved*:—

“That the Chairman do move in the House that a Message be carried to the Legislative Council, requesting that leave may be given to the Honorable Mr. Justice Therry to attend the Committee for the purpose of being examined, upon such day or days as may be arranged between him and the Committee.”

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 1 JUNE, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Marks,	Mr. Lee,
Mr. Piddington,	Mr. Forster,
Mr. Parkes.	

The Honorable Mr. Justice Therry, attending by permission of the Legislative Council, examined.
Committee deliberated.

[Adjourned till to-morrow, at *half-past Eleven o'clock*.]

WEDNESDAY, 2 JUNE, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Piddington,	Mr. Jones,
Mr. Egan,	Mr. Thornton,
Mr. Parkes,	Mr. Lee,
Mr. Forster,	Mr. Marks.

Mr. Owen, M. P., examined.

Committee deliberated, and it was *Resolved*:—

“1. That the Chairman do move in the House that a Message be carried to the Legislative Council, requesting that leave may be given to the Honorable Sir A. Stephen, Knight, Chief Justice, to attend the Committee for the purpose of being examined, upon such day or days as may be arranged between him and the Committee.
“2. That J. H. Plunkett, Esquire, Q. C., be summoned before this Committee, as a witness, for Tuesday next, at *Twelve o'clock*.”

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 8 JUNE, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Parkes,	Mr. Lee,
Mr. Piddington,	Mr. Forster,
Mr. Marks,	Mr. Jones.

The Honorable Sir Alfred Stephen, Knight, Chief Justice, attending by permission of the Legislative Council, examined.

Mr. J. H. Plunkett, Q. C., was also in attendance, as a witness, but Committee being of opinion that it would not be in their power to examine Mr. Plunkett *this day*,—

Motion made and *Question*—“That J. H. Plunkett, Esq., Q. C., be summoned before this Committee, as a witness, for to-morrow, at *Twelve o'clock*”—*agreed to*.

[Adjourned till to-morrow, at *Eleven o'clock*.]

WEDNESDAY,

WEDNESDAY, 9 JUNE, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Piddington,	Mr. Lee,
Mr. Parkes,	Mr. Forster.

His Honor Mr. Justice Dickinson, and Mr. J. H. Plunkett, Q. C., examined.
[Adjourned till Friday next, at Eleven o'clock.]

FRIDAY, 11 JUNE, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Forster,	Mr. Jones,
Mr. Marks,	Mr. Egan,
Mr. Parkes.	

The Chairman laid before the Committee a letter from Mr. H. M. Oxley, from Wingecarribbee, Berrima, dated 6th instant, containing certain observations relative to the state of the Magistracy of the Colony.

Ordered to be printed in Appendix. (*Vide "Separate Appendix A."*)

Mr. D. H. Deniehy, M. P., and

Dr. Goodwin, of Scone, examined.

And Dr. Goodwin, in the course of his examination, entering into certain charges of a private nature against the Bench of Magistrates at Scone;—

Mr. Jones, a Member of the Committee, called attention thereto, and requested the opinion of the Committee as to the propriety of admitting evidence of a private nature, such as that now given by Dr. Goodwin, into an inquiry appointed for the purpose of ascertaining the state of the Magistracy generally.

Committee thereupon deliberated,—and being of opinion that it would be inexpedient to receive the evidence of Dr. Goodwin as to any private charges such as those now preferred by him, inasmuch as such charges ought properly to be made to the Executive Government;—

The Chairman informed Dr. Goodwin to this effect, and directed him to confine his evidence to the state of the Magistracy of the Colony generally.

Dr. Goodwin's examination then continued.

At the close of his examination, witness withdrew.

The Chairman then, at the request of the Committee, directed the Short-hand Writer in attendance (Mr. Palmer) to read from his notes the evidence of Dr. Goodwin as taken by him,—and

Mr. Palmer read such evidence accordingly,—

And it appearing that portions thereof, at the commencement, entered into charges of a private nature against certain Magistrates,—

Committee deliberated, and it was *Resolved*:—

"That the Short-hand Writer do strike out such portions of Dr. Goodwin's evidence
"as shall appear to him to have a tendency to enter upon private charges; but
"shall retain, as evidence, that portion which bears upon the state of the
"Magistracy of the Colony generally."

[Adjourned till Tuesday next, at Eleven o'clock.]

TUESDAY, 15 JUNE, 1858.

MEMBERS PRESENT:—

Mr. Parkes,	Mr. Piddington,
Mr. Forster,	Mr. Marks,
Mr. Egan,	Mr. Lee.

Mr. Parkes, in the absence of the Chairman, was called to the Chair.

Mr. C. H. Walsh, J. P., of Goulburn, and Mr. W. M. Arnold, M. P., Chairman of Committees, examined.

[Adjourned till Thursday next, at Eleven o'clock.]

THURSDAY, 17 JUNE, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Marks,	Mr. Lee,
Mr. Forster.	

The Chairman having before him the evidence given by Dr. Goodwin on the 11th instant, as transcribed by the Short-hand Writer, under the Resolution agreed to by the Committee on the same day—read the same.

Motion made and *Question*—"That this evidence be printed as the evidence given by Dr. Goodwin"—*agreed to*.

The Honorable S. A. Donaldson, M. P., and the Honorable Charles Cowper, M. P., Principal Secretary, examined.

The

The Chairman then informed the Committee that he was desirous, *to-morrow*, of examining the Honorable E. Deas Thomson, Esquire, C. B., a Member of the Legislative Council.

Committee thereupon *Resolved* :—

“ That the Chairman do move in the House, *to-night*, ‘ That a Message be carried “ to the Legislative Council, requesting leave for the Honorable E. Deas Thomson, Esquire, C. B., to attend and be examined before this Committee, on such day and days as shall be arranged between him and the “ Committee.’ ”

[Adjourned till to-morrow, at *Eleven o'clock*.]

FRIDAY, 18 JUNE, 1858.

By direction of the Chairman, the meeting of the Committee convened for *this day*

[Postponed till Wednesday next, at *Eleven o'clock*]

WEDNESDAY, 23 JUNE, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Forster,

Mr. Marks,

Mr. Parkes,

Mr. Piddington.

The Chairman laid before the Committee a letter addressed to him by D. Dunlop, Esquire, J.P., offering certain suggestions relative to the revision of the Magistracy.

Ordered to be printed in Appendix. (*Vide “ Separate Appendix B.”*)

The Chairman then laid before the Committee a Memorial addressed to the Committee by certain of the clergy, landowners, farmers, and others residents in the Police Districts of Moruya, praying the removal of W. Caswell, Esquire, from the office of Police Magistrate of the said district.

Committee deliberated, and it was *Resolved* :—

“ 1. That the Committee deem it inexpedient to receive this Memorial, inasmuch “ as the matter referred to therein does not properly come within their cogni- “ zance, but forms rather a subject for the consideration of the Executive.”

“ 2. That the memorialists be informed of the terms of this Resolution.”

The Honorable E. Deas Thomson, C.B., attending by permission of the Legislative Council, examined.

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 29 JUNE, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Egan,

Mr. Marks.

The Chairman laid before the Committee a letter addressed to him by G. U. Alley, Esquire, of Shoalhaven, dated 24th instant, offering certain suggestions relative to the state of the Magistracy generally, and in the Wollongong and Kiama Districts in particular.

Ordered to be printed in Appendix. (*Vide “ Separate Appendix C.”*)

Captain Moore, J.P., and

Mr. G. T. Rowe, J.P., examined.

[Adjourned till Thursday next, at *Eleven o'clock*.]

THURSDAY, 1 JULY, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Forster,

Mr. Egan,

Mr. Piddington,

Mr. Lee.

The Reverend C. F. D. Priddle, who was summoned before the Committee as a witness for *this day*, not being in attendance, and the Committee having waited the prescribed time ;—

[Adjourned.]

WEDNESDAY, 14 JULY, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Piddington,

Mr. Forster.

The Chairman laid before the Committee a letter from the Honorable Sir A. Stephen, Knight, dated 5th instant, explanatory of that portion of the evidence given by him on 8th ultimo relating to the succession of the Attorney General for the time being to the office of Chief Justice.

Ordered

Ordered to be printed in Appendix. (Vide "Separate Appendix D.")

The Chairman then laid before the Committee a letter from Mr. G. T. Rowe, dated 5th instant, requesting the omission from the evidence given by him on the 29th ultimo of the latter part of his answer to the last question, and desired the opinion of the Committee as to the expediency of allowing such omission.

Committee deliberated, and it was *Resolved* :—

"That as the part of the answer referred to relates to a personal matter, which Mr. Rowe has since ascertained to have been incorrectly stated by him, it is expedient to comply with that gentleman's request, and omit the same therefrom."

[Adjourned till Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 21 JULY, 1858.

MEMBERS PRESENT :—

Mr. Piddington,
Mr. Lee,

Mr. Forster,
Mr. Marks.

Mr. Piddington, in the absence of the Chairman, was called to the Chair.

By direction of the Chairman, Resolutions of the House referring to the Committee, on the 14th instant,—

"Return of all commitments for trial by Justices, within the three years ending December 31st, 1857, in which the Attorney General declined to prosecute, specifying the names of the committing Magistrates,"—

and on the 15th instant,—

"(1.) Copies of all correspondence between the Executive Government and any person or persons having reference to any complaints made by E. B. Uhr, Esq., J.P., of Maryborough, Wide Bay, against Arthur E. Halloran, Esq., Commissioner of Crown Lands for the District of Wide Bay and Burnett, for alleged irregular conduct upon the Bench, and in particular for insulting language addressed to the complainant aforesaid, at the Court of Petty Sessions, Maryborough, upon Monday, December 28, 1857.

"(2.) Copies of all correspondence between the Executive Government and any person or persons holding, or having formerly held, the office of Magistrate in the District of Wide Bay and Burnett, purporting to resign, or stating the intention of any such person or persons to resign, his or their commission or commissions, or to sit no longer upon the Bench at Maryborough, in consequence of alleged improprieties in Mr. Halloran's conduct in the above-mentioned or any other matter relating to his public duties,"—read by the Clerk.

The Reverend C. F. D. Priddle then examined.

Witness withdrew.

Committee deliberated.

Motion made (Mr. Forster) and Question—"That a motion be made in the House, requesting that there be laid upon the Table of the House a copy of the Report of the Commission appointed by the Government to inquire into the conduct of Mr. C. Luke Bayly"—agreed to.

[Adjourned.]

TUESDAY, 31 AUGUST, 1858.

MEMBERS PRESENT :—

Mr. Jones,

Mr. Forster.

A Quorum of the Committee not being present;—

*[Adjourned till Friday next, at *Eleven o'clock*.]

FRIDAY, 3 SEPTEMBER, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Forster,

Mr. Piddington,

Mr. Egan.

By direction of the Chairman, Resolution of the House referring to the Committee,—

On 27th ultimo "a Petition from E. B. Uhr, Esquire, J.P., complaining of having been insulted on the Bench by A. E. Halloran, Esquire, Commissioner of Crown Lands for the District of Wide Bay and Burnett, and praying redress;"—

read by the Clerk.

The Chairman then stated that he had caused the meeting of the Committee to be convened for this day for the purpose of considering the course to be pursued with respect to this Petition, and certain other documents referred to the Committee.

Petition then read by the Chairman.

Committee deliberated thereupon.

Motion made and *Question put*—"That this Committee are of opinion that the subject matter of Mr. Uhr's petition comes properly under the cognizance of the Executive Government, whose decision has already been given upon it."
Committee divided.

Ayes, 2.
Mr. Piddington,
Mr. Egan,

No, 1.
Mr. Forster.

By direction of the Chairman, Resolutions of the House referring to the Committee, on 22nd July last,—

"A copy of the Proceedings in the case of *Pearce v. Bayly*, tried before the Bench of Magistrates at Liverpool, in November, 1857 ;"

on 27th ultimo,—

"A copy of the Report of the Commission appointed by the Government to inquire into the conduct of Charles Luke Bayly, Esquire, J.P.,"—moved for by Mr. Forster, under a Resolution agreed to by the Committee, on the 21st July last,—

read by the Clerk.

Committee deliberated.

Certain of the documents attached to the "inquiry into the conduct of Mr. Bayly" having been read by the Chairman, the subject matter therein was found to be irrelevant to the proceedings in the case of *Pearce v. Bayly*.

The Chairman having then laid before the Committee,—Letter from C. Luke Bayly, Esquire, J.P., dated 21st ultimo, requesting to be heard by the Committee prior to their consideration of, and decision respecting, the depositions in the case of *Pearce v. Bayly*,—read the same.

Deliberation continued.

Motion made (Mr. Forster) and *Question*—"That it is expedient that the immediate attendance of the Secretary to the Crown Law Officers be requested, for the purpose of ascertaining whether any action has been taken by the Executive Government with respect to the case of *Pearce v. Bayly*, since the 8th December last"—agreed to.

Deliberation further continued.

Mr. W. E. Plunkett, Secretary to the Crown Law Officers, examined.

Committee then *Resolved* :—

- "(1.) That this Committee having taken into consideration the proceedings before the Bench of Magistrates at Liverpool in the case of *Pearce v. Bayly*, and, having examined the Secretary to the Crown Law Officers, are of opinion that the conduct of the Government in neglecting to take further action with respect to this matter ought to be immediately brought under the notice of the House, inasmuch as such neglect is calculated to prejudice the public interest, and bring the administration of justice into contempt.
- "(2.) That the purport of this Resolution be embodied in a Progress Report.
- "(3.) That such Progress Report be brought up, and laid upon the Table of the House by the Chairman *this day*.
- "(4.) That the Chairman do give notice that he will move for the adoption of the said Report, and that an Address be presented to His Excellency the Governor General, transmitting a copy of the same.

The Chairman then laid before the Committee,—Letter from J. Busby, Esquire, dated 30th ultimo, complaining of the conduct of the Bench of Magistrates at Durham, in refusing his application to have the lease of one of his tenants cancelled, who had been guilty of a breach of covenant and non-payment of his rent, without his giving 6 months notice to such tenant.

Committee deliberated, and it was *Resolved* :—

- "(1.) That in the opinion of this Committee the matter complained of in Mr. Busby's communication is not within the scope of their inquiry, and cannot therefore be entertained by them without its special reference for that purpose."
- "(2.) That Mr. Busby be informed to this effect."

The Chairman also laid before the Committee letter, without name or date, giving a biographical sketch of the various Magistrates on the Macleay River Bench.

Committee further deliberated.

[Adjourned]

TUESDAY, 2 NOVEMBER, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Forster, | Mr. Piddington.

By direction of the Chairman,—Resolution of the House moving that the following Papers, viz :—

Depositions taken in Police Court of Mudgee in the cases of—

1. Turvey v. Caplin.
2. Caplin v. Inder.
3. Inder v. Harris.
4. Regina v. Turvey.
5. Also, a receipt from Turvey to Inder.

6. Receipt from Mills (for Harris) to Caplin.
 7. Letter of the Attorney General to Bench of Mudgee, respecting the above-mentioned cases.
 8. The Letters of Dr. Harris to the Colonial Secretary, respecting the above-mentioned cases.
 9. Affidavit of J. W. Devereaux, verifying certain facts.
 10. All other Papers and Communications relating to these cases;—
- be laid upon the Table of the House, with a view to their being then referred to the Committee,—read by the Clerk.

Mr. William Elyard, *Principal Under Secretary*, examined.

Witness withdrew.

And Mr. Elyard having informed the Committee, during the course of his examination, that Mr. Charles Luke Bayly had been removed, by the Executive Government, from his office of Justice of the Peace,—

Committee thereupon deliberated as to the necessity, in such event, of moving for the Adoption of the Progress Report made by them to the House on the 3rd September last.

Motion made (Mr. Forster) and *Question*—“That the final decision relative to this “matter be deferred until the next meeting of the Committee”—*agreed to*.

The Chairman then laid before the Committee,—Letter from the Reverend C. F. D. Priddle, who was examined before the Committee on 21st July last, to the Clerk of the Assembly, dated, Liverpool, 5th October, 1858, requesting payment of certain expenses, amounting to £2, incurred by him in attending on three occasions for the purpose of giving such evidence,—

Committee deliberated, and it was *Resolved* :—

“That the Chairman do move in the House, as a matter of Order, that the letter “be referred to the Standing Orders Committee for their consideration and “Report.”

Committee then deliberated as to the expediency of taking further evidence, or of *at once* Reporting to the House, and it was *Resolved* :—

“1. That sufficient evidence has already been taken for the purposes of this “inquiry.”

“2. That a meeting of the Committee be convened for *to-morrow*, to consider the “expediency of *at once* Reporting to the House, and as to what should be the “nature of such Report.”

The Chairman desired the opinion of the Committee as to the advisability of moving that Mr. Plunkett be added to the Committee in the room of Mr. Parkes; and, it was *Resolved* :—

“That the Chairman do move in the House, That Mr. Plunkett be appointed a “Member of the Committee, in the room of Mr. Parkes.”

Mr. Charles Luke Bayly, who was duly summoned before the Committee, as a Witness, for *this day*, was not in attendance in answer such summons.

[Adjourned till to-morrow, at half-past Eleven o'clock.]

WEDNESDAY, 3 NOVEMBER, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. G. Macleay,
Mr. Piddington,

Mr. Forster,
Mr. Egan,

Mr. Deniehy.

Committee further deliberated as to the necessity of moving for the adoption of the Progress Report made to the House on the 3rd September last in reference to the case of Mr. Charles Luke Bayly.

Motion made (Mr. Forster) and *Question proposed*—“That the Chairman be “requested to move in the House for the adoption of the Progress Report of 3rd September “last.”

Committee deliberated.

Question put.

Committee divided.

Ayes, 4.

Mr. Forster,
Mr. Piddington,
Mr. G. Macleay,
Mr. Deniehy.

No, 1.

Mr. Egan.

Committee then deliberated as to the heads of Final Report.

Deliberation adjourned.

The Chairman requested the Committee to reconsider a Resolution agreed to by them *yesterday*, in reference to the application made by the Reverend C. F. D. Priddle for payment of certain expenses incurred by him in attending for the purpose of giving evidence before the Committee, as it appeared that it was incompetent for them to bring the matter under the notice of the House in the manner determined on therein.

Committee thereupon deliberated, and it was *Resolved* :—

“1. That it is expedient that the letter from the Reverend C. F. D. Priddle should “be laid upon the Table of the House, inasmuch as the ruling of the Speaker “on the 19th August last, with respect to the bearing of the 44th section of “the

- " the Standing Orders, precludes the Committee from awarding payment of
 " expenses to an ordinary witness, summoned in an ordinary way, merely to
 " to give evidence.
 " 2. That the purport of this Resolution be embodied in a Second Progress Report.
 " 3. That such Report be forthwith brought up, and laid upon the Table of the
 " House, and a motion made to the effect that the same be referred to the
 " Standing Orders Committee."

[Adjourned till to-morrow, at *One o'clock.*]

THURSDAY, 4 NOVEMBER, 1858.

MEMBERS PRESENT:—

The Hon. T. A. Murray, Esquire, in the Chair.

Mr. Egan,	Mr. Piddington,
Mr. Forster,	Mr. Thornton,
Mr. Jones,	Mr. Deniehy.

Committee further deliberated as to the heads of Final Report.

Motion made (*Mr. Piddington*) and *Question proposed*:—

- " (1.) That all applications referring to the appointment of gentlemen to the
 " Commission of the Peace shall be submitted to the Judges of the Supreme
 " Court for their approval, previous to their appointment by the Executive
 " Government."

- " (2.) That the purport of this Resolution be embodied in the Final Report."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.	Noes, 2.
Mr. Piddington,	Mr. Egan,
Mr. Mr. Jones,	Mr. Thornton.
Mr. Deniehy,	

Further motion made (*Mr. Piddington*) and *Question proposed*,—

- " 1. That it is expedient that a new Commission be issued at intervals of three
 " years.

- " 2. That the purport of this Resolution be embodied in the Final Report."

Committee deliberated.

Question put.

Committee divided.

Ayes, 4.	No, 1.
Mr. Piddington,	Mr. Egan.
Mr. Jones,	
Mr. Deniehy,	
Mr. Thornton.	

Further motion made (*Mr. Piddington*) and *Question proposed*,—

- " 1. That it is expedient that a new Commission be issued as early as practicable in
 " the course of the ensuing year.

- " 2. That the purport of this Resolution be embodied in the Final Report."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.	Noes, 2.
Mr. Piddington,	Mr. Thornton,
Mr. Jones,	Mr. Egan.
Mr. Deniehy.	

Further motion made (*Mr. Piddington*) and *Question proposed*,—

- " 1. That it is inexpedient that legal or medical practitioners, or persons in the
 " employment of others, should be placed in the Commission of the Peace.

- " 2. That the purport of this Resolution be embodied in the Report."

Committee deliberated.

Question put.

Committee divided.

Ayes, 4.	No, 1.
Mr. Piddington,	Mr. Jones.
Mr. Thornton,	
Mr. Egan,	
Mr. Deniehy.	

read. Certain Resolutions to form basis of Final Report, *proposed by the Chairman*, then

Committee deliberated thereupon.

[Adjourned till to-morrow, at *Twelve o'clock.*]

FRIDAY,

FRIDAY, 5 NOVEMBER, 1858.

MEMBERS PRESENT :—

Mr. Jones,	|	Mr. Forster,
Mr. Piddington,	|	Mr. Egan,
Mr. G. Macleay.		

Committee having waited the prescribed time, and the Chairman, who was officiating as Chairman of the Select Committee on "Irish Female Immigrants" then sitting, not being in attendance—

[Adjourned.]

TUESDAY, 9 NOVEMBER, 1858.

MEMBERS PRESENT :—

The Hon. T. A. Murray, Esquire, in the Chair.		
Mr. Forster,	|	Mr. Piddington,
Mr. Jones,	|	Mr. Egan.

By direction of the Chairman,—Resolution of the House of the 3rd instant, ordering the Second Progress Report of the Committee respecting the "Expenses of Witnesses" to be printed, and referred to the Standing Orders Committee, read by the Clerk.

The Chairman then laid before the Committee a Draft Final Report.

Motion made, and *Question*,—"That this Draft Report be now read, and considered "paragraph by paragraph"—*agreed to*.

Introductory paragraph read, and *agreed to*.

Paragraph 1 read, *verbally* amended, and *agreed to*.

Paragraph 2 read.

Committee deliberated.

Paragraph *verbally* amended.

Motion made, and *Question* put,—"That this paragraph, as *verbally* amended, stand "part of the proposed Report."

Committee divided.

Ayes, 2.

No, 1.

Mr. Jones,	|	Mr. Forster.
Mr. Piddington,	|	

Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, and 11, read *seriatim*, *verbally* amended, and *agreed to*.

Paragraph 12 read.

Committee deliberated.

Motion made, and *Question* put—"That this paragraph stand part of the proposed "Report."

Committee divided.

Ayes, 2.

Noes, 2.

Mr. Jones,	|	Mr. Egan,
Mr. Piddington,	|	Mr. Forster,

Whereupon the Chairman declared himself with the "Ayes."

Paragraph 13, as far as 1st Resolution, read.

1st. Resolution read, viz :—

"That all applications referring to the appointment of gentlemen to the Commission of the Peace shall be submitted to the Judges of the Supreme Court, for their approval and recommendation, previously to their appointment by the Executive Government."

Committee deliberated.

Resolution amended.

Motion made, and *Question* put—"That this Resolution, as amended, stand part of "the paragraph."

Committee divided.

Ayes, 2.

Noes, 2.

Mr. Jones,	|	Mr. Egan,
Mr. Piddington,	|	Mr. Forster.

Whereupon the Chairman declared himself with the "Ayes."

2nd Resolution read, viz :—

"That a new Commission be issued at intervals of three years."

Committee deliberated.

Resolution amended.

Motion made and *Question*—"That this Resolution, as amended, stand part of the "paragraph"—*agreed to*.

3rd Resolution read, viz :—

"That a new Commission be issued as early as possible in the course of the ensuing "year."

Committee deliberated.

Motion made and *Question*—"That this Resolution stand part of the paragraph"—*negatived*.

Resolution struck out accordingly.

4th (*now 3rd*) Resolution read, viz. :—

"That it is inexpedient that legal or medical practitioners, or persons in the employment of others, should be placed in the Commission of the Peace."

Motion made (Mr. *Forster*) and *Question proposed*—"That this Resolution be amended by the omission of the word 'legal' therefrom."

Committee deliberated.

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

Committee divided.

Ayes, 3.

No, 1.

Mr. Jones,
Mr. Piddington,
Mr. Egan,

Mr. Forster.

Original question then put and negatived.

Word "legal" retained accordingly.

Motion made (Mr. *Egan*) and *Question proposed*—"That this Resolution be amended by the omission of the words 'or medical' therefrom."

Committee deliberated.

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

Original question then put, and agreed to.

Words 'or medical' struck out accordingly.

Motion made (Mr. *Jones*) and *Question proposed*—"That this Resolution be further amended by the omission of the words 'or persons in the employment of others' therefrom."

Committee deliberated.

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

Committee divided.

Ayes, 2.

Noes, 2.

Mr. Piddington,
Mr. Egan,

Mr. Jones,
Mr. Forster.

Whereupon the Chairman declared himself with the "Ayes."

Original Question then put and negatived.

Words "or persons in the employment of others" retained accordingly.

Motion then made and *Question put*—"That this Resolution, as amended, stand part of the paragraph."

Committee divided.

Ayes, 2.

Noes, 2.

Mr. Piddington,
Mr. Egan.

Mr. Forster,
Mr. Jones.

Whereupon the Chairman declared himself with the "Ayes."

5th (*now 4th*) Resolution read; viz. :—

"That social position constitutes no reason for placing persons in the Commission of the Peace who in character and education are ineligible for the office, or for excluding persons known to be eligible in these respects."

Committee deliberated.

Resolution verbally amended.

Motion made and *Question put*,—"That this Resolution, as verbally amended, stand part of the paragraph."

Committee divided.

Ayes, 3.

No, 1.

Mr. Jones,
Mr. Piddington,
Mr. Egan,

Mr. Forster.

Paragraph, as amended, read.

Motion then made and *Question proposed*—"That this paragraph, as amended, stand part of the proposed Report."

Committee deliberated.

Question put.

Committee divided.

Ayes, 2.

Noes, 2.

Mr. Jones,
Mr. Piddington,

Mr. Forster,
Mr. Egan,

Whereupon the Chairman declared himself with the "Ayes."

Paragraph 14 read, and verbally amended.

Motion made and *Question put*,—"That this paragraph, as verbally amended, stand part of the proposed Report."

Committee divided.

Ayes, 3.

No, 1.

Mr. Piddington,
Mr. Egan,
Mr. Jones,

Mr. Forster.

Whereupon

Whereupon motion made and *Question put*—"That this Report, as amended, be the Final Report of the Committee."
Committee divided.

Ayes, 2.

Mr. Piddington,
Mr. Jones.

Noes, 2.

Mr. Egan,
Mr. Forster.

Whereupon the Chairman declared himself with the "Ayes."
Chairman requested to Report finally to the House.

LIST OF WITNESSES.

	PAGE.
<i>Tuesday, 1 June, 1858.</i>	
His Honor Mr. Justice Therry, M. L. C.	1
<i>Wednesday, 2 June, 1858.</i>	
R. Owen, Esquire, M. P.	8
<i>Tuesday, 8 June, 1858.</i>	
The Honorable Sir A. Stephen, Kt., <i>Chief Justice, M. L. C.</i>	16
<i>Wednesday, 9 June, 1858.</i>	
His Honor Mr. Justice Dickinson	24
J. H. Plunkett, Esquire, Q. C.	28
<i>Friday, 11 June, 1858.</i>	
D. H. Denichy, Esquire, M. P.	38
Dr. Goodwin, <i>Scone</i>	46
<i>Tuesday, 15 June, 1858.</i>	
C. H. Walsh, Esquire, <i>Goulburn</i>	46
W. M. Arnold, Esquire, M. P., <i>Chairman of Committees, Legislative Assembly</i>	52
<i>Thursday, 17 June, 1858.</i>	
The Honorable S. A. Donaldson, Esquire, M. P., <i>late Principal Secretary</i>	56
The Honorable Charles Cowper, Esquire, M. P., <i>Principal Secretary</i>	60
<i>Wednesday, 23 June, 1858.</i>	
The Honorable E. Deas Thomson, Esquire, C. B., M. L. C.	66
<i>Tuesday, 29 June, 1858.</i>	
Captain Moore, J. P., <i>Liverpool</i>	75
G. T. Rowe, Esq., J. P., <i>Liverpool</i>	77
<i>Wednesday, 21 July, 1858.</i>	
Reverend C. F. D. Priddle, <i>Liverpool</i>	77
<i>Friday, 3 September, 1858.</i>	
W. E. Plunkett, Esquire, <i>Secretary to the Crown Law Officers. (Vide Progress Report, dated 3 September, 1858)</i>	78
<i>Tuesday, 2 November, 1858.</i>	
W. Elyard, Esq., <i>Principal Under Secretary</i>	79

LIST OF APPENDIX.

(To evidence given by Mr. William Elyard on 2nd November, 1858.)

APPENDIX A.

Magistrates appointed during Administration of The Honorable Stuart Alex. Donaldson, Esq., from the 28th April to 25th August, 1856	79
---	----

APPENDIX B.

Magistrates appointed during <i>first</i> Administration of The Honorable Charles Cowper, Esq., from 26th August to 2nd October, 1856	79
---	----

APPENDIX C.

Magistrates appointed during Administration of The Honorable Henry Watson Parker, Esq., from 3rd October, 1856, to 6th September, 1857	79
--	----

APPENDIX D.

Magistrates appointed in General Commission of Peace, issued 1st July, 1857, during Administration of The Honorable H. W. Parker, Esq.	80
--	----

APPENDIX E.

Magistrates appointed during <i>present</i> Administration of The Honorable Charles Cowper, Esq., commencing on the 7th September, 1857	82
---	----

APPENDIX F.

Magistrates superseded during Administration of The Honorable H. W. Parker, Esq.	85
--	----

APPENDIX G.

Magistrates superseded during <i>present</i> Administration of The Honorable Charles Cowper, Esq.	85
---	----

LIST OF SEPARATE APPENDIX.

	PAGE.
A.	
Letter from H. M. Oxley, Esquire, J.P., to the Chairman, dated Wingecarribbee, Berrima, 6 June, 1858, offering certain suggestions for the improvement of the Magistracy of the Colony	86
B.	
Letter from D. Dunlop, Esquire, J.P., to the Chairman, dated Mulla Villa, Wollombi, 22 May, 1858, offering certain suggestions relative to the revision of the Magistracy	86
C.	
Letter from G. U. Alley, Esquire, to the Chairman, dated Shoalhaven, 24 June, 1858, offering certain suggestions relative to the state of the Magistracy <i>generally</i> , and in the Wollon- gong and Kiama Districts in <i>particular</i>	87
D.	
Letter from the Honorable Sir A. Stephen, Knight, to the Chairman, dated 5 July, 1858, in qualification of that portion of the evidence given by him before the Committee on the 8th June last, respecting the succession of the Attorney General for the time being to the office of Chief Justice	88

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

STATE OF THE MAGISTRACY.

TUESDAY, 1 JUNE, 1858.

Present:—

MR. MURRAY,
MR. FORSTER,
MR. MARKS,MR. PIDDINGTON,
MR. LEE,
MR. PARKES.

T. A. MURRAY, Esq., IN THE CHAIR.

His Honor Mr. Justice Therry, M.L.C., called in and examined:—

1. *By the Chairman:* You are, I believe, one of the Judges of the Supreme Court? Yes.
2. In your capacity as a Judge, you have had frequent opportunity of acquiring a knowledge of the state of the magistracy in the Colony? Yes; I have had considerable opportunity.
3. And what is your opinion of the body, generally? There are some very good, useful, and competent magistrates; but, I think, there are some who do not merit that character.
4. Have you been of opinion for some time that it is desirable, as a body, that the magistracy should be reformed? I think there is much need of revision and reformation. I think the mode of appointment is not satisfactory. I believe the mode of appointment of magistrates is embarrassing to the Government and unsatisfactory for the purpose of a judicious selection. It is, moreover, an increasing embarrassment, because, under the present state of our Government—the Ministers having the power and right of appointment, it is with great difficulty they can refuse an application enforced by the recommendation of their political supporters. I say this of course with indifference as to whether one party or not is in power. I think it is difficult for any party in power to refuse applications that may be thus pressed upon them.
5. Do you think the state of the magistracy about ten or twenty years ago was better? I think it was much better. I am speaking from an experience of nearly thirty years in the Colony. I believe, from what I can recollect, that the appointments were considered more satisfactory, and inspired more confidence, although, no doubt, from the vast power the magistrates had formerly, there were many things to disapprove of. I think greater care and attention was paid to the appointments, and they inspired more confidence in the community.
6. Do you think—suppose we take the days of Sir Richard Bourke—that the magistracy was in a more satisfactory state? I think it was; and also in Sir George Gipps' time. General Darling and Sir R. Bourke had opportunities of making very good selections from the many experienced military officers who were scattered in detachments over the Colony. These advantages subsequent Governors did not possess. I think Responsible Government has increased the difficulty of the Government in appointing men eligible for the office, solely on account of their fitness for the office.
7. Do you think the magistracy declined in character during the administration of Sir Charles Fitz Roy? I do.
8. From your observation of the working of the magistracy, do you think there has been any improvement since Responsible Government was introduced? I cannot say there has.

His Honor
Mr. Justice
Therry,
M.L.C.

1 June, 1858.

His Honor
Mr. Justice
Therry,
M.L.C.

June, 1858.

has. A great number of the adherents and friends of those who have been, or are in power, have been placed in the Commission. The Committee must bear in mind, that in general estimation to be in the Commission of the Peace is considered a decisive test of belonging to the rank of a gentleman. In fact it occurred to me, that it was somewhat like the principle that prevails in vaccination. It is believed that if a person be once vaccinated, he will never get the small-pox; and so, once the aspirant for the office gets appointed a magistrate, he will be made a gentleman evermore. If he fails in getting that appointment, he is often doubtful of his occupying that position.

9. Have you had an opportunity of observing at all what effect some of these appointments have had on the great mass of the population in the country districts? Great distrust in the Benches on which such magistrates appear; the consequence is, that parties endeavour to settle their disputed matters as best they can amongst themselves without appealing to the proper tribunal.

10. The confidence in minor courts is thus destroyed? Yes; and I have heard such expressions used as "I would go anywhere rather than before such or such a Bench of Magistrates."

11. Do you think since Responsible Government was introduced that the character of the magistracy has deteriorated? I think since Responsible Government has been introduced some very injudicious appointments have been made.

12. By all the Ministries? Yes. It is, in my opinion, attributable to the system, not to Ministers in particular.

13. Has it come to your knowledge that some statement was made in the House of Assembly, to the effect that Members were the proper persons to recommend gentlemen to be magistrates? Yes, I know that is the opinion of many; but I do not consider it a correct one. At the same time, I think a Member of a constituency is entitled to recommend, and his recommendations ought to be paid the respect and attention due to his position. The difficulty and disadvantage of the Minister appointing at the recommendation of a Member of Parliament, appear to me to lie in this:—that it often places both the Minister and Member in a position of great embarrassment. The Minister is reluctant to refuse the recommendation of a political adherent, and as to the Member, there are persons amongst his constituency who, knowing that his recommendation will be attended to, urge him to make such recommendation, without due consideration of their own fitness for the office—of the public exigency requiring the appointment,—or any other consideration but their own self advancement. It struck me—I think a judicious mode of appointment would be one of this nature. When an application is made for the office, the party making the application, or the party who recommended it, should transmit to the Minister of the day testimonials of the qualifications of the candidate—such as his educational attainments, property, and general qualities of fitness for office. The Minister should then forward this to the Minister of Justice, if there were one—if not, to the Judges of the Supreme Court; and upon their review of these testimonials, or such inquiry as they may think proper to institute, they might veto the appointment, or approve of it. You have no person here like the Lord Chancellor, or Minister of Justice; if you had any person independent of political influences, he would be the fittest person to make this appointment. I think this course might be taken in all cases. When the proposed appointment originates with the Minister, and he vouches of his own knowledge of the fitness of the party, and of the public requirement for his appointment, I apprehend no further testimonial would be required by the Judges. Greater caution would be required when the Minister is urged to act at the instance of others, and on behalf of parties of whom he has no personal knowledge.

14. You are not of opinion that it would be proper to take the appointment out of the hands of the Ministers? I don't think it would, altogether. I think the plan I have proposed would not take it altogether out of his hands. His approval from personal knowledge would invariably secure the approval of the Judges. It would thus in many instances, relieve the Minister, without depriving him of effectual power of making or procuring an appointment, whenever in his opinion it may be required. I speak of referring the testimonials to the Judges, in the absence of a Minister of Justice. I say, from their greater freedom from political influence, by reason of their position, they are in that respect, as it were, in the community though not of the community, by which I mean they are more exempt from popular influences to sway them than other persons, from the nature of their office. The mode I have ventured to point out would be, in my opinion, a relief to the Ministers themselves, because a Minister could say to the applicant, "I should be very glad to oblige you; I have submitted your qualifications to the Judges, and the answer is unfavorable," therefore, he could not then blame the Minister.

15. You think the Ministers of the day are influenced and subject to influences in the way of parliamentary support? I think they are, and they cannot be expected to be otherwise, from their position and the tenure of their office, which depends on the strength of their adherents.

16. Have they, in your opinion, given way under the influences which have been brought to bear? I should like to confine myself to the system, which I consider is bad, and not to the men who have exercised it, nor to instances of individual appointments; but, I believe injudicious appointments have been made, for the reasons I have suggested. And, moreover, I think, in such a state of things such appointments are unavoidable, be the Ministers who they may.

17. You are clearly of opinion that the present system does not work well? It does not work well, in my opinion.

18. You think it has tended to destroy confidence in the mass of the people with regard to the administration of justice by magistrates? I should rather say to weaken than destroy. My observations of the eligibility of some, 'tis true, arise from seeing some of those who have been sworn into office before the Supreme Court. So far as a man can judge of the appearance

appearance and educational attainments from a hasty interview, there are some, certainly, whose appointment I have been somewhat surprised at, and some cases, also, within my more immediate knowledge, which I have been surprised at also.

19. Have you had instances of persons being sworn in who were not able to read properly? I have seen some who could not read very well, and whose educational attainments were, apparently, of very humble pretensions. The appointment of a magistrate is considered, I fear too much in this Colony, a stepping stone to rank. He feels it often raises him from a doubtful position—whether he be a gentleman or not—in which he was before, into an established and undoubted right to be regarded as one.

20. He is gazetted esquire for the first time in his life? Yes. I believe it is so in many instances.

21. You think the appointment should still rest with the Ministers of the Crown, subject to the recommendation of the Judges? In the manner in which I have suggested the testimonials should be forwarded to the Judges. The Judges have some opportunity on Circuit of becoming acquainted with intelligent persons fitted for the magisterial office, and in that way they might be able to recommend some persons themselves. The testimonials should be sent to the body of Judges, not to an individual Judge. I would only give this power to the Judges acting in their corporate capacity—the three Judges—acting collectively, not singly. I would not make the approval of the Judges so imperative on the Minister as that he should appoint if he were disposed to take on himself the responsibility of not confirming the appointment; but that would be, I apprehend, a case of rare occurrence.

22. You would not give this power to an individual Judge, but to all the Judges? Yes, as that would make them free from any unpleasantness in selecting one person in preference to another, and would impart a more judicial character to the appointment. In England the Sheriffs are selected at the instance of the Judges. The Judge on Circuit makes it part of his duty to inquire into the character of persons (three, I think, are named); he finds from their position, rank, property, and the confidence they enjoy in the neighbourhood, who are fit persons for the office of Sheriff, and he sends his returns to the Minister, who makes the choice. I think that in somewhat the same way the appointment, in some instances, might be made here. I think it would be a great relief to the Members of the Legislative Assembly and Legislative Council, and all persons in political position, to be able to say that it was not in their power to enforce their recommendation through political interest they may possess. It is unpleasant to them to have to say to a man that he is not fit for the office which he aspires to. There is an instance within my own knowledge where a Member was seriously affected in his election by injudicious selections, and by his recommendation of persons for the appointment—ill-qualified for it—in short, from the want of firmness to say no when he would, I think, have been wise to have done so.

23. How would you practically give effect to your recommendation? In the manner I suggested. If I were the Minister, I would say to the applying party (if a Member of Parliament, or indeed to any party)—“State the position of the candidate on whose behalf you apply; state what you conceive to be his educational attainments, and, from your knowledge, of him, the respect and esteem in which he is held in the country; and his general fitness for the duty.” The Member should forward this testimonial to the Minister, and he would transmit it to the Judges, for consideration. The Judges would consider these recommendations, and might avail themselves of any other opportunity they have of learning the fitness of the party, and say to the Minister they consider such an appointment desirable, or otherwise. I think that would be a practical mode of doing it. If there was a Lord Chancellor, or Minister of Justice, as in England, I would prefer that he should have this power. To the Judges it may, no doubt, be an unacceptable task; but, for the public good, in the present state of our society and Government, I should hope they may be induced not to decline it.

24. Would it be necessary to pass any Act to restrict the right of the Crown? No, I do not think so. The Crown has a right to exercise it in any way it likes.

25. It would not be necessary to frame any Act on the subject? It strikes me not, because they may adopt their own mode of selection. If you wanted to restrict the power, however, and say nobody can be appointed but in that way, of course you would require some measure of positive enactment for that purpose.

26. You would require an Act if you wanted to limit the right of the Ministry of the day, so that no appointment could take place except on the recommendation of the Judges? I think it questionable whether it would be advisable to pass so very restrictive an Act. It would perhaps suffice if by a well understood arrangement all proposed appointments were referred. If the Judges were referred to before the appointment was made, I think it would relieve the Minister of a load of responsibility. I think the Minister would hardly make the appointment after the Judges had said the person was unfit for the office. A case of this kind—that is a case of variance between the Judges and the Minister—is of so exceptional a character, and so little likely to occur, that I see no necessity for legislating in regard to it. The Judges would be surely slow to refuse their sanction to an appointment which the Minister assured them of his own knowledge was deemed requisite and advisable for the public service.

27. No doubt he would not appoint a person the Judges had declared to be unfit, but suppose he made the appointment without consulting the Judges? If the rule is to be of general benefit it should be of universal application, and a collision of the kind is so little likely to occur that I do not think it requisite to make any provision for such a case.

28. Do you think it would be desirable to adopt any mode of purifying the magistracy by the omission of names, particularly as occasions might render it desirable? It would be desirable but difficult—difficult by reason of the offence many omissions might give.

29. In England the course is to issue a new Commission, and leave out the names of those who are undesirable? It is so, I believe; yet I think it would be an ungracious act to have recourse

His Honor
Mr. Justice
Therry.
M.L.C.

1 June, 1858.

His Honor
Mr. Justice
Therry,
M.L.C.

1 June, 1858.

recourse to such a course so soon after a general Commission has issued as the last one; yet it is not an easy matter to suggest how in any other way the revision and reformation, which I assume to be desirable, can take place.

30. What do you think of the suggestion made in the Bill introduced by Mr. Darvall some time ago,—that at the expiration of six months after the accession to office of each succeeding Governor or Governor General, the Commission of every unpaid Justice of the Peace in force at the time of such accession shall cease and determine? I think it would be an occasion on which there could be no objection to the issuing of a new Commission; but there are other occasions on which it might take place. In an ever changing state of society like ours, five years, or perhaps a less period, would be sufficient for the duration of a commission.

31. You think it would be a good occasion for making the revision? Yes.

32. If the new appointments were subject to revision by the Judges, do you think in that way we should have the body kept in a proper state? I think it would tend at least to a better and more impartial selection.

33. Just cast your eyes over this Bill of Mr. Darvall's. There are a few trivial alterations made to suit the case. If a Bill was passed in such a form as this, would it effect the object? I have not seen the Bill, but if you leave it with me, I will consider it.

34. It would be easy for the Minister of the day to secure the recommendation of the Judges? No doubt.

35. Do you know, as a fact, that our Ministers have given way under pressure of this kind? I cannot say I know it as a fact, (and I abstain from saying anything in respect to any particular set of Ministers,) but I have reason to believe such has been the case, and I think it is alike an unfair position to place the Minister and the Member in. We know that in small communities like those that exist in many electoral districts, an active bustling man has at an election more influence than any gentleman in the country. Now, that man may be a very fit person to promote one's election, but a very unfit person for a magistrate.

36. You spoke of the educational attainments of some magistrates being different to what they ought to be—have you had any cases under your notice of persons being in the Commission of the Peace who are at all noted for immoral conduct? There have been no doubt some such instances; but I wish to avoid individual references, such as the question suggests. I can state I only know it by rumour. I believe such has been—I will not say such is the case, though it may be so. I have very little opportunity of information on this point at present. There have been certainly well-established proofs of some magistrates appearing on the Bench in a state of inebriety. Such appearances must be fatal to confidence in the administration of justice.

37. *By Mr. Forster*: Is it your opinion that by the present state of deterioration to which you seem to think the magistracy has arrived, that really good and capable men are prevented from taking office? I believe it has that effect. There are some magistrates who are disposed to resign rather than be associated in the administration of justice with persons they think unfit for that office.

38. This would then have the effect of increasing the evil? Yes; because it would leave the unfit men in, and the fit men practically out of office. I know instances of gentlemen having the sentiments I am now expressing, and having acted on them.

39. I think I understand you to say that you blame the system more than the men who have been at the head of affairs? Yes; decidedly so.

40. Are you not also of opinion that even under the present system it would have been in the power of all administrations to have made a better choice if they had used the power really vested in them? I don't know how they have used the power with sufficient accuracy to pronounce an opinion upon that point. I should be slow to pronounce an expression of censure without knowing fully in what way they have exercised it. They may have been deceived; all I wish to convey is, that I think the present system on the points to which I have adverted itself is bad, and requires amendment.

41. You indicated that certain changes were desirable—was not the effect of your remarks that these changes could be carried out without a change of the law? I think it might, but if you wish to make it positive you must make a law to the effect I have suggested. If it were only done by arrangement you could not enforce it. If you wish to enforce it, you must have a law.

42. The changes you propose could be done by what is called constitutional arrangement—an arrangement sanctioned by the Assembly and agreed to by the Government—without an alteration in the law? I think it might, but not so completely as by a law; without a law there is nothing legally binding on the Ministry to observe it.

43. Do you think a resolution of the Assembly would have the effect? I am afraid not. A resolution of the Assembly is not a law, and cannot have the sanction of law.

44. You would have to make an alteration in the law, and agreed to by both Houses? Yes.

45. Do you think the Judges should submit the candidate for the office of magistrate to any examination? No, certainly not. I think no gentleman ought to be put to any examination.

46. Not before the Judges generally? No, certainly not. I never knew an instance of the kind in England. You must take the man's position—what you know of him—and the esteem he is held in by his neighbours. I beg to add, that I consider the recommendation of a Police Bench would be entitled to the greatest weight in making these appointments. The magistrates of a Bench uniting in a request that a particular person should be added to their number, and certifying to his fitness, would, in my judgment, be an admirable test of the fitness of such a person.

47. That is, the entire opinion of a Police Bench? Yes, unanimous if possible, or at least nearly so.

48. Suppose a change took place in the constitutional action of Responsible Government, so as to make the office of Attorney General permanent, and not attendant on political changes—do you think the Attorney General could be invested with such a power as you suggested?

suggested? I think he would, very properly, for in that position he might act as a Minister of Justice. I would, therefore, give him the power, and I only suggest a reference to the Judges because there is no such officer now.

49. You think, supposing the Attorney General was a permanent officer, that he would be a fit person to have this power entrusted to him? Yes, I think he would be a very fit person under such circumstances. He would be free from popular influences, to which all public officers going in and out with their party must in a greater or less degree be subjected. No man in a changeable position, subject to popular influences, can be as impartial as one would wish to see a public man to be who exercised the function of making such appointments.

50. In such a case the Attorney General could have the opinion of the Judges by having a conference with them? Yes; I think it might be so, but I should prefer entrusting the power alone to him; he would then have an undivided and sole responsibility. A conference such as is suggested for such purposes would, I fear, be attended with inconvenience.

51. With regard to the apparent want of confidence felt by the people generally in the decisions of the Benches of Magistrates in the interior, do you think the appointment of Police Magistrates has remedied the evil or restored the confidence of the people? I think the Police Magistrates are very useful and indispensable in some places. They generally inspire confidence, and are mostly well-selected. I am speaking of half a dozen I have at this moment in my mind.

52. Should you not think the position of a Police Magistrate, considering his appointment, and his not having local influences or connexions—should you not think, in general, that Police Magistrates would occupy a position that would render them of necessity more generally impartial than unpaid magistrates? Yes. I am of that opinion.

53. In that case you would consider that it would effect the objects of the Committee by rendering the appointment of Police Magistrates as general as circumstances would permit? I think so.

54. You think it would have a good effect? I think so. They are always on the spot and acting, as far as my observation of them has gone, from a sense of duty. They are paid for their labor, which stimulates them to perform their duty at all times and seasons. One is always sure of a Police Magistrate in the interior, but the other magistrates, who are obliged to attend to their local business, are not so constrained to attend to their magisterial duties. Besides, they have their pastoral or agricultural interests to attend to. I think the Police Magistrates are a very useful body of men, and have been always found to be so.

55. Would you not say, from the circumstance of their position, that their legal knowledge would be superior to unpaid magistrates? Yes, their study and business naturally make them so. It is their duty to be more acquainted with the law than unpaid magistrates.

56. *By Mr. Marks:* Do you think it desirable to substitute unpaid magistrates by paid magistrates? Certainly not. I should always like a gentleman to have the weight, influence, and position, his rank and the respect of his neighbours inspire.

57. What do you think should be the condition on which a Police Magistrate should be appointed,—what claim should he have in order to get that appointment? I think his general character, his experience and general qualities for the office would constitute fitness in the estimation of the Minister appointing him.

58. Do you think officers of that kind are to be found in places of importance throughout the country? I think it is very desirable that there should be these gentlemen where there are large populations. If not found there they may be easily induced to go there. I know an instance where, for twenty years, a gentleman well-known to Mr. Piddington, and I believe to the Committee generally—Mr. North—performed the duties of Police Magistrate in a large population, which extended from Windsor to Wollombi, in a most exemplary manner, and gave great satisfaction to every body for twenty years, or thereabout.

59. It is your opinion that a number of ineligible persons are in the Commission of the Peace? I think so; but again I say I must be excused from making individual references.

60. Do you think there are many eligible persons in the country districts not in the Commission of the Peace? I think there are some very eligible persons not in the Commission of the Peace.

61. Is it from any reluctance to take the duties upon themselves? Partly from that cause, and partly from an unwillingness to be associated with those already in the Commission.

62. Do you think there are many in the country eligible who are not in the Commission? Yes. There are two causes: some are unwilling to act, because they do not like to take the duties upon themselves, and others are unwilling to be associated with some of those in the Commission. I think if some alteration and improvement in the mode of selection were made, you would have men in the Commission who are not in it now, but who it would be desirable to have in it.

63. You think if the ineligible persons were got rid of by any means, a greater number of eligible persons would be had in the country districts? I certainly do. I know many men who have said—I will not go to the Bench where I meet so and so. Instances have occurred where a magistrate has adjudicated a case, and then adjourned to the public-house with the man whose case he had adjudicated upon. I know some cases of that kind myself, where a magistrate, after adjudicating on a case, has adjourned to the nearest tap, and the defeated party has there given his mind pretty freely to the magistrate who adjudicated upon the case. There, at the tavern, they meet on equal terms, and the magistrate is reminded, in pretty plain, and sometimes very unpleasant terms, that he is no longer on the Bench.

64. Do you think the number of magistrates are disproportionate to the wants of the country? I am not prepared to answer that question, not having considered the proportion of population to the magistracy; but I think there are some magistrates where they are not needed.

65. *By Mr. Piddington:* I think you stated there is a visible decline in respect to the comparative qualities possessed by magistrates in the last few years? I really think there is. I don't think there is the same attention and care paid to a judicious selection.

His Honor
Mr. Justice
Therry,
M.L.C.

1 June, 1855.

His Honor
Mr. Justice
Therry,
M.L.C.

1 June, 1858.

66. I think you stated that during Sir Charles Fitz Roy's administration the degeneracy appeared to commence? I think it did. Persons of inferior qualifications had been appointed in his administration in comparison to those who had been appointed before. I deem it right to add, that, in some instances, these appointments may be excused, from the difficulty of getting well-qualified persons for the magistracy in the districts in which they were required. If Police Magistrates were appointed this difficulty would be obviated. You may always rely on getting a well-qualified paid Police Magistrate, if you make a choice from qualification only, and not from favor or interest.
67. Since the inauguration of Responsible Government the appointments are by no means improved? I think not.
68. Some very improper appointments were made in his time? I think so; but a large allowance should be made, from the difficulty of making in all instances desirable selections.
69. Rather the contrary? I think rather the contrary.
70. Do you attribute that degeneracy in a great degree to the influence that Members may exercise on the Minister of the time being, in procuring the appointment for their friends? I do attribute it to that cause, in some degree, and the pressure on the Members of the respective constituencies, which, knowing the Member's good word will avail them for getting appointed, unduly press upon him to make such recommendation.
71. Are you aware that when Responsible Government was first introduced the Prime Minister of the day sent a circular, marked "Confidential," to every Member of the Assembly, inviting each Member to recommend gentlemen in his district? I believe the fact to have been so; but, however well intended, it is a course, I confess, I do not approve of. A communication, in the shape of a circular, to fifty gentlemen, could scarcely be a very close or confidential one. I never yet heard of fifty men keeping a secret.
72. And the effect of the circular having been sent by authority, you may trace the interference of Members to it? I think it did lead to it. If I were a Member of the Assembly, and the Government treated me so, I should think they were regarding me much in the same light as the Lord Lieutenant of the County is regarded in England, in giving me the power to nominate justices for them. This became generally known, and naturally led active members of a constituency to intimate, if not in words, in effect, to the candidate—"If you do not recommend me for the magistracy, I will not vote for you at the election." It may have been a well intended measure, but it was one, I think, of doubtful policy.
73. There is a strong inclination generally among country residents, according to your observation, to become magistrates? I think there is amongst some residents, but some (and these the most eligible) think it is a trespass on their time.
74. Are you not aware that there is a strong inclination to become magistrates? Yes, among some persons. I don't think generally it is considered desirable or sought for by those best fitted for the office. I think a great number of persons desire it merely, as I have before stated, for the honor of the position and advancement it confers.
75. That being the case, the desire or inclination not being considered, you believe that these persons consider it a patent of gentility the admission into the Commission? Yes.
76. When once admitted the gentility becomes indelible, and cannot be washed away? It extends to the family, and it is not at all uncommon for a man to say, I am first cousin to a magistrate of the territory. The great difficulty in this country is, that there is no regular country gentry—no class of men living on their rent rolls, and having nothing to do, as in England. Here, every man is a working man; and even a man of property has his flocks or his cattle stations to attend to, so he feels this office a great trespass on his time. It is therefore an act of kindness, and, I may add, of merit, on the part of these who take this office and attend to it properly.
77. As a matter of fact, you stated the people in the interior generally distrusted the magistrates? I did not say generally; but in many places I think they do.
78. What is the cause of that distrust? If people find inelegible persons appointed, or magistrates associating with persons beneath the rank of a person who ought to be a magistrate;—if partiality becomes manifested, they avoid the Benches where such magistrates administer justice, because they have no confidence in them. Unfit magistrates create distrust in the public mind. I believe, however, such cases are rather exceptional than general.
79. The want of confidence arises, not from the want of peculiar qualifications, but from absolute disqualifications of an observable nature? I think from both. I think educational attainment is desirable—more than some magistrates possess. They ought also to be a little conversant with Burns' Justice, Blackstone's Commentaries, and the elementary principles of law, for which some of them regard their own sense of natural justice a sufficient substitute.
80. With reference to your notion of the improvement of the present Commission, the parties appointed should be properly qualified, and have proper educational attainment? And character.
81. In what way would you test their educational attainment? I should object to any examination as a test. I really know no test that can be exercised, except a man's judgment of the character of the candidate from his conversation and the general estimate he has formed of him by acquaintance, and knowledge of his position, and his estimation amongst his neighbours.
82. His mode of speaking and acting, whether they are accompanied with intelligence? Yes. In short, his general aptitude for the office; but I would not require anything in the nature of an examination. It is different from a profession by which a man has to live.
83. I think you said it would be desirable that the Ministry should still retain the power of appointing Justices, but the Judges might veto the recommendation? They might veto them, if after examining the testimonials of the candidate they thought the person was an ineligible man. I think a Minister would be a bold man to appoint the magistrate after that; in fact, I don't think he would do so, and the retention of power by the Government for

for the purpose is, I think, not worth considering. In many cases the reference to the Judges would be merely *pro forma*; but I would make the rule of reference universal, so that the Minister might be exempted from the liability or suspicion of making invidious exceptions.

His Honor
Mr. Justice
Therry,
M.L.C.

1 June, 1858.

84. Whoever passes the veto, has he not the real appointment? Virtually it may be so, but not really; because, I think, the Judges would pay such a respect to the recommendation of the Minister, if vouching for a person's eligibility, that they would not offer a veto as a wanton act of power; they would not do it without a reason. The veto by the Judges would be exercised mostly in cases where the Minister was importuned by undue solicitation.

85. Would it not be more constitutional, and work as well in practice, if the Judges were to recommend and the Ministry had the power of appointment and to veto, giving the initiative to the Judges, and not to the Ministry? The Minister has more knowledge of the exigencies of the country than the Judges can have; and he is the proper and usual channel through which applications of this kind come. After reference by them and approval by the Judges, there should be an end of the matter. I should therefore prefer the way I have suggested.

86. You alluded to the practice of appointing High Sheriffs in England. I believe three names are forwarded to the Crown, and the Crown selects one from the three? Yes, I believe so.

87. Is it not the practice that the Crown invariably selects the first name from among the three recommended? Yes.

88. I believe there is scarcely a departure from it? I believe not. It happens often that the second name in one year becomes first the next year.

89. So that whoever nominates the three names really nominates the Sheriff? Yes; I think in effect it is so.

90. I believe you stated that it would be well, if there was a Minister of Justice, to devolve the appointment of magistrates on him? Yes; I think he would be the proper person; he would be an officer similar to the Lord Chancellor in England.

91. You would not give this power to a Responsible Minister liable to change? I think it should be given to some person holding a judicial, or one in the nature of a judicial, office. The Attorney General might have it if his office was permanent; but that permanency would altogether alter the nature and duties of the office as it is held here and in England.

92. You would give the power to some permanent legal officer? Yes, if there were one such, as a Minister of Justice, who would inquire into the public requirements and provide for them.

93. The Lord Chancellor is an Equity Judge and does not go on Circuit? He does not.

94. He is rather a peculiar character as Judge, which removes him from all political influences to a certain extent? Yes. He is as free as a man holding a political position can be from local influences; and, I believe, pays impartial attention to the recommendation of the Lord Lieutenants of the counties, to whatever party they may belong.

95. Viewing it in the light you have explained, would the Lord Chancellor be a more competent authority than the Lord Chief Justice of the Queen's Bench? Yes, I think so. It is more suited to, and consistent with, the jurisdiction exercised by the Lord Chancellor.

96. With respect to the necessity of having an Act of Parliament, it would not be required if such necessity does not exist? I am not sure the necessity exists. I have suggested that a well understood constitutional arrangement might be made; and it would, perhaps, be found to suffice. At least I think an experiment worth trial.

97. Suppose the points our Committee recommend were to be carried out? It might be accomplished in that way; but if you want to make it binding on Ministers to refer the names of candidates to the Judges, you can only accomplish that by an Act of the whole Legislature.

98. The other is like the mere matters of rule of Responsible Government, which may be carried out or not, such as the rule with respect to Ministers resigning? Yes. No doubt it would be a matter of understood arrangement.

99. You do not wish to deprive the Minister of the power of appointment; you merely wish the Judges to have authority and a concurrent power? I should not take it by express enactment out of the hands of the Minister, because there may be exigencies within his knowledge, and of which the Judges may not be fully informed. I think it would be a bold step to appoint a person in opposition to the opinion of the Judges; still, such a case may arise, though rarely, and I would not control him; it is an extreme case, very unlikely ever to occur.

100. As a rule, you wish too see a rule established that the names of all persons proposed to be appointed as magistrates should first be submitted to the Judges for approval? In the absence of such an officer as I have described, I think it would be the most desirable course.

101. By Mr. Lee: What is your opinion with respect to appointing Police Magistrates for small towns in the distant interior? I think they are very useful men, and always on the spot when required. Of necessity, magistrates in sheep shearing time are very difficult to be had, and the Police Magistrate is the only person in the neighbourhood they can rely on getting. By a judicious selection of them you get a fair administration of justice, and they inspire a good deal of confidence in the neighbourhood in which they are established.

102. Are you aware that the inhabitants in these districts are kept week after week without having their cases decided, because the magistrates do not attend to the Bench? Yes, I am aware of it. It cannot reasonably be expected that they will attend regularly, because every man here is, as I have already remarked, a working man, and has to look after his property.

103. By the Chairman: Have you heard any suggestion at all with regard to having magistrates elected? I have heard the matter mooted. I very much disapprove of it. I would thus illustrate my objection:—A very clever busy publican in a small town or community, who, at a contested election would be a valuable adherent, would command more votes than the most respectable man in the community; now, if you were to make the office elective, that man, often a noisy, illiterate, and troublesome person, would be elected. It strikes me that this is one objection amongst many others to the plan of election.

His Honor
Mr. Justice
Therry,
M.L.C.

1 June, 1858.

104. You think it more desirable to keep to the present system, with some slight change? I should like to keep to the English custom as much as we can, and not depart from it without good grounds.

105. You are aware that in the country districts magistrates are all engaged in the same pursuits, and have a sort of fellow-feeling in adjudicating such cases as between master and servant; there they have one of the most embarrassing duties to perform? I should be glad if the District Courts Bill would relieve them from such portion of such a duty that often looks like adjudicating in their own cases.

106. You think more care ought to be used in appointing men fit for the office? Yes. I can recollect that before having a Court of Petty Sessions established, one magistrate tried all the servants of another magistrate in his own house, and had them flogged on one day. The servants of the magistrate who tried the case were brought up on the next day, and ordered to be flogged by the other magistrate. These, however, were the abuses of former days. I have no reason to suppose similar cases prevail in practice now.

107. You said once or twice that the Minister should have the power of appointment in such cases as he thought fit and proper? Yes; but if he had gone through the ordeal of submitting the testimonials to the Judges, and they said it was not an eligible appointment, it would require very cogent reasons to make the Minister make the appointment after such an ordeal. Again I repeat, I cannot anticipate the occurrence of such a serious collision of opinion. The reasons that would satisfy the Judges of the unfitness of the candidate would also satisfy the Minister.

108. Would you oblige him in all cases to submit the names? I think it is better to do so, as an uniform course. It would relieve the Minister from the suspicion of making partial selections.

109. That could only be done by Act of Parliament? You could only enforce it by Act of Parliament.

110. You would give him the liberty of acting on his own responsibility and not on the Judges? Yes; I would allow him to act on his own responsibility in such cases as I have adverted to.

111. Whether he is removed from Parliamentary influence—would it be right that he should make this reference to the Judges with regard to these appointments? If there was a Minister of Justice, or some such officer, removed from political partizanship, I think no reference to the Judges would be necessary; but if the meaning of the question be, that the person proposed to be made a magistrate is not proposed from Parliamentary influence, I still think the rule should be uniform, for it is not an easy matter to ascertain always the source from which the recommendation proceeds. I do not think any person, whether an adherent of Government or not, could find fault with a Minister who was enabled to say to the applicant—"I have submitted your name to the Judges, and they have made inquiry, and looked into your testimonials, and they do not approve of the appointment of the person you recommend." I do not, I say, suppose anybody could expect a Minister to do more.

112. Do you not think, where the Minister thinks it is absolutely necessary, from his own knowledge, to make the appointment, that an exception with regard to referring to the Judges should be made? The instances would be so rare that I doubt whether it would be worth making an exceptional provision to the uniform rule.

113. You do not think it worth making an exception? I think not, because the Minister of the day could easily procure the assent of the Judges. The Judges would not dissent from a recommendation so made to them by the Minister on his own responsibility, in any instance that I can imagine.

WEDNESDAY, 2 JUNE, 1858.

Present:—

MR. MURRAY,
MR. EGAN,
MR. PARKES,
MR. PIDDINGTON,

MR. JONES,
MR. LEE,
MR. FORSTER,
MR. THORNTON,

MR. MARKS.

T. A. MURRAY, ESQ., IN THE CHAIR.

Robert Owen, Esq., Member of the Legislative Assembly, examined:—

Robert Owen, Esq., M.L.A. 1. By the Chairman: You have been a long time resident in the Colony? Yes; seventeen or eighteen years.

2 June, 1858. 2. As a professional man you have had many opportunities of observing the working of the magistracy? Yes; particularly during the last five years.

3. In the District of Illawarra? Yes.

4. There have been many magistrates appointed there? Yes; some fourteen or fifteen.

5. You have thus had an opportunity of observing the general character of the magistracy of the Colony? I cannot say I have at other places; but, judging from what I have seen in Illawarra, I think I can form a fair opinion.

6. Do you think that, as a body, the magistracy are entitled to the confidence of the public? I think they are not sufficiently educated, as a body, and therefore they have not the confidence of the public. This want of confidence also arises from other causes. The mode of appointment at present is very unsatisfactory.

7.

7. Have you ever formed any opinion as to the comparative amount of business transacted in the minor courts of the Colony in reference to the higher courts? Do you mean in the summary jurisdiction, the criminal jurisdiction, or the jurisdiction in the Courts of Requests? Robert Owen, Esq., M.L.A.
8. Generally. What I want to get at is this;—is not the bulk of the business of the Colony transacted in these minor courts? No doubt the great mass of business in the country districts must come before them. 2 June, 1858.
9. And the great mass of the people in the Colony, especially the poorer classes, are dependent on these courts for the administration of justice? Entirely.
10. However small or trifling in amount many cases may be, still they are of the greatest importance in many ways to the parties interested? Of the greatest importance—partly in money and partly in feeling. In a great measure, the parties perhaps care much more about the principle involved and the character at stake than they do for the mere money amount.
11. The stake at issue is just as great in every respect to the parties concerned as that involved in cases of far higher amount in the Supreme Court? Quite as great.
12. And in the summary jurisdiction in criminal cases the parties are liable to various punishments by fine and imprisonment? To very heavy penalties and very heavy imprisonment.
13. Then, of course, you must be of opinion that it is highly desirable that the parties presiding in these courts should be unquestionably well qualified for that position? Undoubtedly. The summary jurisdiction has been extending very rapidly of late years, and without any corresponding raising of the character of the Bench, either as to position or education. I think it has been a dangerous movement, as the summary jurisdiction really involves a very large mass both of money and character. In fact, it is putting on the Bench gentlemen who have not been nominated in any way by the people, and who act, not only as Judges but as jurors, and that is a principle in which there is great mistake.
14. It is an invasion of the principles of the Common Law? It is an invasion of the principles of the Common Law. No doubt, if the Benches of Magistrates could be educated, and be pure in the administration of justice, the summary jurisdiction would be of very great and beneficial importance, but not otherwise. As it stands at present I think it is injurious.
15. Then, while on the one hand the jurisdiction of the Justices of the Peace has been increased, their character and efficiency have been declining? I think so.
16. So far as you have observed, have the people at large much confidence in these courts? They have not, decidedly not.
17. Complaints are frequent? Very frequent.
18. By Mr. Egan: I presume you are alluding to your own district? I am, particularly; but I have observed that similar causes operate in other places.
19. By the Chairman: You judge from your opportunities of observation in your own neighbourhood? Yes.
20. To what do you attribute this change for the worse in the magistracy? The nominations for appointments to the Bench have gone generally, I believe, through the Members of the House; and, without imputing anything wrong to honorable gentlemen, I may say that I think they naturally support the appointment of their friends. The consequence is, that those qualifications which a magistrate ought to possess are, perhaps, in some measure lost sight of.
21. And magistrates are appointed merely from personal motives on one side or the other, and not in reference to the great end in view,—the due administration of justice? It appears to me that, in great measure, that is the case.
22. Do you remember the state of the magistracy a few years ago, during the administration of Sir George Gipps? I was in Sydney at that time, where justice has always been well administered.
23. Have you known any appointments that were at all objectionable, that were made through the influence of Members of the House? I think that is involved in what I have said,—that the qualifications which ought to be looked to are lost sight of.
24. Have you known any instances of persons being placed in the Commission of the Peace whose education has been grossly neglected? I think that in many cases gentlemen have been appointed certainly not sufficiently educated.
25. Have you observed at all whether the character of the magistracy has improved since the inauguration of Responsible Government, or not? I do not think it has.
26. Do you think it has deteriorated at all? It is really very difficult to say, because I am aware of very old appointments which are equally objectionable with some of those made under the new system of Government.
27. It has not improved, however? It has not improved.
28. That you attribute to the fact of Parliamentary or political influence being brought to bear on these appointments? Decidedly. I think the mode of appointment most objectionable; it would be impossible to convey that in too strong language.
29. Could you suggest any mode of reforming the present system? It is very difficult, perhaps, in this country, to have the same means of knowledge as at home; but there are two sources evidently within the reach of the Parliament at present. In the first place, if municipal institutions come into operation, it is very likely that will be a source from which some very good appointments may be made. Men of intelligence, selected by the public themselves, are likely to be persons of high character and superior in their position amongst their neighbours; and the administration of justice by gentlemen selected by themselves is likely to be very satisfactory to the people. That is one source from which a large number of appointments may be made. In the next place, I may say I know no other resource in this country except appointments by the Judges. They are removed, by their position, high feeling, and knowledge of what is right in these matters, from all improper influences; and they would, therefore, be an excellent channel through which parties might be selected for the magistracy. I know no other than these two sources. If there had been in this country anything analogous to the Lord-Lieutenants at home, who have the opportunity of judging of their respective districts or counties, that no doubt would have been better.

- Robert Owen, Esq., M.L.A.
2 June, 1858.
30. Which of these two modes would you recommend? I would recommend that both should be in operation. My notion is, with regard to the municipalities, either that it should be within the means of the Government to authorise certain of the members (whatever they may be called, Councillors or Aldermen,) to be magistrates, or that they should be magistrates *ex officio*, but with a veto from the Government in case of improper persons being elected; but no person should be entitled to act under the Commission (except the Mayor, *ex officio*.) with the sanction of the Executive.
31. Is the complaint of the inefficiency of the magisterial courts very general in your district? Very general.
32. The people are becoming evidently alive to the grievance? Yes; they complain very much of decisions; and I have perhaps a peculiar opportunity of judging, from having attended the court for some years, as well as having seen the administration of justice in England and in Sydney in these courts.
33. The complaints are not confined to disappointed litigants? No; there is a general feeling of discontent.
34. It has occurred to the Committee that some good may be done in the way you propose, by having the appointments subjected to the recommendation of the Judges, as a body, not of an individual Judge. What do you think of that? That no doubt would be preferable, if it were not too onerous for the Judges, as a body.
35. You think it would throw upon them great additional labor? They complain very much that they are overworked at present—I suppose the last feather breaks the camel's back—though I do not know really whether there would be much labor or not. But they ought at a glance to know better what persons are competent. If I were to sit down to devise any objectionable mode of appointment, it would be that which now exists.
36. The Minister for the time being is solicited by some Member of the House to appoint the friends of that Member? Yes. The Members for each district, I presume, are supposed to know the persons qualified in their own districts, and the friends of the Members are supposed by them to be qualified. No doubt the friends of each Member must be best known to himself; but there may be persons of very superior qualifications who may have taken an opposite course in politics or social matters, and these are overlooked.
37. Thus, gentlemen are placed in the Commission of the Peace through party influence? I do not know that I would call it party influence; it is partly that, and partly, perhaps, friendship.
38. But not regard to fitness for the office? No.
39. Do you think it is advisable that the Ministers for the time being should be subjected to the influences that may be brought to bear on them with regard to such appointments? No.
40. You think they ought to be relieved? I think they ought to be relieved. I think it is neither just to the people nor to the Government.
41. Will you be good enough to look at this Bill, which is a copy of the Bill introduced some years ago by Mr. Darvall. The first clause is to this effect:—"No person shall hereafter be appointed to the Commission of the Peace by any Governor or Governor General, unless by and with the advice and consent of the Executive Council for the time being of such Governor General." What do you think of such a course as that? I see no objection to this; but I think it goes to far, particularly in connection with what is now contemplated in the Municipal Bill. We know very well that in the Magistrates' Courts at home the best Justices are the Mayor and Aldermen of the different boroughs. Their knowledge of business, their superior acquaintance with mankind, I think, place them in this respect above gentlemen of sometimes higher education.
42. Do you think that in our thinly peopled community it is likely these municipal institutions will be extended throughout the country in any reasonable time? It is very difficult to say. I am not acquainted with the far interior, but I should say it will be some time before they will come into operation there.
43. They are only applicable where the population amounts to some thousands? Yes.
44. Then, admitting that the improvement you suggest in this respect may be desirable in every way, still it will be a long time before it will be productive of any practical benefit to the country at large, and in the meantime something must be done? Those municipal institutions that are carried into effect will *pro tanto* be the means of introducing efficient parties into the magistracy. Where they do not exist some other expedient may make up the deficiency. I may mention that during the period prior to the late election I had opportunities of consulting very large numbers of persons, most of them either of large or small property, and the subject of the magistracy was a constant topic—an anxious topic—and the desire was general that some change should take place; and my suggestion, that the municipal institutions would supply the medium, was received with very great satisfaction—unmixed satisfaction.
45. Will you look at the second clause of the Bill to which I have before drawn your attention:—"At the expiration of six months after the accession to office of each succeeding Governor General, the Commission of every unpaid Justice of the Peace in force at the time of such accession shall cease and determine." Do you think it advisable that the Commission of the Peace should be thus periodically subject to revision? I highly approve of that, because it avoids all those unpleasant feelings which might be directed against the Government in case of any partial revision. New appointments would be a great deal better.
46. Subject to some such check as submitting the names to the Judges would afford? Yes.
47. Thus the Commission would be to a great extent periodically purified? Yes. No doubt at intervals of a few years all objectionable persons would be observed in their conduct, and if through such a channel as the Judges, they could be dealt with, without any personal feelings.
48. It might be assumed that the Judges would be influenced only by a desire to work out the great ends of justice? I know no source so pure. Of course all human matters are subject to drawbacks.
- 49.

49. Whereas, the Ministers for the time being might be deterred from discharging their duty in this matter by political considerations? They might, and would be.
50. You have spoken of want of education in some magistrates, but it often happens that a man who has had little or no education is endowed with great natural ability and common sense, and might, therefore, be a fit person even for very high offices in the State—has it come under your knowledge that there are persons in the Commission of the Peace whose moral qualities are such as to render it highly undesirable that they should be in the position of Judges? I cannot say that it has. I can but speak with great respect of all that I know.
51. Do you think such a Bill as that to which I have directed your attention would work well? I think it goes too far. If it should stand in the terms here used, it would seem to exclude all persons under municipal institutions, except by consent of the Executive. I think the public would feel it a grievance if, under the Municipal Act, certain persons such as the Mayor, or head man of each municipality, were not declared by law *ex officio* magistrates, but the appointment of any inferior corporate officer to the Commission of the Peace should be subject to the control of another authority.
52. The only objection you have to that Bill is that it might prevent the free working of the municipal system in regard to magistrates, in the way in which you think it desirable it should act? I think it would stand very well as it is, with a proviso to prevent its application to such exceptions as may be made by any enactment of a Municipal Act.
53. Are there any Police Magistrates at Illawarra? No. I am of opinion they would be of great use to the country. The great deficiency, as it appears to me, of each Bench arises, not so much from a desire to do wrong, but from a want of knowledge how to do right; and this want of knowledge of business, or of the mode of conducting litigation, arises from the want of some guide. It appears to me, therefore, that if the country could not support Police Magistrates in populous districts, some very well educated gentlemen—I do not say of necessity a legal man, but at any rate some gentlemen who has studied the law to a certain extent, and has a knowledge of the law of evidence—should go circuits, so as to sit from time to time on different Benches. I think in that way a vast deal of the injustice that has been committed might have been avoided. I believe a great many of the daily errors that take place arise, not from want of intention, but from want of knowledge.
54. Is it not as much the duty of the Government to provide for the administration of justice in these minor courts as in the higher courts? I think so.
55. Then why should the country refuse the expense? It is the very worst economy. I know that in my own district, if it were possible, the people would cheerfully pay a large tax to have some competent officer.
56. Whose integrity and knowledge of the law they could rely on? Yes.
57. Has it come under your knowledge that this evil is complained of,—that the magistrates who sit on the Benches in the country are united by some of common interest; all are employers of servants, or are interested in the same sort of transactions; and thus some doubt may be entertained, whether reasonably or not, by parties who may be brought before these courts as to their impartiality? I have felt that objection very strongly throughout. A very large portion of the matters of litigation in these courts are between the employers and the employed, and, without imputing anything wrong to the Bench, their feelings naturally flow in favor of their own class; and therefore it is that I observe that the law extending the summary jurisdiction has advanced too quickly. Now, if by superior appointments from the Government, or if through the Municipal Bill, there be magistrates as it were elected by the people themselves, they would in these cases be tried by their own peers,—by their own elected magistrates. There are several serious objections to the present system, which perhaps the Committee would allow me to mention. One of the greatest evils which at present, as it appears to me, interferes with the proper course of justice is, that the magistrates sitting from day to day all have their local associations, and are in some way or another immediately connected, in their business or in their family relations, with a large proportion of the neighbourhood; and if it be that there be two litigants, the one not within their circle and the other within it, the bias is, according to the ordinary principles of human nature, in favour of their connexions or friends; and that it is impossible to avoid, as matters stand at present. Then, with respect to cases affecting servants: It appears to me, that from the nature of the present appointments—the magistrates being all persons of considerable means as employers of labour, they naturally look to the protection of their own interests. Another objection is, that gentlemen not possessing any legal attainments do not see the force of the objection which exists to any previous acquaintance with the matter in litigation; and it so happens, that from the peculiar position of the magistracy at present existing, they generally obtain a previous knowledge of the matter that comes before the court, and in a very great number of cases it is privately discussed. The consequence is, that labor as you may, even with the advantages of legal assistance, the matter is decided before it comes into court, without the parties knowing it—perhaps without even the magistrates being aware of it. But at the very root of all the present objections to the administration of justice, though gentlemen may be to a certain extent well educated, is the great defect of a want of knowledge of the rules of evidence. It is indeed very difficult to shew a layman the various shades of law relating to evidence; and as every case must depend on evidence, the foundation of justice is sapped. I should not hesitate in saying that in five cases out of every six the cases are not decided according to evidence; all sorts of evidence are introduced; the most irregular mode is adopted; cases are even decided without hearing both sides; and all arising from that defect which it appears to me is caused by the want of legal knowledge of the importance of both parties being heard, and of nothing being introduced into the case except what is positively legal evidence. Gentlemen not possessed of a knowledge of legal points or the effect of legal evidence, decide literally without knowing they are doing wrong, and they do very wrong. Of course I do not wish to mention individual instances, but I could point out, in a short period, cases of a most extraordinary description.

Robert Owen,
Esq., M.L.A.

2 June, 1868.

Robert Owen, Esq., M.L.A. 58. Has it come under your knowledge that magistrates sometimes communicate with the litigants either on one side or the other out of doors? Yes.

59. Receiving *ex parte* statements? Yes; I do not see how they can avoid it. They are in communication with the parties from day to day; and it is a very common thing for any person in dispute with a neighbour to fly to a magistrate at once, and probably out of kindness his tale is heard, and opinions given which any gentleman acquainted with the necessity of a pure administration of justice would shun.

60. You think then that cases are often decided on foregone conclusions? I think so.

61. You are clearly of opinion that it would be advisable to have Police Magistrates? I think a general system of police appointments, made with care, would be great economy to the country and most satisfactory indeed.

62. By Mr. Forster: You speak of a general want of confidence felt in the magistracy under the present system? Yes.

63. Do I understand you rightly that you consider that want of confidence arises from the circumstance of the present magistrates being employers of servants, from the custom that obtains of discussing cases beforehand, and from a want of legal attainment? Yes.

64. Do you think it would be possible under any system to have magistrates who would not be employers of servants? I know no other way than by appointments under the direct action of the Government.

65. Would not even Police Magistrates so appointed be in some degree interested? Not unless they were persons chosen out of the districts to which they were appointed.

66. You mean that they would not be so very much interested—they must have their own domestic servants? They would be very few.

67. Is it not usual for Police Magistrates, appointed under the present system, to be engaged in operations which they do not actually superintend; to invest money, for instance, in agricultural or pastoral pursuits? Yes; but I think appointments could be made that would avoid that.

68. Would you propose that it should be a condition of their appointment that they should not be interested in the employment of labor? I think that ought to be a condition.

69. With regard to your other objection—that matters are discussed beforehand—how do you think that could be avoided? I think the Police Magistrates should be gentlemen possessed of more than average attainments—that they should have some kind of legal education, if they were not lawyers—and they would see the absolute necessity, the great wrong that would be done even in receiving a letter in reference to any case that was to come before them magisterially.

70. Then the improvement you would suppose would be in the superior legal attainments these gentlemen would possess? Yes.

71. But if I understand you rightly, you propose that magistrates should be appointed through the municipalities? That is one mode.

72. Have you found from experience that popular election results in the appointment of persons of legal attainments? It has not been tried in the country here.

73. From what we have seen of popular election in other cases, may we not presume that the same principles would guide the electors? Sydney is the only place where it has been tried.

74. May we not presume that the same principles would guide the electors in the interior, in electing members of municipalities, as have guided them in electing gentlemen to the Assembly? No doubt.

75. Do you think superior men would be elected to municipal institutions than to the Assembly? I think they would be the best men of the districts.

76. Would they be superior to those appointed to the Assembly now by the same mode of election? I do not think they would be superior.

77. Do you think superior men would be elected at all? I do not see why they should not be as good men of business.

78. Has your experience of popular election led you to the inference that men are selected who have superior legal attainments? Certainly not. I think that persons elected to municipal institutions would be superior in this way,—that their course of conduct through life would be dictated by honor, that all their transactions would be marked by good feeling to their neighbours, and that being distinguished by their co-townsmen, they would be likely to be in the main—although there might be occasional exceptions—the best persons in the community.

79. May I ask whether you propose, as a corrective of the evils at present admitted, that the magistrates should be elected by the people? I think that one or two members of each municipal body should be magistrates; but I think that, in addition to that, and perhaps superior even to that, would be the appointment by Government of competent persons, as I have before suggested.

80. Are you in favor of the election of magistrates, as a general principle? Not as a general principle.

81. Is there not some inconsistency in the two modes you propose? No; I think they may go hand in hand. I would observe, with respect to this point, that the only instance we have of an elective magistracy is in Sydney, where the Mayors, under the present and former Corporation, have been elected persons; and, though probably I would not presume to say they have been men of very high legal education, I think the duties performed by them as magistrates have been done very satisfactorily. Connected with the administration of justice in Sydney, too, there has always been the employment of a Police Magistrate; and why should not the same thing go hand in hand in the country?

82. Do you not think that where there is a very large selection, as in Sydney, there may be less danger than where there is only a limited number of persons to choose from? No doubt Sydney has its advantages. There are crowded courts,—there is the Press, through which a large community may be said to be looking on; and these very circumstances bring out the defects

- defects of the present country system in very high relief. In the courts of thickly-peopled districts, where there is a newspaper, and perhaps a legal gentleman acting as a magistrate, the administration of justice is much improved; but in remote parts, where there are none of these advantages, I think gentlemen acting as magistrates have just as much power as a Turkish Cadi. I am quite aware that elected persons are always subject to certain objections; but it appears to me that the advantages to the public of having an officer presiding over them by their own consent, in a country like this, would render the working of such a mode of appointment in the main satisfactory.
83. May I ask whether you do not think that one of the great reasons of the want of confidence felt in the present magistracy is the actual want of responsibility? No doubt that is one part of it. The other portion is, that the parties, as I have already said, appointed are not competent to the task.
84. But surely the correction of evil appointments should be the responsibility of the persons who make the appointments? No doubt, legally, all magistrates are responsible; but then it amounts to irresponsibility in this way,—that the remedy is so expensive, and, from want of information on the part of the litigants, so inapproachable, that they are virtually irresponsible.
85. Then, I think you agree with me that a great defect of the present system is a want of virtual responsibility, which, I think you say, might be avoided by the appointment of paid officers as Police Magistrates? Yes.
86. And you think that system ought to be extended all through the interior? I do, in the strongest terms.
87. Is there not some reason to believe that want of confidence in the present magistracy arises from an inevitable social distinction being drawn between them and the persons who come to them for relief? No; I have not observed that. I do not think there is any jealousy of that kind.
88. Do you not think servants, for instance, in going before magistrates feel they are going before a tribunal opposed to them on the general merits of the case? No doubt. I think that was conveyed in a previous answer. There is a distinct division between employers and employed.
89. Are you of opinion that the evils complained of can best be remedied by legislative enactment, or that they can be corrected without? I presume no change can be carried into effect without legislative enactment.
90. Do you not think the responsibility of the Executive Government, which is supposed to be exercised in this matter, might be more strictly enforced, by requiring them to be more careful in their appointments in future? I think that would have no effect.
91. In whom then would you rest the final choice of magistrates, after having passed through these different subordinate modes of choice? In the Judges.
92. Do you think there would be no danger in allowing the Judges the final decision in matters of this kind? I think probably there would be no source without some objection; but it appears to me that that is the purest source.
93. How, in the first place, are the Judges to understand the local requirements of the districts, or even the capacity of the persons who may be appointed? That, no doubt, to a certain extent is a difficulty; but when we consider that the Judges go their circuits, and that nearly from all parts of the country within their circuits they have the means of inquiring about competent parties, we can understand that they may to a great extent be possessed of large information, although perhaps not to the fullest extent we may desire.
94. You are aware that the Judges do not go on circuit in the remote parts of the country? I am aware of that, and with respect to those districts they could not have a very full knowledge.
95. In that case would there not be some danger in giving them a final decision? No, I do not think so, because if parties are named and objections urged, no one would be so competent as a Judge to discriminate between factious and well founded opposition.
96. Supposing the office of Attorney General was rendered permanent, and not subject to political changes, do you think that officer might, to a certain extent, be entrusted with this decision? That might be an improvement on the present system; but I would not trust even the Attorney General with these appointments.
97. Not if he were a permanent officer? No.
98. Would not his connection with the Executive Government, which would be more close than that of the Judges, give him a superior knowledge of the particular cases referred to him? No, I do not think it need be so.
99. I think you state that you are in favor of the election of magistrates to a certain extent, but not to a very great extent? I should conceive the utmost settled extent would be, that the heads of corporations should be magistrates *ex officio*; but with respect to persons elected to minor municipal offices, I think they might be open to selection by the checking power, whether of the Judges or the Government.
100. You would not allow the principle of election to apply to those parts of the remote interior to which municipal institutions it is supposed would not extend? No; I think that would be dangerous.
101. Then there would be no remedy in those places? The Judges might obtain valuable information even from those remote parts, though not implicitly reliable; but I presume, in such cases Police Magistrates would be the only perfectly safe resource.
102. I think you say you disapprove altogether of the present mode of appointment through the Executive Government? Altogether.
103. You are aware that a system of this kind prevails in England? Perhaps it is almost impertinent in me to repeat the mode in practice there. The various corporations have their magistrates; the magistrates in other respects are recommended by the Lord Lieutenants of counties, and these recommendations go to the Chancellor; so that the

Robert Owen, character of the magistracy is sifted through some very high channels; and, with a few exceptions, the magistracy of England stands very high in public opinion.

Esq., M.L.A. 104. *By Mr. Egan*: I think you say you approve of having Police Magistrates? I do.

2 June, 1858. 105. Do you not think the same influence might be brought to bear on Police Magistrates as on any other magistrates? I think not.

106. Have you not heard complaints of the intimacy of Police Magistrates with persons having large numbers of servants; in consequence of which, those servants who had occasion to come before the court went forward expecting the decision to be against them? Nothing human is perfect; but I think the selection in the first instance of gentlemen of competent education would be more likely to be free from objection than any other source.

107. Can you say from your experience that the Police Magistrates that have been appointed are superior to the unpaid magistrates? I should think so; but I would not answer that question very fully, because, though I have known a few personally, I have not been in the interior to watch their conduct.

108. Do you not know that, in consequence of Police Magistrates being appointed in some of the country districts, the unpaid magistrates scarcely ever attend? I have heard so.

109. And, therefore, the whole business of the courts is left entirely to these gentlemen? It may be a very improper jealousy which causes this non-attendance. It is a display of a spirit which to me is convincing that they are not the proper parties to sit in a court.

110. Are you not aware that the public suffer very much in consequence of being unable to get magistrates to sit? Even where many magistrates are resident either in the neighbourhood of the court, or within a few miles, the attendance has been very lax, even where there has been no Police Magistrate.

111. Does it come within your knowledge that many magistrates appointed some years ago have been really useless, and scarcely ever attend a court at all? Perfectly useless, and worse than useless.

112. Then there is no reason to suppose that recent appointments of magistrates have been worse than those formerly made? They have not mended the matter.

113. But they have given greater facility to the public to obtain justice? I think not.

114. Are you speaking of your own district, or generally? I, of course, live in my own district, but I have my eyes open to observe what passes in other districts.

115. Has it come to your knowledge that actions have been brought against magistrates to any extent for acts done in their magisterial capacity? We know that it is a losing game to go to law, and I suppose that for one person feeling aggrieved who goes into court there are twenty having just right that will not go.

116. Are you aware that the business of the Police Office in the City of Sydney has been conducted by the independent magistrates in a way that has given entire satisfaction? I believe so, so far as I have known; but I think there are so many circumstances favorable to the pure administration of justice in Sydney that that may be very well accounted for without its having any bearing on the country districts.

117. Have you not heard that Police Magistrates in the country districts have been looked on by the people as acting in a most tyrannical manner? I am afraid that any one removed from public observation is very apt to run a little wrong, unless great care is taken in the appointments; but I should very much doubt whether the appointments hitherto have been made with the same care and from the source from which they ought to have been made.

118. Do you believe, with reference to the remote districts, that any person can be better competent to judge of the fitness of persons to be appointed to the Commission of the Peace than the representatives of the people, who are in the habit of visiting in their districts—would not their recommendation be equal to any other mode? It is more objectionable than any other mode, and for this reason, that any gentleman who seeks legislative honors has to go and make friends, and his friends cannot always be selected; but he may have a very ardent friend who may be a very bad magistrate, though he may have great difficulty in resisting the importunity of that friend.

119. You believe a Member of the House would recommend the appointment of a friend whom he knew to be unfit? I am afraid so.

120. Would you prefer leaving the recommendation to the Police Magistrates in the country districts? I would reject no means of information; but I would have it placed in hands that would deal with it properly.

121. Do you think the Police Magistrate would be a more correct source of information than the party who represented the district? I think, as a principle, nothing should be placed too much in one person's hands.

122. Neither in the Member's nor the Police Magistrate's? Nor any other individual; but those sources of information would be useful, and would in discriminating minds lead to appointments as little objectionable as possible.

123. You think the appointments of late days more objectionable than those of some more remote period? I think I said they were not much improved.

124. *By Mr. Lee*: Did I understand you to say that almost all the decisions were made out of court? No. I said it was not very unusual that these matters were discussed out of court, from gentlemen residing in the districts, and from parties naturally going to them in their trouble, and, unavoidably, from the very nature of the communication, there is a foregone conclusion.

125. Is not the complainant bound to go to a magistrate, and make his declaration that he wants a summons for a certain party? Yes; but that is a very different thing from seeking advice.

126. Do you mean that they go to the magistrates for advice? Yes, constantly.

127. Do not attorneys generally disagree with magistrates' decisions in the country? Not generally. If an attorney be an advocate, of course, if the decision is against him, he may

not

not agree with it altogether; but a well-educated gentleman will as readily acquiesce, if justice be done, as if the case went with him.

128. Are there not some attorneys who, if the case were ever so clear against them, would wish to have it carried in their own way? That question almost answers itself. An advocate, whether a barrister or any other branch of the profession, naturally wishes his own client to succeed.

Robert Owen,
Esq., M.L.A.

2 June, 1858.

129. You think that members elected by municipal institutions would be fit and proper persons to be appointed magistrates? Yes; for the reasons and the qualifications I have stated.

130. Do you believe the whole of the persons elected as members of these bodies would be fit and proper persons to act as magistrates? No, I should not say so.

131. By Mr. Thornton: You spoke of two great sources by which a superior order of magistracy might be obtained, namely, selection by the Judges, and through municipal institutions; now, do you think that if it were a part of any municipal law that a person elected an alderman, or councillor, as the case might be, should be *ex officio* a justice, that would insure a better description of candidates for the office? I think it very probable. The mass of the people have a very correct notion of the administration of justice, and of what it ought to be, and that would make them careful in the election of those persons.

132. As a lawyer, you will be able to answer my question clearly: do you think the Bill now before you, to which your attention was called by the Chairman, would in any way affect magistrates created under a municipal Act, or that statutory magistrates would be at all affected by that Bill? I think the proviso I mentioned would be sufficient to meet the case.

133. Magistrates in virtue of office would not be affected by it? They would, as it now stands, but it could be very easily modified.

134. By Mr. Piddington: I think you stated your opinion that the magistrates appointed of late years had not improved the character of the Commission, in respect to qualification, education, or position in life? I think they have not.

135. And I think you said also, that you attribute that decline to the practice of Members of Parliament nominating their respective friends or adherents? Yes.

136. And yet you seem to think that all the members of municipal councils should, indiscriminately, be appointed to the Commission of the Peace? No.

137. Then, if you do not think that all the members of municipal councils should be *ex officio* magistrates, what number of members or particular member of any body now existing or to be created would you limit the appointment to? I think I mentioned the Mayor, or head man of the body.

138. The Mayor alone? No; the Mayor should be *ex officio* a magistrate, the same as in Sydney, and the other members would be prominent persons for the appointing powers to select from, as being elected by the people, but they should not be *ex officio* magistrates.

139. You would limit the *ex officio* appointments to one individual in each corporation? Yes, but also conferring as much as possible the appointment upon the other elected officers.

140. In respect to all officers excepting the Mayor, you think the Crown should have the same right of rejection as it now possesses with respect to any other individuals? That is my opinion.

141. I think you alluded to the fact that in England members of corporations are men of high legal attainments very often? No; I think I rather said to the contrary,—that perhaps gentlemen of property were very frequently better educated, but that the corporate officers were men of clear business habits, of very high character amongst their fellow citizens, and having other qualifications which fitted them to act as magistrates.

142. When you speak of corporate officers you do not allude to the Recorders in Cities or Boroughs or to the Common Serjeants? No; that is another matter.

143. I think you stated that, in your opinion, five cases out of six decided by the magistrates of the Colony are not decided according to evidence? Not decided strictly according to evidence. I think that is done without the magistrates being aware of it.

144. I was about to say that you think these erroneous decisions are caused, not by any want of desire to decide correctly, but by want of legal knowledge? Exactly.

145. Whatever may be the cause, if you are correct in your opinion that they form so large a proportion of cases, is not that an argument against the existence of unpaid magistrates altogether? No, I do not think so, because I conceive that the appointments may be much improved. I speak of the existing system.

146. I think one reason on which you found that opinion is derived from the belief that paid magistrates should be appointed? I am very much in favor of paid magistrates being appointed generally, because the mode of appointment, and, I suppose, the principle of appointment, would be to select men duly qualified.

147. Is not that an argument again *pro tanto* against the continuance of unpaid magistrates? No, I do not think so.

148. Of what value is it to the country that it should have paid magistrates appointed by the State as well as an unpaid magistracy? A paid magistrate may not always be able to attend, and in many cases he may be well assisted by the unpaid. I have stated that if there were paid magistrates the mode of administration would be immensely improved, inasmuch as many of the difficulties now arise from want of knowledge.

149. You regard the appointment of paid magistrates as very desirable? Most desirable, under due precautions.

150. You have attributed the incompetency of existing magistrates to want of education? To want of education.

151. What kind of education do you allude to? General education as to one point, and very particularly the want of even the slightest reading up of any legal information; and in connection with this, I would just mention what appears to me to have been always a great want. The laws, as at present collected, are scattered over some very considerable volumes, and it is very difficult indeed to select them in practice for the administration of justice; but if there were

Robert Owen, Esq., M.L.A.
2 June, 1858.

were compiled by some legal authority, under the auspices of the Government, a well arranged selection of the laws in operation, with a very good index—an index that I have seen nothing like at present—in fact a good index is the only key to any book—with preliminary observations directed to the simple heads of evidence,—I say if such a book were placed in the hands of each magistrate, it would be of enormous importance to the administration of justice. They have no guide at present; and it is not necessary to say, that the administration of justice cannot be obtained by instinct.

152. But a mere acquaintance with the statutes existing in the Colonial Statute Book would not be of much service to a magistrate in qualifying him to judge of evidence? I think there should be plain directions as to the principal heads of evidence,—what is evidence, and so on. In the Administration of Justice Act there are some directions as to the conduct of cases, but they are so mixed up with statutory enactments that the magistrates do not know where to find them. If they had the necessary Acts, with the various heads of evidence—what is evidence—hearsay evidence not admissible except under circumstances—under distinct heads, plainly set out, it would be of very great importance indeed; I cannot over-rate it.

153. You have stated that the unpaid magistrates are not regarded by the public with confidence? Yes; as administrators of justice.

154. I think you are also in favor of leaving the appointment of magistrates in the main to the recommendation or confirmation of the Judges, as a body? Yes.

155. Are you aware of the mode of appointment of High Sheriffs of counties in England? I do not know all the machinery, but I think there is a certain day on which—

156. Three names are selected from each county? Yes.

157. Could not some scheme of the same kind be adopted in the appointment of magistrates here, giving the Judges the initiative, and not depriving the Crown of its right of appointment, but empowering the Judges to recommend three individuals, with the understanding that the Crown select one of the three, as is the practice in the appointment of High Sheriffs? I do not see any objection to that.

158. *By the Chairman:* In the cases you have referred to, in regard to justices not acting, as you say, in five cases out of six according to evidence, do you think they depart from substantial justice? I think you can very rarely depart from the rules of evidence without departing from justice. With every desire to arrive at the truth, without an adherence to those rules you, in all probability, shut out truth in one way, and admit error in the other.

159. Then, in these cases, you complain that justice has not been done? I think that in some of the cases justice may be hit by chance, and that is all I can say about it.

160. Have you anything further to add relative to this subject? I wish to add, in reference to the irresponsibility of magistrates, that the only way in which a decision of any Bench can be questioned is by an application to the Supreme Court for a prohibition. The usual amount of expense for such application is about £22 to £25 for each side. Unless corruption be shewn as against the magistrate, the Judges do not visit them with the applicant's costs, although such application is successful. If a decision of the Bench be declared wrong, the applicant has still to pay heavy costs. A man in humble circumstances cannot therefore resist an erroneous judgment of any Bench.

TUESDAY, 8 JUNE, 1858.

Present:—

MR. PARKES,
MR. LEE,
MR. PIDDINGTON,

MR. MARKS,
MR. FORSTER,
MR. JONES,

MR. MURRAY.

T. A. MURRAY, Esq., IN THE CHAIR.

The Honorable Sir Alfred Stephen, Knight, Chief Justice, called in and examined:—

The Hon. Sir A. Stephen, Knt., C.J.
8 June, 1858.

1. *By the Chairman:* You are Chief Justice of the Colony? Yes.
2. How many years have you been a Judge of the Supreme Court? Nineteen years and upwards.

3. During that time you have had ample opportunities of observing the general state of the Magistracy of the Colony? If you refer to individuals—

4. No; as a body? Yes, of course, in a general way.

5. And, of course, you have observed generally the administration of the law in all the Courts of the Colony, in regard to individuals? Yes, I think I may say that I have. To a considerable extent I necessarily have.

6. Have you any idea at all of what ratio the business—that is the cases tried in the Civil Courts—what proportion they bear to the cases tried in the Supreme Court? You mean what proportion the summary proceedings cases bear to the cases tried in the Supreme Court?

7. In the Supreme Court? I have no means of knowing.

8. You are aware at all events, I presume, as a matter of fact, that there is an immense amount of business done in the Police Courts of the Colony? I am quite aware that there is a very immense amount of business done by the Magistracy both in summary cases and in ministerial; that is in aid of other Courts—commitments of people, I mean for trial.

9. And that interests, so far as the parties are concerned, are involved to fully as large an amount in the Police Courts as they are in the higher Courts? There are, doubtless, very large interests involved in the decisions of the Magistracy in cases both criminal and civil; such

such as, among others, in cases arising under the Tenements Recovery Act, the Impounding Act, disputes between masters and servants, and complaints under the Deserted Wives and Children Act, against the absconding husband or father—and the like, exclusively of the ordinary criminal jurisdiction of Justices; but I cannot say whether the amount pecuniarily is or not, in the aggregate, equal to that of the cases pending in the Supreme Court.

The Hon. Sir
A. Stephen,
Knt., C.J.
8 June, 1853.

10. But, considering generally the circumstances of the parties interested, are not the sums that they sue for, or that they are fined in, of just as much moment to them as the larger amounts involved in the jurisdiction of the Supreme Court may be supposed to be to disputants in that Court? Doubtlessly; and even were it otherwise, it is of very great importance that the law should be administered in all jurisdictions with care and competent knowledge as well as with integrity.

11. And now, Sir Alfred, with regard to the Supreme Court: of course all the proceedings there are watched, not only by an intelligent public, but also by the press, and the cases *pro* and *con* are in the hands of able advocates—so that, in the exercise of its jurisdiction, that Court, at all events, is under a certain amount of control; but in the Police Courts in many parts of the Colony you are aware, I presume, that there is no professional attendance in many instances, and that it very rarely happens indeed that the cases are reported by the press? There are, certainly, checks on the administration of justice in the Supreme Court which do not exist, I apprehend, in the Magisterial Courts in any degree; and with respect to those checks which exist at all, they do not exist by any means in the same degree.

12. Do you think it desirable that such checks should exist? I certainly do; I have no doubt that the presence of advocates is of very great importance, not only as an assistance to the Bench, but as, in some degree, a check upon the Bench; and also, that the reporting of all proceedings by the press, and so attracting public attention to them, is of great importance in reference to the latter object. The presence of any intelligent audience is of importance in the same view.

13. Then, I presume, you regard the non-existence of any such checks, as these in the Police Courts, as an evil that ought to be remedied if possible? When once an advantage is admitted, it seems to follow that it should be secured if it be practicable, but in what mode this can be accomplished, with respect to Magisterial Courts in the interior, I am utterly unprepared to say.

14. So far as you have had an opportunity of observing, do you think the Magistracy of the Colony commands the confidence of the public, generally speaking—we do not want to enter into any particular instances? That is a very awkward question to answer, and one of extreme difficulty. I am, perhaps, not competent to say what is, or is not the opinion of the public at large on such a point,—but I may state that I have, in several quarters, more particularly of late, heard the appointments to the Magisterial Bench in many instances severely criticised.

15. Numbers of Magistrates, I presume, have, from time to time been sworn in before you? There have been a great number of Magistrates sworn before me, or my brother Judges in my presence.

16. Has it ever struck you, on such occasions, that the parties appointed were not qualified by education for the position in which they were placed? I have certainly repeatedly seen persons sworn in as Magistrates, whom I have thought, judging by their appearance and manner, and style of reading, to be utterly inadequate, in point of education, and to be of an inferior grade generally.

17. Have you observed many such instances? I have seen several in different parts of the Colony. I mean that it is not confined to Sydney alone; but extends to country districts.

18. Then the gentlemen thus entrusted in this instance with the administration of the law in the Police Courts of the Colony—although unfitted for that position by education, are nevertheless free from that check or responsibility which exists in the higher Courts? I have already said that Magistrates have rarely the check over their proceedings which exists with respect to the Judges; but it is clear that responsibility cannot be avoided by Magistrates in any instance. Responsibility exists under all circumstances. I wish it to be understood that, notwithstanding the particular instances alluded to by me, speaking of the body of Magistrates generally, from my personal knowledge of many, and my general observation of others, I have no reason to express myself otherwise than respectfully of them.

19. As a body? As a body; and, so far as I have the means of judging, I think that they generally discharge their duties very well. I have occasionally seen very great mistakes committed by them—chiefly in law, but sometimes in matters of fact. But, I believe on the whole, that their judgments are reasonably correct, and quite entitled to respectful mention.

20. Then, Sir Alfred, of course, I presume you consider it to be regretted that such objectionable appointments as those you have alluded to, should take place at all? I think that even one decidedly bad appointment to the Magistracy in a district, is highly prejudicial, and that it tends inevitably to bring the whole body into dis-esteem. It has the further effect of alienating the more competent and more respectable portion of the Magistrates from their duties; and it is quite impossible not to have observed that the instances which I have referred to, have already tended to lower the estimation in which the Magistracy as a body should be held personally by the public.

21. You think then, that some gentlemen who are well qualified for the office, are prevented from acting in consequence of those objectionable appointments? I do not say actually prevented; but I have heard, and I believe it to be the fact, that competent and respectable men have, in some instances, abstained from attending the Bench, rather than meet with persons whom they did not choose to recognise as associates.

22. Now, Sir Alfred, with regard to the legal responsibility which you just alluded to, in cases where publicity is and proper evidence may be brought to bear upon the case—how far does that under the law as it stands, affect the Magistrates? No Magistrate is responsible for any mere error in judgment, unless he shall have exceeded altogether his jurisdiction—a

The Hon. Sir
A. Stephen,
Knt., C.J.

8 June, 1868.

case which rarely happens; and even should he exceed his jurisdiction he is still free from liability to damages or other punishment, if the losing party shall apply to the Supreme Court by prohibition, which is now a frequent mode of setting right magisterial decisions.

23. If the party applying for a prohibition succeeds in his application who bears the costs;—are the costs awarded to him—in his favour? In the greater number of cases the successful party pays his own costs; but not always so. If the Magistrate has very violently erred, the Court may inflict costs upon him; but, I recollect only one instance in which this has been done. In some instances the Court has made the prosecuting party pay the costs. If the appealing party fails, he is almost invariably made to pay the costs.

24. And if he succeeds he generally has to pay his own? Generally speaking.

25. And what would the costs amount to generally—in any ordinary case? I cannot tell; I should think about £10 or £12.

26. Ten or twelve pounds? I should think so. Such cases usually involve considerable difficulty either as to the facts or the law; and counsel are generally employed.

27. The costs then in such cases—in any ordinary case—would bear a considerable proportion to the amount involved in the case itself? It is sometimes much more. I have known several instances, in which the party appealing must have known full well that he would have to pay more than the pecuniary sum at stake. But men in such cases have very often a higher object. They wish to shew that they have committed no offence, or they desire to have the law settled in similar cases for the future. There are instances where this has been avowed.

28. But at the same time, to persons in a very humble station in life in regard to property, the costs of appeal might prove an absolute bar to their being righted? Unquestionably so. On the other hand, although you may largely diminish the risk of erroneous decisions by securing a higher class of functionaries, yet it is impossible altogether to avoid error in deciding points of law. No single volume of the Reports in any Court in England can be read, without seeing instances of deliberate judgments by very able and distinguished men reversed by some superior Court.

29. But still there may be some approximation—greater or less—to that state of perfection which it may be desirable to bring the administration of the law to, if it could be done? That is a self-evident proposition. It is of great importance to secure efficiency in every department of the State; but chiefly in the law department, and all which affects the administration of justice.

30. And erroneous decisions are likely to be multiplied where objectionable appointments are made? In exact proportion as you multiply undesirable appointments in so far as mental capacity is concerned, you of course multiply the risk of error; but it is obvious that an immoral man, for instance, may be as competent to decide accurately as any other.

31. Then, generally speaking, Sir Alfred, the responsibility of Magistrates just now simply goes so far as the rectifying of decisions in the manner which you have just adverted to: If the parties appeal in the way you have just spoken of, they are precluded, I take it, from bringing any action against a magistrate individually? They are, if they proceed by prohibition.

32. Have you known many cases of actions having been successfully decided against Magistrates in consequence of their conduct on the Bench or the decisions they gave? I have known such instances, but they are few. One was an action against a Magistrate for causing certain fences to be pulled down, in a mere civil case over which he had no jurisdiction—that was in the south country. Another was where a Magistrate had convicted a man without causing him to be summoned. One instance I remember of an action for a malicious proceeding by a Magistrate; another where a Magistrate issued a warrant as for felony in a mere case of trespass. I think it a right principle, however, that a Judge, of whatever grade, should be wholly irresponsible for mere matters of mistake in judgment, provided he has jurisdiction. No Magistrate would undertake the office, subject to the responsibility of an action if he happened to be wrong. I may add, however, that the infrequency of appeals either to the Quarter Sessions, or the Supreme Court, against magisterial decisions, is no accurate test of the correctness of magisterial decisions; because the poverty, or ignorance, or indifference of parties, in small cases, will naturally induce them to avoid litigation even where they feel that the Magistrate is wrong. I know personally of some serious mistakes by Magistrates, which have never come before the Court.

33. You adverted, Sir Alfred, to the Impounding Act just now—are you aware that the Magistrates under the Impounding Act assess the damages which parties have to pay under that Act? In some cases they have that duty to discharge; and we have had an appeal from the decision of Magistrates in one case, if not in more, under that Act.

34. The Magistrates are generally in the up-country districts country gentlemen, interested more or less in landed property? They, I presume, are so; but if that implies that they are the less competent, or the less desirable as judges in that particular matter, I am not of that opinion. The only Act that I know of which seems to require another class of functionaries for adjudicating, is the Masters' and Servants' Act; because there the Magistrates are all masters, and there is no Magistrate who is a servant.

35. They are then, in both cases, to some extent—more particularly under the Masters' and Servants' Act—judges, as a body, in their own cause? With respect to the last-mentioned Act they are to a large extent,—it has always seemed to me,—judges in their own cause.

36. Have you thought it at all—at any time—desirable that the Commission of the Peace should be purified? I have latterly thought that it is of importance that it should be; but the difficulty of successfully achieving the object, appears to me to be very great.

37. Has any improvement taken place, do you think, since the inauguration of Responsible Government? I should be sorry, even by an answer to a question so worded, to connect Responsible Government with the appointment of bad Magistrates. My opinion is, however, that the bad appointments of late years—say the last five—have been worse than all those made

made in the previous fourteen; and I do not object to add, that under Responsible Government individual solicitations and too *facile* compliances are likely to be more frequent, than under the old system.

The Hon. Sir
A. Stephen,
Knt., C.J.

38. And do you think, Sir Alfred, that it is desirable that persons should be placed in the Commission of the Peace merely upon individual solicitations or representations? I think that it is highly inexpedient.

8 June, 1858.

39. I presume you conclude that Parliamentary or party influences may be brought to bear upon the appointment of individuals? It appears to me that they have probably formed one cause of some of the objectionable appointments to which I have referred.

40. It has occurred to this Committee that some improvement might take place if the appointments were dependant upon a recommendation from the Judges: what is your opinion upon that? The Judges are personally unacquainted with all but a small minority of the inhabitants, especially in the interior; and they would not therefore be capable from their own judgment of making a selection, although they might be very useful persons to advise as to the recommendations of others, and would be less likely to be influenced than probably other functionaries by political considerations, or even by feelings of friendship, in making a selection. We must bear in mind, that in future years political status will frequently determine even appointments to the Bench, if the usual English Rules prevail. But, even should this be so, a Judge so studiously and of necessity subduces and keeps in check his political tendencies, whatever they may be, that probably he will always be the best functionary to decide in such matters, if he shall only possess the adequate knowledge of individuals sought to be appointed. In England the appointment is exclusively by the Chancellor; but he always (or almost always) acts on the recommendation of the Lord Lieutenant of each county; and the Lord Lieutenant in his turn, I apprehend, is ordinarily guided by his Deputies in the different parts of the county. These latter are almost invariably men of fortune and influence, frequently of rank, and always of education. There is here, consequently, a system of personal and individual responsibility, which on the plan of consulting the Judges as a body, or the Executive as a body, or both combined, could not be attained. It is perfectly well known that responsibility divided among many is rarely felt. And accordingly the great advantage of the selection of Judges for the English Bench being exclusively vested in and exercised by the Lord Chancellor, has always been thought to be that he exercises the power alone—and independently of the Cabinet at large. The Chancellor generally consults, it is said, the Chief Justices of the several Courts, but acts on his undivided responsibility alone. The case of the Attorney or Solicitor General obtaining ordinarily the Chief Justiceship is an excepted case. By general usage those functionaries, I believe, take a vacant Chief Justiceship as a matter of course, if they think fit. There are exceptions, and particularly in modern times; but that is the general rule. The difficulty as to the appointment of Justices, however, in this Colony, will be in obtaining the local knowledge required, even if there were an individual filling the post of Minister of Justice. But much might be done by submitting all recommendations to such a Minister, if there were one, and in the meantime to the united Bench of Judges—and requiring this as preliminary to every selection to the Magistracy. Nevertheless, I conceive that these appointments should rest with the Executive; until there shall be a Minister of Justice. The Bench, as a Bench, should not, I conceive, be the parties to appoint, though they might be parties to advise on the recommendations. It has occurred to me, that each local Bench of Justices might advantageously be called upon to report as to each individual recommended for their district. They might simply state, without assigning any reason, whether in their judgment the party proposed was eligible or ineligible. They would thus discharge the duties, in this respect, of the Deputy Lieutenants in the several counties.

41. Do you think the Judges might obtain the necessary information when on Circuit in the different districts? I do not see how they can. I have on Circuit seen persons, whom by observation I should have pronounced unfit for the Magistracy, but who I found were Magistrates, and a Judge therefore can form his opinion as to an individual, to whom his attention may have been drawn. But *a priori* he would have no such means in respect to a party recommended who was personally unknown to him. And the idea of subjecting a gentleman whom it was proposed to appoint to the Magistracy, to personal examination by the Judge, would be offensive, and in every way undesirable. Then, as to moral character, or the like, it would be impossible for the Judges to form any opinion without personal acquaintance or local information. I have, however, known two instances of habitual drunkards on the Bench; of whom I have seen one in that state in the streets.

42. You have said, Sir Alfred, that the appointments ought, of course, to remain vested in the Crown as they are now? I think that the Crown should act, in this respect, not by the Judges, but by its Responsible Ministers—commonly termed the Executive—unless there were some judicial officer occupying the position of Minister of Justice, whose peculiar function and duty should be to attend to this department.

43. Do you think, then, that the Parliamentary responsibility of the Ministers of the day would be sufficient to ensure proper appointments? They are, I conceive, collectively, more likely to possess the requisite knowledge of individuals than the Judges can be. Unitedly, no doubt, their responsibility in such a matter will not be so much felt, as if one of them acted individually; and they will moreover as a body be led to oblige, or be compelled to disoblige, an adherent in almost every instance. So far, therefore, their selection will inevitably be biased. But still I conceive that, for constitutional reasons, the responsibility should rest with them—and we must expect them to do their duty in this case as in others.

44. What would you think of this course, Sir Alfred: that the people in the different districts should elect individuals from whom the Government might select the Magistrates? I think that it would be a bad plan; and that on principle it is objectionable. I believe that the people at large, fairly consulted, and not externally operated upon, would in general, decide as correctly in such cases as any Ministry; but, I think that the people are more generally

The Hon. Sir
A. Stephen,
Knt., C.J.
8 June, 1858.

generally so operated on, and therefore do not so decide. America is a sufficient warning to us, I conceive, not to leave the appointment of judicial officers to election by the people. All the discredit which has attached to California, from the proceedings of the Committees of Safety there, I know, from reliable information, has arisen from the bad character or gross misconduct of elected Judges. Under our English system, the appointment of a disgraceful character to the Bench is a thing unheard of. Nor, I believe, has it often occurred, that improper parties are appointed Magistrates. But it is notorious that Judges and Magistrates in America are repeatedly elected from political feeling; and the Judge of one year may be Governor of the State the next.

45. Do you think that the ends of justice, in the Police Courts of the Colony, would be advanced by the general appointment of Police Magistrates for those Courts? I think that Police Magistrates are better than Benches of Magistrates almost universally; first, because each has undivided responsibility; secondly, because he makes magisterial duties his business. It becomes thus their interest as well as their duty to act correctly. Thirdly, they have more the eye of the public at large on them; and attention is, from a variety of causes, more alive to their proceedings. Fourthly, such appointments are more easily made, being few in number comparatively, than the numerous body comprising the magistracy at large. I would here mention a plan, which has suggested itself to my mind as having considerable recommendations. It is, that the Commission of the Peace should be divided:—that there should, for example, be one for each Circuit District—so that there shall be four Commissions for the Colony instead of one; and that, by express enactment, a new Commission shall issue for each district at a stated period. By this plan, applications and recommendations could only be attended to at that period; and the duty of selection would devolve on whatever Ministry might happen then to be in power. It might be so arranged, that one new Commission—or two Commissions, if thought desirable,—should issue every year. If one only, there being four Circuit Districts, the term of appointment would be obviously four years; or two years only, if two Commissions yearly were issued. But, when Moreton Bay is separated, there will remain three Circuit Districts only. One Commission yearly might then be issued for one such district; so that each Commission should last for three years only. The County of Cumberland might have its own separate Commission; which might be issued also once in every three years—a few months after that for the Bathurst Circuit, for example. There would thus be the opportunity afforded of periodical revision; and that separately for each district. It might be enacted that from every Commission thus periodically issued, there should be omitted the name of every person known to have been culpably lax or remiss in, or found to be unfit for his duties; or to whom any well-founded objection might exist, as shown by the experience of the three preceding years.

46. It is said that the Lord Chancellor never strikes a name from the magisterial list unless the party be convicted of crime? Such a rule as that was introduced, I believe, by Lord Eldon; but it has been condemned by high authority, and it appears to me to be highly injudicious. A man may have been perfectly well conducted when appointed, or he may have been erroneously supposed to be so, contrary to the fact; and misconduct may be established against him, during his period of service, though not of a kind subjecting him to any conviction or trial quite sufficient to disqualify him for the position of a Judge. Now, on the plan suggested, every Ministry would be relieved from the invidiousness either of striking out names unnecessarily, or issuing a new Commission unnecessarily; but the duty, being imposed by law, must be exercised by the Ministry in office at the particular period in each case appointed. Nor would any difficulty arise by thus dividing the Colony; inasmuch as by enactment it could be provided that every warrant shall take effect throughout the territory as at present. The only restriction need be, that a Magistrate appointed for one Circuit District should not sit, or act in any other district. It appears to me that a Commission for the whole Colony is far too unwieldy a thing, for any one period of revision to be really sufficient for the task of proper sifting, and too cumbrous for any one Ministry without compulsion to venture upon grappling with.

47. By Mr. Piddington: I wish to ask, Sir Alfred, one or two questions; more especially in reference to the fact that I have gathered from the preceding evidence, that you are of opinion that, within the last five years as great a number of gentlemen open to exception have been appointed to the Commission as during the preceding fourteen years of your experience. I think you state, also, that you do not see any necessity for connecting such objectionable appointments with the system of Responsible Government? Just so:—because I have known persons whom I think extremely objectionable appointed to the Magistracy before Responsible Government began.

48. Does it come within your knowledge that a circular was addressed to the Members of the Assembly by the Prime Minister, upon the inauguration of Responsible Government, inviting the several Members to recommend gentlemen of their own districts who were in their opinion, fit to be appointed to the Commission? I do not know any thing as to that matter. I have heard, however, that at the time when a new Commission was proposed to be issued for the Colony, about eighteen months or two years ago, a great number of individuals, supposed to be capable of recommending, or to be entitled to recommend, persons as Magistrates, were invited to send in such recommendations. I heard that many recommendations were submitted in pursuance of that invitation; and I know that an abstract was then made of those recommendations, in order that the names of the parties recommended, and of those recommending, should be submitted to the Cabinet, and each individual Minister be enabled to form his own opinion on the subject. The discussions in the Assembly last year shew that such was the course pursued. The Judges, however, were not among the persons applied to.

49. If a circular, such as that which I have described, was sent by the Prime Minister, upon the first introduction of Responsible Government, to all the Members of the Assembly indiscriminately, inviting them to pursue such a course, would you view that as likely to introduce

duce a good or a bad system into the practice of appointment of Magistrates? If it could be reasonably expected of the representatives thus applied to, that they would recommend individuals irrespectively of personal partiality and political tendencies, such a system would be a good one; because the representatives of the several districts may be assumed to possess the confidence of the majority of the voters in those districts, and therefore to know who are proper persons for the office, and to be themselves trustworthy in discharging the duty of recommending such persons only. But it does also appear to me as probable, that the gentlemen so invited will recommend their own political adherents, and not those who are opposed to them.

The Hon. Sir
A. Stephen,
Knt., C.J.
8 June, 1858.

50. Then such a system would be likely to introduce into the Commission gentlemen who were recommended on account of their political partiality? I think that, so far, that system was a bad one. If it were possible to find persons, unconnected with or uninfluenced by politics, who should discharge the duty, they would of course be the persons both to recommend and appoint to the Magistracy.

51. But taking the whole question into consideration, you are not disposed to recommend such a mode of appointment as a judicious one? I do not think that such a course, on the whole, was judicious. The Bench of Magistrates in each particular locality, I think, would be the most competent parties to recommend, or at least to report on the eligibility of the persons recommended.

52. Adverting to the fact stated, that in Magisterial Courts (in the majority of instances) there are no checks in respect to the presence of advocates or the representatives of the press, do you not think that consideration ought to induce the authorities who appoint Magistrates to be more careful, in reference to the competency and general fitness of the gentlemen appointed to the Commission? Of course. That opinion is implied in my previous answers. In a distant district, one incompetent or malicious Magistrate may, without practical responsibility, do a large amount of mischief. But such a power does not, and I think scarcely ever can reside in any Judge of the Supreme Court.

53. Adverting to the mode by which Magistrates are appointed to the Commission of the Peace in England:—Might not a Lord Lieutenant, if he were a man of strong political views, recommend the appointment of gentlemen of his own party as proper persons for the Magistracy? I have no doubt that the Lieutenants of Counties not only can, but do, recommend their own political friends in preference to others; and, on the principles common to mankind in general, I suppose that their Deputies not infrequently do the same. These tendencies, however, are largely counteracted in England by regard for personal reputation and honor; each Lord Lieutenant feeling himself individually responsible for every recommendation,—and there being also a certain amount of pride in having the Magistrates of his county on a par with those of other counties. An intelligent yeoman of Somersetshire, or of Devon, will refer with exactly that feeling to the leading men, and among these to the Magistracy of his own county, as equal or superior to those of any other county; and he would not hesitate to express publicly his opinion of an improper appointment, as disgraceful to the county.

54. Although the practice does exist in England, imposing upon the Lord Lieutenant the duty of recommending gentlemen to the Magistracy, the Lord Chancellor is the officer who really appoints, I think you stated? Yes.

55. Would not the Judges of the Supreme Court possess as much local knowledge of persons, and their fitness for the place, as the Lord Chancellor; who, as the Equity Judge, does not go on circuit? Personally, the Judges who travel into the several counties have better opportunities than the Lord Chancellor has. But in point of fact in England there exists, in the Lord Lieutenant, a known and undivided responsibility for the recommendation of Magistrates; and the party recommending, however great his bias as a politician may be, has a deep personal stake in the county—and is likely, even for his own sake, to recommend both honestly and intelligently.

56. I think, Sir, you have stated that, if a functionary such as a Minister of Justice existed in this Colony, he would be a person to whom the duty of recommending gentlemen to the Commission might be safely entrusted? I think that one person, such as a Minister of Justice, whether you call him Chancellor or by any other name, would constitute a better department than a Bench of three or four Judges; but my difficulty is, that both in the one case and in the other sufficient means would not exist of personal knowledge, or of referring to responsible parties who do possess that knowledge. You may nominate the Local Bench for the latter purpose however; and if you had one Minister of Justice you could advantageously substitute him for the Ministry.

57. Would you recommend the right of appointment to be vested in a Minister of Justice if he were a Political Minister? I think that such an officer should hold office during good behaviour; as it is contemplated that the Minister of Justice shall do in England. I think, however, for the reasons already given, that one Political Minister for such a duty is better than five Political Ministers. My opinion is altogether in favor of separate and single responsibility, wherever attainable.

58. Upon that principle, Sir Alfred, would you conceive that the Attorney General for the time being is a suitable person, notwithstanding his political character, to recommend gentlemen to the Commission? I would rather have the Attorney General for the time being alone, or the Colonial Secretary for the time being alone, than I would have jointly them and their colleagues. I should like to be able to place the finger upon some one individual, as the person who had appointed a disreputable or unfit Magistrate—whereas now the responsibility of each appointment is shared among five; and even these probably do not know who was the party recommending. Not the Ministry only, however, but the public at large, should know on whom the responsibility of recommending rested.

59. You prefer the responsibility of one individual, to the responsibility of many? In all such cases I do.

The Hon. Sir
A. Stephen,
Knt., C.J.

8 June, 1858.

60. But apart from the degree of responsibility, and the difficulty of dividing it, or fixing it, do you recommend the Attorney General as a suitable person, notwithstanding his political character, to be entrusted with the appointment of Magistrates? I am not quite sure that I understand the purport of the question.

61. The object is in reference to the possibility of improving the character of the Magistracy: and I would wish to gather from you an opinion, in reference to that object; whether the character of a Responsible Minister under Responsible Government—whether he be called Attorney General or Colonial Secretary—would make him an undesirable person in that character to appoint to the Magistracy, or a desirable person? I think that the appointments to the Magistracy should, if possible, devolve exclusively upon a person, or upon persons, whose continuance in office is independent of political considerations.

62. But you feel adverse to deprive the Crown, or the Advisers of the Crown, of the right of appointment, I think? The Executive ought to be responsible, I conceive, for appointments to the Magistracy, as well as for other appointments; so long as the system continues what it is. But if you have one Minister of Justice, who alone shall appoint, the public will understand the change and the reason of it; and if, in addition, you have some responsible person, or body of persons, to recommend men as fit for the Magistracy, the public in like manner will know the parties responsible in each case.

63. In reference to the appointment of Magistrates in this country—have you ever given your attention to the system upon which the High Sheriffs of Counties in England are recommended and appointed? I have not. But the High Sheriff of a County, or an individual likely to be appointed High Sheriff, is far more likely to be known to the Judges in England, than the several magistrates can be here. The Sheriff moreover, on every circuit in England entertains the Judges, inviting the Magistracy and others to meet them; and the Judges become thus personally acquainted with the leading gentlemen of the county.

64. Have not the Judges of the Supreme Court an equal opportunity of being brought into personal communication with the various gentlemen of their respective circuits? The Judges have the opportunity, on circuit, of seeing a few of the Magistrates on the Bench, but have rarely opportunities there of communicating with them; and the Judges usually invite the Magistracy, or some of them, to their own lodgings to dinner, that they may have the advantage of cultivating or acquiring a personal acquaintance. But the Judges have not the responsibility of any one individual, to recommend persons not being already Magistrates. The opportunities of association, however, with the Magistrates who are good enough to accept such invitations, are perhaps as great, so far, as those enjoyed in England.

65. Is it not the practice, Sir Alfred, in England, for the Judges to be entertained by Magistrates simply in that capacity? I believe that the only person who officially entertains the Judges on the circuit is the High Sheriff, or the Lord Lieutenant. And obviously, so far as the opportunity of association between the Judges and the Sheriff goes, it cannot commence until the individual is appointed High Sheriff. I take for granted, that a Judge on circuit visits without restraint his private friends. But a Magistrate, I presume, would not ask a Judge to dinner unless he were previously acquainted with him.

66. In reference to the appointment of High Sheriffs—do not the Judges of England propose the names of three gentlemen connected with the various counties as fit persons to hold that high office? Without refreshing my memory, I cannot state with accuracy the course pursued. The Judges, I believe, send in three names for each county, at a stated period; and the selection from these is called “pricking the Sheriffs,” because it used to be anciently done with a pin.

67. You think the means of information in this country, notwithstanding the comparative smallness of the population, is not sufficient to afford the Judges an opportunity of recommending a sufficient number of persons to the Crown? I think that population being in England so much more concentrated, and the means of information much more numerous and accessible, the Judges in England are better able to select Magistrates than a Judge is here. I think, however, that even in England a Judge would, without assistance from others, be extremely puzzled to select the Magistracy. There is comparatively little difficulty in suggesting two or three persons as eligible for the office of Sheriff, and perhaps the Judge could almost as easily suggest half-a-dozen; but even these, I think, it will be found are suggested to the Judge himself, by those in the county on whose responsibility he feels that he can rely—such as probably the Sheriff then in office, or the Lord Lieutenant, or some personal friends or friend in the county.

68. As I understood your plan, Sir Alfred—the dividing the country into four districts, and issuing a new Commission every year, and leaving the appointments in the hands of the Responsible Ministers:—if that be the plan proposed—would it not be open to the objection that such a plan is a mode of indirect election of Magistrates? My answer is, that it can be no more an indirect election of Magistrates than the present system is. It is no plan for transferring the power, or the recommendation, but merely for dividing the Colony for the purpose of more careful and minute examination, and sifting of names—on the simple principle that to deal with sixty names, and the pretensions of sixty persons, is easier and less dangerous than were the number two hundred and forty. This plan will also compel a periodical revision, and make it very difficult for individuals efficaciously to recommend improper persons; because when the time comes for appointing their friends, another Ministry may be in power; or, if the recommendation be at the exact period for a new Commission, more public attention will be invited to the occasion, and therefore to each new name.

69. It would restrict the Magistrates, in their right to adjudicate, to their own district, I think? Yes. But in my opinion that is desirable; and it is the system in England. A gentleman appointed to the Goulburn Circuit District for instance could not act out of that District.

70. By Mr. Forster: I think, Sir Alfred, you stated your opinion that certain general causes, which are common to all modes of Parliamentary Government, affected or impaired the

the efficiency of the Magistrates of this Colony? I do not know that I can trace altogether to political partialities, in point of fact, the appointment of any one individual. This is matter merely of opinion, perhaps; but I speak of the tendencies of the human mind.

The Hon. Sir
A. Stephen,
Knt., C.J.

8 June, 1858.

71. But still, that certain evil influences, more or less, have not decreased since Responsible Government came into operation? On the contrary, I think that they have increased:—

72. And, I think, you also stated that you have not found the same causes operate, so as to impair the efficiency of the Police Magistrates? I think that the same causes will also operate there:—but the appointment itself is so much more strictly judicial, the individual's life becomes to a large extent so judicial in character, that whatever may have been the tendencies which led to the appointment they would become almost inoperative. If, moreover, such an officer be incompetent, or of discreditable character, the impropriety of the appointment is notorious, and is little likely to be screened from observation, or to obtain sympathy.

73. Then you think the same principle in some degree protects the Police Magistrate from those causes which operate to impair the efficiency of the unpaid Magistrates, to some extent? I do not suggest, observe, that political tendencies operate on the minds of unpaid Magistrates. My opinion is, merely,—

74. That inferior appointments are made, in consequence of those political influences acting? I think so, certainly.

75. But you think it does not generally act so strongly in the case of Police Magistrates? I think not. But, even if it did, the particular individual appointed,—acting as he generally does alone, and on his own responsibility,—ceases after a year or two to remember the influences which led to his appointment. The responsibility, moreover, of appointing a single Police Magistrate is necessarily felt to be something serious;—not at all like that of introducing sundry names, here and there, by way of compliment, into a crowded list, in a general Commission.

76. Then do I understand you that in the one case there is an easier mode of enforcing direct responsibility than in the other:—that that is the cause of one being a better class of men than the other? I think that there have been instances of injudicious appointments to the office of Police Magistrate: but I have explained why, as I think, such appointments are more likely to be the reverse.

77. But supposing on the whole the Police Magistrates to be generally a better class—does not that lead to the inference that one mode of correcting the evils complained of would be the extension of Police Magistrates throughout the country? I think that if there were a Police Magistrate on every Bench, justice would probably be better administered, than it is likely to be on a Bench where there was no Police Magistrate. I think so chiefly because I conceive that—supposing all other things to be equal, he who acts on not merely undivided responsibility, but a responsibility which is practical, and that affects his means of livelihood, and moreover who makes the magisterial office his study and daily duty, must be the most efficient and useful person in that office.

78. *By the Chairman:* Supposing those appointments were extended more generally, might not the local knowledge of the Magistrates themselves be made available to furnish the Government with information which would bear upon the subject in appointing other Magistrates—unpaid Magistrates? Exactly so. If you require a recommendation from each Bench, the Police Magistrate will participate in their deliberations.

79. In that case might not a combination of the two systems—that is, of the paid Police Magistrates, scattered throughout the country, acting with the unpaid Magistrate,—operate beneficially? Yes; I think that it would. I believe, in fact, that such is the present system. The Police Magistrates indeed do not always sit alone, even when taking on themselves the larger share of the responsibility or the labour.

80. *By Mr. Forster:* In parts of the country where Police Magistrates have not been appointed, owing to the distance, should not you say that there they are as much required as anywhere? I conceive that Police Magistrates are, as a general rule, more required in remote localities than they are in thickly populated towns—much more. In Sydney, for instance, if a roster for due attendance could be enforced, you might more easily dispense with a Police Magistrate, than in some of the distant districts. There is a large body of unpaid Magistrates, also, around Goulburn and Bathurst. But, in several districts, you may travel thirty miles without finding one Magistrate; and in some districts a Bench is holden, I understand, once a fortnight only.

81. You are altogether opposed to the principle of popular election to the Magistracy? Yes; decidedly.

82. In admitting such a principle, would you not consider that there would be great danger—once admitting it—that it might be extended to the higher Judges—to higher Courts? I have already intimated so much. I think such a system bad in principle. If good for Magistrates, I do not know why it should not extend to Judges of the Supreme Court; and the result, I fear, would be fatal ere long to the character of the Bench. In proportion as a man shall have made himself acceptable to the mass of the community, so will he be more or less likely to be elected a Judge. His judicial qualifications they would have little means of knowing.

I will ask leave here to add one recommendation, on a subject closely connected, indirectly, if not directly, with the subject under inquiry. It is this:—that the administration of justice by Magistrates generally would be much improved, or, at the least, facilitated and expedited, were more attention paid to the appointment of Clerks of the Bench. In very many instances, the assistance of an adequately educated clerk would be found almost invaluable. Mistakes fallen into by Magistrates are very frequently mistakes of form, or mistakes on technical points, or arising from unacquaintance with certain requisites; from most of which errors a properly instructed Clerk of the Bench would guard them. I recommended, some years ago, to the Government, that no such clerk should be appointed, or at least be allowed

The Hon. Sir A. Stephen, Knt., C.J.
 8 June, 1858.

allowed to enter on his duties, without passing an examination (which need not be of a very rigorous kind) before a competent board. He ought to be examined in Sir John Jervis' Acts, and otherwise, as to the mode of procedure in magisterial cases; and should be expected to possess some general acquaintance with the more simple and general rules of evidence, of which Magistrates are too commonly ignorant. In England the Clerks of the several Benches are almost invariably professional men. They are allowed private practice, and the fact of holding the appointment is at once a certificate of character and a recommendation to business. A considerable portion of the smaller matters at the Police Offices in London is practically transacted by the clerks; and, in the country, their advice and legal knowledge, in cases of the greatest importance, are often found to be quite indispensable.

MEMORANDUM.

The Chief Justice desires to supplement his oral examination by the following observations:—He wishes so far to qualify his recommendation of a paid Magistracy, as to observe that there are political and constitutional considerations, which he thought himself not called upon to discuss, of a strongly opposing tendency; or at least highly favorable to the combined existence of the body of unpaid and independent Justices, notwithstanding any multiplication of paid functionaries. His Honor also wishes to add to his answers respecting the selection of Sheriffs, that by statute certain of the Cabinet are associated with the Judges, in the duty of selecting the three names for each county, to be submitted to the Sovereign—the Judges and Officers so associated being first sworn, to present such names only as they shall believe to be those of the fittest persons.

WEDNESDAY, 9 JUNE, 1858.

Present:—

MR. PIDDINGTON,
MR. PARKES,MR. MURRAY,
MR. LEE,

MR. FORSTER.

T. A. MURRAY, ESQ., IN THE CHAIR.

His Honor Mr. Justice Dickinson called in and examined:—

His Honor
Mr. Justice
Dickinson.

9 June, 1858.

1. *By the Chairman:* You are one of the Judges of the Supreme Court? I am.
2. How long have you been in that position? Almost fourteen years.
3. And of course have had many opportunities of observing the state of the Magistracy of the Colony? The proceedings of the Magistracy in those matters which have come before the Court.
4. Do you think the Magistracy as a body admit of improvement or not? I have no means of answering that question; but from what I have seen of the proceedings of the Magistracy in the Court, during the fourteen years I have sat in it, I think upon the whole that the business is done very well.
5. Has it come to your knowledge that there are any objectionable persons in the Commission of the Peace? No; I have no knowledge of the matter.
6. Do you think it would be desirable that the Commission of the Peace should be subject to periodical revision? I have not considered that question at all, but I think it might not be undesirable,—once in six or seven years perhaps.
7. That is to say, on general principles, without any reference at all to the gentlemen composing the Bench? It so happens that my acquaintance is not very extensive.
8. We wish to make the inquiry general—not at all adverting to particular cases? I should think upon general principles it might be so.
9. Could you suggest any mode of effecting such a mode of periodical revision? No, that point has not occurred to me, and I really am not in a position to do so.
10. It has been brought under the notice of the Committee, that there are great objections now to the mode in which appointments are made, in consequence of the influences which are brought to bear upon the Ministers of the day, in the way of parliamentary or party support—that their friends press upon them the appointment of objectionable persons which they, from the peculiar position in which they are placed in Parliament, and also during elections, are unable to resist; and that this has led in some instances to very objectionable appointments. Do you think it desirable that we should still adhere to that plan of vesting those appointments in the Ministers of the Crown or the Government of the day? I think so; it is in accordance with my notions of constitutional government, that the appointment of magistrates should be vested in the Executive.
11. What is the course in England, in reference to the appointment of magistrates? The course is that the Lord Lieutenant of the County recommends to the Lord Chancellor, which recommendation is almost always attended to as a matter of course. There was an instance some years ago—somewhere about 1841 or 1842—in which a Mr. Paget, a gentleman of very great respectability, in Leicestershire, but in politics in opposition to the Lord Lieutenant of the County—the Duke of Newcastle applied (or his friends applied) to the Duke to nominate him. The Duke declined to nominate him, and application was made to the Lord Chancellor in person, who appointed him. Thereupon the Duke of Newcastle wrote a very intemperate letter to the Lord Chancellor, for which the Lord Chancellor deprived him of his Lord Lieutenancy. The appointment is formally made by the Lord Chancellor, but virtually by the Lord Lieutenant of the County, doubtless acting upon the suggestions of the body of magistrates of his county.

12. The appointment is made by the Crown on the recommendation of the Lord Chancellor, to whom recommendations are made by the Lord Lieutenant of the County? The Crown, by the advice of the Lord Chancellor, makes the appointments upon the recommendation of the Lord Lieutenant of the County.

His Honor
Mr. Justice
Dickinson.

9 June, 1858.

13. But in this Colony it appears that the Government makes the appointment without any recommendation by any functionary? There is one general Commission of the whole Colony, instead of, as in England, a Commission for particular counties, and there is no such officer here as Lord Lieutenant coming in between the Crown and the magistracy.

14. Would you think it desirable to adopt any such plan in this Colony so far as we could in regard to particular counties or particular districts? I think it might be a desirable thing that the Crown should not appoint, unless upon the recommendation of some of the general body of the magistrates in the district. I suggest them because I know that they have a great deal to do with the recommendations of the Lords Lieutenant of the Counties in England, and there are no such persons as Lords Lieutenant here.

15. Are you aware at all whether the recommendation of Members of Parliament is sought for in England? I am not aware at all. I never heard. The recommendations of Members of Parliament are sought for ministerially, as a matter of course, and it is one of the modes by which Governments gain their adherents, or keep them, in the House of Commons—that is, recommendations with regard to offices of profit. I never heard of such recommendations being sought for in the case of county magistrates; I should think not, because all interest there must be made with the Lord Lieutenant of the County.

16. But the peculiar position in which country gentlemen are placed in this Colony must, I think, create a marked distinction between them and the country gentlemen in England? I am not sufficiently acquainted with the country gentlemen here to say, but I should have thought they had here the same analogous position that they had in England.

17. I presume a number of magistrates have from time to time been sworn in before you? Yes.

18. Have you ever been struck with the deficiencies of any in point of education, by the manner in which they read the oaths? I have on several occasions—not in a great many, but on several occasions—and I think more so lately than formerly. I think twice I have heard a gentleman reading the oath in an intonation of voice which did not seem to be that of an educated man, and say “the form of the *statue* in such cases made and provided,” instead of, “the form of the *statute* in such cases made and provided.” Then, I have seen also gentlemen come to take the oath as magistrates, who, from their appearance, evidently had been in much humbler circumstances, but whose demeanour evinced considerable intelligence and respectability. But I have seen gentlemen of the class you have mentioned, whose whole demeanour betokened inferiority.

19. But such cases as those would be very unlikely to occur in England? Very unlikely.

20. Nevertheless they do occur here? They occur here, and occasionally in England, but not very often. But in England, persons who rise from business of any kind, and make their independence—as great numbers do who go into the country, and get together a property—they very soon, if they possess conciliatory manners, and if they wish it, get into the Commission of the Peace. There is this distinction, it strikes me, between the position of magistrates in England and that of the magistrates in this Colony; there, the proceedings of the Police Courts are watched by an intelligent public, and generally by professional people, wherever there is a paid magistrate; but I do not think they often are here before country magistrates, unless in a case of murder, or of great public interest.

21. Not in Petty Sessions? I think not, judging from the newspapers. I never saw the cases reported, but they may be, for aught I know, in the country newspapers.

22. It is obviously desirable that objectionable appointments—appointments objectionable from deficiency of education, or any other cause—should be avoided? Oh! undoubtedly it is advantageous to the public. To take any other course would be lowering the dignity of the individuals who have already come forth to be appointed.

23. And tends to destroy the confidence which the under classes of society have in the administration of justice? In certain cases.

24. No moral effects are injurious? Unquestionably.

25. Could you suggest to the Committee any mode whereby a recurrence of such appointments can be guarded against? The only mode which occurs to me at present is one which I ventured to suggest to a commission, of which I was a member some ten years ago, (it was rather laughed at at the time,) which was this:—That no person should be appointed to the Commission of the Peace unless he had been at a Solicitor's or Barrister's chambers twelve months, and could produce a certificate to that effect,—having studied the law.

26. But the vocations in which men in the country are engaged would prove an insuperable bar? Yes; that was pointed out to me at the time.

27. What would you think of this that has been suggested to the Committee:—That the appointments should be dependant upon a recommendation from the Judges? I think it is highly objectionable. In the first place it would be very hard upon the Judges to begin with. It would be a very invidious office to be continually declining, as they might have to do, the names of gentlemen, and to recommend gentlemen. Secondly, it would take up a great deal of time if they discharged their duties properly, inquiring into the antecedents and respectability of individuals. It is a matter entirely foreign to their office, and a duty which they never contemplated fulfilling when they accepted the offices they hold.

28. You think the Judges, then, could not easily ascertain the information which it would be desirable to have? Oh! I think, with great difficulty. We should have to write letters to all parts of the country, and perhaps we might obtain information by means of letters begging that the name might not be mentioned, and we might be placed in a situation of deciding against the qualifications of particular gentlemen, without giving them an opportunity of being heard.

His Honor
Mr. Justice
Dickinson.

9 June, 1858.

29. Still, of course, it is very desirable that the due administration of justice should be provided for in the minor courts of the Colony? Unquestionably.
30. The poor man is entitled to have every protection given to him? Undoubtedly he is.
31. And the ensuring of that protection heightens the tone of the man's own character? Of course.
32. Then do you think that that object might be carried out by a more general appointment of Police Magistrates—paid functionaries? Yes; I think a paid functionary in every township, where a sufficiently large community existed, would be highly desirable.
33. In every township where Courts of Petty Sessions were held? Yes.
34. And that he should be well acquainted with the law? So well acquainted that, I think, he ought not to be appointed unless he underwent some kind of test.
35. The difficulties, then, that are to some extent complained of, might be obviated by that course? I think so, because he would be a great assistance to other magistrates, and if the person appointed possessed sufficient qualifications, he might be a good example to gentlemen of inferior attainments—that is to say, of inferior legal attainments.
36. It has been suggested to the Committee that the Commission of the Peace should be subject to periodical revision in this way:—that an Act should be passed, rendering it imperative on the Government, for the time being, to issue a new Commission every three years for the different districts of the Colony, and that each Commission should be subjected, in the first instance, to the approval of the Judges. Thus, for instance, a Commission of the Peace should be issued for the Southern District one year, a Commission of the Peace for the Western District another year, and a Commission of the Peace for the Northern District the third year, subject, of course, to the approval of the Judges;—then no gentleman would be in the Commission of the Peace for more than three or four years, and every three or four years it might be purged in regard to persons who notoriously became objectionable? I think that would excite a great deal of unpleasant feeling throughout the whole Colony. There might be a great many inquisitorial proceedings going on, and persons might feel highly aggrieved at the uncertain tenure of their offices, and I do not think they would value their offices or dignity so as to carry themselves in a very dignified manner. And then, with regard to the appointments being subject to the approval of the Judges, I must confess I think it is a matter altogether foreign to the judicial office, and would tend very much to bring the Judges into undesirable collision with many individuals in the community.
37. You think the Judges should be held quite aloof from all proceedings of this sort? I think so, certainly.
38. And that the substantial ends of justice in the minor courts of the Colony may be obtained by the appointment of competent Police Magistrates in all cases? I think so.
39. What would you think of such a clause as this in any Bill that may be passed on the subject—the second clause of the Bill:—“At the expiration of six months after the accession to office of each succeeding Governor, or Governor General, the Commission of every unpaid Justice of the Peace in force at the time of such accession, shall cease and determine.” Periodical revision seems a very desirable object, because it is in evidence before us—although the names are not mentioned—that certain parties, who are notorious drunkards, have been seen from time to time reeling about the streets, are still in the Commission of the Peace, and have been for years? Well, I think it would be more desirable to have a distinct proceeding against every such individual, and then and there to cashier him, if necessary, without subjecting the whole Commission to revision, and thereby diminishing their tenure of office, and, in fact making the office rather an undignified one, I think.
40. Has it come under your particular notice that gentlemen fully qualified by position and attainments rather avoid it than seek it at present? It has not; I have never heard it mentioned.
41. *By Mr. Piddington:* If gentlemen in this country are proposed as fit persons to hold the office of magistrate, chiefly on account of their political support rendered to a Member of the Assembly, do you think that such recommendations as those ought to be attended to by the Executive? I think the Executive never should appoint any person, by whomsoever recommended, unless they have taken some pains to find out whether he was a proper person. Having ascertained that, or having probable reason to suppose so, I think the particular quarter from which the recommendation comes should not affect the appointment itself; and, moreover, looking at the thing fairly in the face, it is unavoidable in the nature of Government. Persons in the position of legislators have certain influences upon Ministers, and their constituents would naturally seek their assistance. They could hardly look to anybody so properly, I think, as their representatives.
42. Do you think it desirable that anything like political colour of cast should be introduced into the appointment of magistrates? I do not clearly understand your meaning.
43. If the appointment of magistrates depends upon Members of the Assembly, would not such a mode of appointment necessarily tend to introduce to the magistracy gentlemen of a political cast? Every man has political views and feelings of some kind, and considering that here there is a frequent change of Ministry—considering we have a change of Ministers somewhere about every three years in England, and a change, on an average, every year here, and that there will be, probably, for some time to come—one set of politicians will counter-balance another set, probably.
44. If you will excuse me, you made use of the words “depends upon the recommendations of the Legislature.” I presume you did not intend exclusively upon their recommendation? I do not precisely understand you.
45. If a practice has grown up in this country in reference to the recommendation of magistrates that tends to make a recommendation from a political adherent of the Ministers the chief ground upon which a gentleman is appointed, would you consider that a desirable plan upon which magistrates should be appointed? No. It should certainly not be the chief ground, but I think it is a fair ground if the Ministry find, upon inquiry, that the gentleman

gentleman recommended is a proper person. It is one mode in which the people at large would be appointing the magistrates, the appointments being made on the recommendation of their own representatives, by the Ministers who, by the representatives of the people, are allowed to conduct the affairs of the State.

His Honor
Mr. Justice
Dickinson.

9 June, 1858.

46. But under Responsible Government a community is generally divided into two parties, one party supporting the Ministers for the time being, and one in opposition—is it not likely, if Members of the Assembly recommended gentlemen to the appointment, that the Ministers will look with more favor upon the recommendation of one of their own supporters than upon the recommendation of one of their political opponents? As a matter of course; undoubtedly.

47. I think you referred to the case of an English magistrate—Mr. Paget—who was refused the appointment to the Commission by the Lord Lieutenant of the County, on account of his political predilections? Yes.

48. And I think you stated that the Lord Chancellor exercised his authority by appointing that gentleman without reference to the refusal of the Lord Lieutenant? He did so.

49. Those facts are facts showing that it is considered in England that political predilections ought not to be the test of the appointment of magistrates? Oh! yes, or rather that political predilections should be no bar to the appointment of a magistrate.

50. Do you think there is any very great objection to a plan propounded by His Honor the Chief Justice to the Committee, which plan appeared to be one intended to divide the Colony into three or four districts, and to make it necessary that a periodical Commission of the Peace should issue, say at an interval of two or three years? I see no objection to the division of the Colony into districts, analagous to the division of England into counties, and having a particular body to act in each district as magistrates for each county; but, for the reasons I have stated, I think it is undesirable that there should be a frequent revision of the list with a view to turn out persons in the Commission. I think the proper plan would be, when an individual has been guilty of any particular act, to deal with him in his own case, without implicating the rest of the body in his delinquency.

51. Do you think the same objection would be tenable against a proposition to issue a Commission with the advent of every new Governor? I think it would, because the general term of a Governor is six years, and no magistrate would feel that he had obtained his dignity and station in society for any secure tenure.

52. *By Mr. Lee:* I think I understand you to say that it was your opinion that Police Magistrates should be appointed to the country districts in particular? Yes, sir.

53. Do you think it would not be advisable for the Benches of Magistrates to approve of any person applying to be put on the Commission of the Peace? I think it is highly desirable that the Bench of Magistrates of any particular place should be consulted before an appointment is made—not to say whether they approve of him or not, but whether they can assign any reason against his appointment.

54. *By Mr. Forster:* I think you intimated that whatever evils had occurred in practice, you would be unwilling in any way to approve of any changes which would affect the general principle that the Executive Government is responsible for all these appointments? Yes.

55. You would not wish to divest them in any way of that undivided responsibility? Certainly not.

56. I think you stated also, that you considered that the general appointment of Police Magistrates throughout the territory would, to a great extent, obviate almost all the evils complained of, since the introduction of Responsible Government in this country, that is, so far as the character of the magistracy is concerned? Without giving an answer as to the particular time—since the advent of Responsible Government—it is my opinion if there was a Police Magistrate appointed everywhere, where there was a Bench of Magistrates, it would be a great advantage to the districts, provided the person appointed was a gentleman of legal attainments. Being a person of legal attainments, and having gone through a course of education, *pro tanto*, whatever his mind may have been, he would improve, and be of great assistance to the magistrates of the district. He would shew them how the business ought to be conducted, and by acting along with them, and they with him, the Bench would be improved.

57. You consider, then, that a Police Magistrate ought to be superior in point of example and authority to the other magistrates; but I do not understand whether you say you would confer any extra powers upon him by law? Oh! certainly not.

58. He should be equal? They should be equal.

59. But he should, by his example and the authority he possesses—he should in that respect have a virtual superiority over the other magistrates? My opinion is, that if a person of legal education was appointed, he would be much more likely than others to conduct the business efficiently and expeditiously, and being a paid magistrate, as he ought to be, he would in a short time, by attention, attain facility in the despatch of business; and the result of that example on the magistrates, I think, would be to enhance the efficiency of the whole Bench.

60. Are you not of opinion that the appointment of Police Magistrates would be desirable from economical considerations? Looking at the surface of the thing, I look upon the appointment of Police Magistrates as adding so much to the expenses of the country.

61. In that case, I take it that your opinion as regards the general question before us is, that the evils we complain of will in some degree correct themselves, and may also be corrected by the general appointment of Police Magistrates? I think so.

62. You do not then come to the conclusion that any alteration of the statute law is necessary? I think not.

63. I think I understood you to say, with regard to those propositions that have been placed before you as to the continual revision or the periodical revision of the magistracy—I think I understood your opinion to be, that a magistrate once appointed ought to be somewhat in the

His Honor
Mr. Justice
Dickinson.

9 June, 1838.

the position of a Judge—that he ought to hold office during good behaviour, and not be dismissed on a mere revision? Not for the purpose of convenience. I think you cannot make the dignity too important an one.

61. At the same time, you are of opinion, are you not, that a certain number of unpaid magistrates would be necessary in every district to act with the Police Magistrate and to be a check upon him? Yes.

65. To act almost like a jury? Why, they will always have an equal voice; it is highly desirable that there should be a Bench of unpaid magistrates along with those paid functionaries.

66. Would they not generally act as a jury in reference to the Police Magistrate? Yes, generally, if they had confidence in him, (and it is supposed that the Government would not appoint any but competent men,) and if he was a competent man, he would shew his superiority to them in points of law, and necessarily acquire their confidence.

67. Supposing a certain number of unpaid magistrates are necessary in every district, do we not arrive at the conclusion that it would be injudicious to take too high an order of education—that we must content ourselves with respectability and moral character, provided we cannot get these highly-educated men in the particular locality to which the case might refer? I think so. I think a man, shrewd, of common sense and good character, may be a very good magistrate though he is uneducated. I will mention an instance:—One of the best magistrates of the City of London is Alderman Humphrey, and he is a very uneducated man; he speaks awfully bad grammar, but he is an admirable magistrate. Sir Peter Laurie is a keen magistrate, but altogether an uneducated man.

68. But you would infer that a certain character as to respectability and moral character ought always to be insisted upon? Certainly.

69. But not too high an order of education? Certainly not.

70. With regard to another proposition that I think Sir Alfred Stephen placed before the Committee; that is, the proposition to divide the Colony into different jurisdictions—four or five—are you of opinion that it is more convenient that magistrates should have jurisdiction over the entire territory, than that it should be confined to certain districts? I have not considered that question at all; but the old system seems to have worked so successfully in England for a long time, that I think it would be better to pursue the English system. Although the magistrate's jurisdiction is confined to his own district, it can be referred, if necessary, to another district.

71. Has it come to your knowledge that any difficulties have occurred which would be obviated by the other system? I cannot say that such difficulties have occurred to my mind. I think the difficulties cannot exist, because every magistrate is really, virtually, acting for his own district.

72. Has it not occurred to you that it might rather be a convenience—considering the circumstances of the Colony, and the difficulty which sometimes exists in the transfer of warrants from one district to another—to retain jurisdiction over the entire territory? I have not given consideration to the matter; it has never been presented to my mind.

73. Supposing the convenience should be admitted, would you say there are any other cogent reasons the other way? No, certainly not.

74. *By the Chairman:* What would you think of the appointment of a Minister of Justice in the Colony? I think it would be highly advantageous.

75. Do you think appointments to the Commission of the Peace might depend upon his recommendation? I think they should depend upon his nomination to his brother ministers.

76. You are in favor of such an appointment? I think it would be a very great improvement.

John Hubert Plunkett, Esq., Q. C., called in and examined:—

J. H. Plunkett,
Esq., Q. C.

9 June, 1838.

1. *By the Chairman:* You were Attorney General of this Colony for a very long time? Yes.

2. How many years? I received my appointment as Solicitor General in October, 1831, and continued in that office until March, 1836, when I received the appointment of Attorney General—and I held the latter office until two years ago; when, on the introduction of Responsible Government, I resigned, and was released from office.

3. During that period, of course, you have had many opportunities of observing the general state of the magistracy of the Colony? Yes; for many years it was peculiarly under my control, so far as recommending and advising the Governor with respect to appointments, and considering myself responsible for those made under my advice. However, my responsibility ceased about the year 1840, as well as I can recollect, when Sir George Gipps took the matter into his own hands, and appointed without any interference or even advice of mine.

4. He made the appointments himself? Yes; and I don't know how information was received after that with a view to filling up the magistracy.

5. The appointments in the first instance were made on your own recommendation and subject to your advice? Sir Richard Bourke considered it was necessary that some one officer should be responsible, in order that it should be his business to make inquiries, and then to report to the Governor and recommend. Something in analogy to the manner in which recommendations are made in the mother country; first through the Lord Lieutenant or Custos Rotulorum of the County to the Lord Chancellor, who is the responsible Government officer ultimately to make the appointment. As well as I recollect, it was by way of analogy to that state of things that Sir Richard Bourke thought it desirable to lay down that course for himself.

6. That was in accordance with the usage in England? Yes, and in Ireland as well.

7. Did you consider yourself responsible for the appointments made during his administration after this arrangement was come to? Yes.

8. And how did you satisfy yourself as to the eligibility of parties? Why, at that time it was

was much easier to ascertain the number of persons that were fit for the magistracy throughout the country than since it became more extensive, and during the time the responsibility was thrown upon me I took care to make every inquiry that it was possible to make to satisfy myself as to the fitness of the individual for the Bench before I made the recommendation, and I felt no great difficulty in doing so. I also thought it my duty to make recommendations where I thought the Bench required some fresh blood. I have recommended gentlemen who were not very palatable to some Benches at that particular time; but I never saw reason afterwards to regret having recommended them. I recollect two gentlemen particularly; one is now a Member of the Council, and has always been a Member of the Legislature since its first establishment, and one was formerly a Member of the first Legislature; both of whom were put into the Commission of the Peace on my recommendations, and some members of the Benches respectively which they afterwards formed a part of, were so angry at their appointment, that they threatened not to sit with them; however, the threat was not carried into effect, and such appointments I believe afterwards were acknowledged to be useful and satisfactory, even by those who were hostile to them at first.

9. Have you ever had any reason to question the propriety or expediency of the principle that then prevailed? I think the general principle that prevailed then was a very sound one—that is, throwing the responsibility on some one officer, whom the public could point to as the person responsible for the state of the magistracy.

10. Who is responsible now? No one in particular, that I am aware of.

11. *By Mr. Forster:* No individual? No individual. I may state, that after I was relieved from the responsibility by Sir George Gipps, (which I had no objection to, because it eased me of a very serious responsibility,) I was anxious to make it generally known that I was so relieved, because, as many appointments were made that I could not account for, I thought it right that I should not be answerable for either good or bad appointments with which I had nothing to do. The appointments continued to be made by the Governor without my privity, until a year or two after Sir Charles Fitz Roy came here, and then, on the issuing of a general Commission, I recollect Sir Charles Fitz Roy (in consequence of some comments in the press, I think,) went through the form of consulting the Executive Council as to the lists. He put it before the Executive Council. Numerous recommendations came in, that several individuals should be added to the Commission, from highly respectable gentlemen—Members of the Legislature, and others; and, although I gave my opinion of those candidates I knew anything about, there were a great many others of whom I knew nothing—neither did my colleagues—and I had no means of satisfying myself, as a Member of the Executive Council, whether they were proper persons or not. Not having any single responsibility, I did not feel justified in writing to any persons in the country about them, or making those particular inquiries that I not only felt I was called upon to make when the responsibility was upon myself officially and individually, and which I felt it was particularly my duty to make. And, therefore, many persons were inserted in the Commission of the Peace entirely on doubtful recommendations of irresponsible, and often interested persons, without any certain knowledge of their fitness. Some names were objected to, but afterwards inserted in the Commission.

12. *By the Chairman:* Were any of the names proposed at that time, during the administration of Sir Charles Fitz Roy, and which were objected to, nevertheless included in the Commission? Some of them were left out of the general Commission issued, but afterwards I found some of the same names were gazetted without consulting the Council at all.

13. Then, in point of fact, the decision of the Executive Council in the matter was null and void? I looked upon it as a form, the use of which I did not well see. When I knew at the moment, in consequence of what was stated at the Council table, some fresh information was required, or that some decided objection was made to the individuals, which put them aside for the time. Then, afterwards—in a month or two, or some short time afterwards—I found that these persons who were set aside were put in afterwards, and, so far as I could understand, it was in consequence of the pressure of applications from friends of the candidates—some who were Members of the Legislative Council, others who were not in the Council, but who pressed it as a favor to themselves that their friends should be nominated. It appeared to me a useless form.

14. Do you think, then, that in consequence of such appointments during the administration of Sir Charles Fitz Roy, that the character of the magistracy was impaired? I certainly think so. I may have peculiar, and perhaps too strict notions about the magistracy, but I think that no man ought to be appointed to the magistracy who is not known to be a person, in every respect qualified for it. I have always thought it is due to those already in the Commission not to appoint any man if there be any doubt about his entire fitness for it; therefore, I think, on account of what is due to magistrates already in the Commission, but more particularly what is due to the persons among whom justice is to be administered, no dubious appointment ought to be made; for, in the country districts more especially, the appointments to the magistracy more nearly come home to the great bulk of the people than even the appointment of the Judges of the Supreme Court, and we know one bad appointment is likely to bring discredit upon the magistracy, and to take away that confidence which the people ought to have in the administration of justice as they see it before their eyes, and as it comes home to their own feelings and interests.

15. Have you observed any improvement at all in the appointments since the inauguration of Responsible Government? I have not considered it very attentively, as I have had nothing to do with it; I did not make any very critical inquiry to satisfy myself, so as to speak with any degree of certainty about it; but I have heard that many appointments have been made which ought not to have been made, and which could not be accounted for in any way but the wish of the Ministry of the day to oblige their political friends, at the expense of the administration of justice. I have heard such observations made, and I have reason to know there is such an impression in many parts of the Colony.

J.H. Plunkett,
Esq., Q.C.

9 June, 1858.

16. Do you think, then, the magistracy as a body now commands the confidence of the great mass of the people in the country districts? I think, looking to the body of the magistracy, there are as good magistrates—men of as high qualifications for the office—in this country as in any part of the British Dominions; but they are now so diversified, and so many persons not highly, or perhaps at all, qualified for the office among them, that I do not think, altogether, it is calculated to command that confidence in the administration of justice that could be wished. In the first place, it is never certain what magistrates will sit, and it depends very much on the persons who happen to form the Bench on any particular occasion whether the people have confidence in the decisions or not.

17. Has it come under your own knowledge that any objectionable people are at present in the Commission of the Peace—we do not want names, but merely your opinion on the subject generally? I cannot speak of the present Commission with any degree of certainty, for I have not lately attended to it at all; but taking it for granted that many persons whom I considered objectionable when first appointed, still remain, there are some names which, I think ought to have been left out at the issuing of the new Commission. For instance, I have known many persons to have been appointed as a matter of local necessity in particular parts of the Colony, who would not have been appointed in the ordinary course; at the gold fields, for instance, and some particular localities where there was a pressing want of magistrates. Many of these have turned out not to be any ornament to the Bench, on account of irregular habits; and many of them leave the districts for which they have been specially appointed, on account of the necessity of the case, and carry the Commission with them to other places where they were not wanted at all, and where they are neither useful nor ornamental to the Benches to which they proceed.

18. How would you propose to revise the Commission? Why, my notion is, that the responsibility is so serious, and so important, that it ought to devolve upon some one particular member of the Government. That that person should be answerable for the appointments; and it is only in that way, I think, that the interests of the administration of justice alone are likely to be kept in view.

19. You would have the appointments, then, vested in one member of the Government? One member of the Government,—call him what you will, whether a Minister of Justice, Secretary of Justice, or whether he be Colonial Secretary, who has, nominally, these matters in his department at present, so far as correspondence —

20. But how would you make him responsible without affecting his colleagues likewise? Why, he might take the advice of his colleagues, but they, as well as himself, would be likely to look to his character being at stake—but what is every one's business is no one's business.

21. But would he not be just as much under the influence of these parliamentary agencies, to which we have just adverted, as Ministers are now? If the responsibility were thrown upon him, he must divest himself of all political considerations, as far as those appointments are concerned—as the Lord Chancellor does in England, and Ireland also.

22. Of political considerations? Yes.

23. But if he were a member of the Ministry, of course he would be most intimately mixed up in political matters? No doubt, in political matters he would, so is the Lord Chancellor at home, and objections may be made to the Lord Chancellor as a Judge on that account; but still, in the administration of justice, I have never heard any complaint of the decisions of any Lord Chancellor on account of political considerations, nor of the appointments to the magistracy there. On the contrary, the Lord Chancellor, so far as I can judge, always acts as a check upon the recommendations of the Lord Lieutenant of the County, who is generally a partizan.

24. But the country gentlemen, who form the body, chiefly, from which magistrates are taken, both in England and this Colony, stand in England in a very different position, generally speaking, from that in which they stand here. The country gentlemen in England, generally speaking, are men of education, and fixed position in society, and if recommended by the Lord Lieutenant of the County, the chance is highly in favor of the recommendation being a proper one, so far as education goes. But the cases are not parallel in this Colony. And again, the administration of justice in England, in the Police Court, is open to an intelligent public. The press is usually in attendance, or represented, and there are professional men who are engaged. But in this Colony, in the courts of the remote interior, there is scarcely any public; there are no professional men, or very few, and the press is not represented. Thus the rule that may work very well in England may not work very well here; and with regard to the Parliamentary influences, you know the Ministry at present are responsible for the appointment. The Ministry of the day may have a vote of want of confidence brought against them, in consequence of improper appointments to the Commission of the Peace, as well as on any other grounds. How would you make them responsible in a greater degree if only one individual were concerned, than they are now the whole body of them? I apprehend any one, or even more appointments to the Commission of the Peace, must be very gross and glaringly improper, to sustain a vote of want of confidence against the Ministry. The discussion in the Legislature of the merit or demerit of an individual appointed, would be too delicate and embarrassing to be carried on boldly and truthfully, and can never act as a sufficient guarantee for proper inquiry, and caution in filling the Commission. The responsibility upon the Ministry, as a body, I do not think is any great preventive; but when one individual who has his character at stake, and would be entirely responsible not only to his colleagues, but to the whole country, I think for his own sake he would be more likely to divest himself of political considerations, and to be certain of the qualifications of the persons he would recommend, than if the responsibility were divided. Besides, the necessary knowledge of fitness could be more readily and efficiently come at by one whose especial duty it would be to make inquiry, than by a Cabinet collectively.

25. You speak chiefly of moral responsibility, I imagine, as in the days that you have referred

referred to? I mean that responsibility which any man who wished to maintain a character for honesty and strict integrity would keep in view.

26. That is the responsibility to which you considered yourself subjected in Sir Richard Bourke's time? Yes.

J.H. Plunkett,
Esq., Q.C.

9 June, 1858.

27. You were not subjected to any legal responsibility, or to the loss of influence, if you made a mistake in the appointments you made, or if you did not make sufficient inquiry? I do not know what you mean by legal responsibility; you have Responsible Government, about the practical meaning of which we may all differ, and as to the way the responsibility is to be brought to the test. You have no Court of Impeachment here at present, and this I consider a great want in Responsible Government, for it cannot be complete without some tribunal for impeachment. I do not see how legal responsibility, strictly speaking, could attach at the present moment.

28. Or official responsibility? Oh! official responsibility would attach to the Ministry collectively, or individually; but an adverse vote is the only penalty at present for anything short of criminal delinquency.

29. Then you think there is no responsibility at present? Practically I do not see how you can test it in an appropriate way.

30. In considering the importance of the appointments in regard to the great mass of litigants in the lower courts of the Colony—the Police Courts—is it not highly desirable some change should be made so as to make these appointments so as to ensure the appointment of properly qualified people as magistrates? I think so, decidedly. There is nothing more important. I do not think any reform is more necessary than reform in the mode in which magistrates are now appointed, for they are really the judges of the great multitude of the people—they who are brought most closely in contact with the poorer classes. Every law you pass throws some new duty on the magistrates, and I think that some system ought to be devised to inform the Government of the working of every Bench throughout the Colony, both as to the attendance of those persons who administer justice at the different Benches, the kind of business that is brought forward, and also some general report of the way in which the administration of justice is conducted in these small but most important tribunals. Otherwise, for many of the reasons alluded to already by the Chairman, it is impossible to know the extent of the injury that may be inflicted upon the communities that are subject to the jurisdiction of the magistrates, taken, as they frequently are, from occupations that do not well qualify them for the Bench, and who may not themselves be sufficiently impressed with the necessity of making themselves qualified for the important business they undertake to discharge.

31. Would you recommend, then, a Commission to be appointed to inquire into and report upon the general administration of justice in these courts? If the duty were connected with some department of the Government, as I think it ought to be, some one officer ought to be able to report from time to time, and to make a general report to the Legislature as to the state of the administration of justice.

32. The Attorney General is supposed to be pretty well acquainted with the criminal proceedings—reports are made to him at all events where the magistrates act ministerially? The Attorney General knows how the depositions are taken at the different Benches, but he has no particular knowledge as to the magistrates who attend regularly, or the magistrates of the districts who do not attend: neither has the Attorney General any cognizance of the civil jurisdiction of the Benches.

33. But how could the Attorney General make himself acquainted with the proceedings of the magistrates in civil cases in which they act judicially? I think the duties of the Attorney General, as they are now defined, are so multifarious, that it would be quite impossible he could make himself properly acquainted with everything that I think necessary to be known connected with the administration of justice as administered by the Benches of Magistrates throughout the Colony.

34. What would you think of a Commission appointed to visit the different police districts to inspect the books and modes of practising in these courts? That would be occasionally necessary, of course, whatever system is devised, and under whatever special control the matter might be placed. However, I think a good deal might be done by appointing a properly qualified class of persons as clerks of the Bench. Their office is very important to the proper working of the Benches; and, without having competent clerks of the Bench, I have always considered it very excusable in magistrates to make very great mistakes. I know that many magistrates, to whom the country are under great obligations, reside at great distances (fifteen and some of them twenty miles from the Benches). They ride in on the Bench day to administer justice, and after taking that long ride they cannot look into the details of the Bench. It is not expected they will have time to do so, and a great deal must be left to the clerks of the Bench. I think that clerks of the Bench should only be appointed after examination—that a Board should be appointed to examine clerks of the Bench to test their qualifications for the office. However, it is an office that gives more patronage to the Government than any other office, and it is very convenient, even to a Responsible Ministry, to have these appointments untrammelled by any rules of that kind.

35. I suppose the same thing applies to the appointment of gentlemen to the Commission of the Peace—the same considerations. It is very convenient for a Government for the time being to be able to make such appointments untrammelled by any conditions? No doubt; but I consider the administration of justice is so important, and involves so much the great interests of the country, that the Commission of the Peace should never be made a matter of patronage. In the mother country there are very few new appointments made. I have often watched with some interest the fresh appointments made in Ireland, in my native county and other counties, to see what new magistrates are appointed; and the small number of additions to the Commission of the Peace year after year is very remarkable. They are not appointed

J. H. Plunkett, Esq., Q.C.
9 June, 1833.

appointed until they are wanted, or unless some person of great consideration, or some one receiving from extensive possessions special qualifications, happens to reside near the spot. It is not because a gentleman comes into the country who has an ambition to be placed in the Commission, but they are only appointed, as far as I can observe, in order that they may be useful and ornament the Bench, and not that political friends may be made by the appointment. I am afraid a contrary course is likely to be pursued here, unless the whole system is put on a different footing.

36. Do you know how many magistrates there are in the United Kingdom? No; but all the magistrates for the several counties and boroughs in Ireland can be seen in Thom's Irish Almanac and Directory, which is in the Parliamentary library. The numbers are very large, and depend on the size of the county, and other peculiarities.

37. In this Colony? In this Colony there are a great many. In Sydney I have always found them rather an incumbrance than a benefit.

38. But how so? For instance, in some of the Acts of Council it requires a majority of the magistrates in the district to decide. It was for many years necessary that the number of magistrates in attendance were made out by the clerk before proceeding to business. They could not go on unless the majority of those residing in the district appeared. The object of those laws was to prevent any small minority taking advantage of the absence of the majority; but then it cut in the other way very inconveniently, because in Sydney, for instance, gentlemen connected with the Banks, or some gentlemen following mercantile pursuits, never thought it their duty to attend at all. I believe there are magistrates in the Commission, who have been for years in Sydney, who never appear upon the Bench of Justice at all, and I have always considered any such system objectionable as would give the Commission to gentlemen merely to put a feather in their caps, and to give them a certain position in society, without returning any benefit to the community for it.

39. What would you propose in order to remove any persons from the Commission of the Peace who are objectionable at present upon any grounds? When a new Commission issues, the course at home is, in forming it, to omit any objectionable names,—that is the ordinary practice at home. Of course every inquiry ought to be made before any person once in the Commission should be put out of it; but if, on inquiry, it turn out that the person got into drunken habits, or, I would say, immoral habits, so as to be a scandal to the community in which he lived—and there are such instances—that would be a sufficient reason where there is the opportunity to drop the name in the new Commission. Also, if regular returns were made as to the attendance at the different Benches, and if the gentlemen who may perhaps not attend regularly at the Benches, but who may issue warrants and do other Bench business, without actually attending at the Bench, such returns would shew those who are useful in the magistracy and those who merely take the Commission to give themselves a position in society, without giving any return for it in the way of service. There are many gentlemen in Sydney—I care not what their standing or respectability may be—but I would have no hesitation—and I had no hesitation, when I was in office—in giving my opinion that they ought to be left out of the Commission. If that were generally understood, then the reason for leaving them out would be known. They would have it in their own hands whether they would remain in the Commission or not.

40. Yes—but then, I dare say, you are aware that many well qualified and unobjectionable persons decline to attend now in consequence of their being thrown in contact with others who are highly objectionable, and whom they do not wish to meet? I have heard such excuse stated, but I never thought it was a good, sufficient, or *bonâ fide* reason for their non-attendance. I think if a man takes upon himself the duties of the Commission of the Peace, he ought to discharge his own duty according to his conscience, and without reference to any gentleman who has the same right to sit on the Bench that he has. His responsibility is discharged to God and his country if he does his own duty; and, as I said before, I never considered it as a good, sufficient, and *bonâ fide* reason to excuse a magistrate for absenting himself.

41. But many persons have been put in the Commission of the Peace without their own consent? Well, then, it would be easy for these persons to resign; and as to the excuse that they neglect their duty because others whom they do not approve of, are placed on the Bench, if it were a *bonâ fide* reason, I think the proper course for them to take, would be to resign their commission and explain the reason.

42. It naturally enough follows that many people would object to meet on the Bench, on any particular day, a man who had been seen reeling about the streets drunk a day or two before—I put it as a suppositious case—or a man notoriously living in concubinage? It, no doubt, would not be a very pleasant contact to come into; but still I do not think it is any sufficient reason for a man to decline sitting on the Bench, unless such person misbehave himself towards his brother magistrates.

43. No doubt, at all events, you are of opinion that all objectionable people, clearly objectionable, should be put out of the Commission of the Peace? I think the administration of justice is the first and all important consideration—that it should supersede everything else, and that no questions of delicacy towards individuals ought to stand in the way of having its fountains pure, and such as to obtain the respect and confidence of the country.

44. No man has a right to be the judge over his fellow men—the conditions upon which he exercises that right are these: First, he is able to exercise it, and that, in his own conduct and conscience, he regards what is right, and, if the Government of the day have any doubt as to the competence of the party on these grounds—even a reasonable doubt—it is their duty to put that man out of the Commission—it is not a thing for legal proof, and do you think, generally speaking, we are likely to have Ministers determined and decided in their views to do what is right for some time to come—who will put these men out and expose themselves to all the party influences that may be brought to bear upon their position as Ministers? I am afraid I would be considered an ill-omened prophet at present, and I would rather

rather not attempt to prophesy. I have not sufficient confidence in my own judgment to answer the latter part of the question; but, as to putting out magistrates once in the Commission of the Peace, that is a delicate matter. But, in making the appointment, where there is a doubt, the public ought to have the benefit of that doubt, and no magistrate should be appointed where there is a doubt of his respectability and general intelligence. I have, however, known persons, intelligent men, who would make it their business to administer the duties of the Bench conscientiously, according to what they conceived to be right, but who could not be taken to be acquainted with the law. And I have also, while in office, considered it my duty to give what assistance I could to the Benches on that account, and I think it is necessary that the Benches should have some legal person to refer to at all times, because country gentlemen are startled by points of law that are, in themselves, very small, and very simple to the mind of a lawyer, and very frequently they would go wrong where they intended to go right, merely for want of legal advice; and although I have been advised, and almost bullied, by some legal men here, to a different course of acting, I have always considered it part of my public duty, as long as I held a legal office, to advise the different Benches for the sake of the public interest. Questions that I could solve in the midst of my library at once, without any difficulty, the magistrates would have no means of solving, particularly, in cases where there is a difference of opinion on the Bench. Such information has always been given to the Bench by me, to act on or not, as they thought proper, because I have always impressed upon them that they were sworn to go by their own judgment, and not by the judgment of any one else.

J.H. Plunkett,
Esq., Q.C.
2 June, 1858.

45. It has been suggested to the Committee that the Judges should be referred to so far in the appointment of magistrates as to leave the appointment dependant upon a recommendation from them—what would you think of that? I do not see how the Judges could obtain the knowledge required for the discharge of such a duty without busying themselves in matters which I think would be foreign to their proper duties; and it might involve the Judges in embarrassments, political and otherwise, that Judges ought to be entirely free from.

46. Do you think the ends of justice, so far as the great mass of the people in these minor courts are concerned, would be subserved at all by the general appointment of Police Magistrates through all the districts of the Colony? No doubt it would in a great many places, if expense, in the first place, did not stand in the way, and if proper appointments were made in all instances, and if made only when required.

47. But as to expense;—since the country provides for the higher courts—for the Supreme Court and the higher courts generally—for the due administration of justice in regard to cases of great importance, in which, generally speaking, the richer classes of society are concerned—why should not the State also provide such funds as may be necessary in order that justice may be fairly administered in the Police Courts, where the poor are chiefly concerned? If the obligation to incur the expense is admitted in the one case, I take it that it ought to be admitted in the other? There can be no doubt of that. In Ireland several Police Magistrates are appointed.

48. Properly appointed, of course? When the selections are properly made, they are, in Ireland, looked upon by the people as a blessing to the country, because their decisions are free from that bias which is generally supposed to influence other magistrates in that country of partisans. But, as a general principle, I think in our Responsible Government it is much better to leave the administration of justice to the local magistrates, not only because it encourages the rising generation and men of property in the country to make themselves acquainted with the laws of the country, but also because it is likely to diffuse intelligence amongst the people. In our free Government the poorest man may expect that his son, if he is properly qualified, some day may sit on the Bench of Justice, and it ought to be regarded as an object of ambition; whereas, if Police Magistrates are generally appointed, the local magistracy will be somewhat superseded, and it will not be so great an object of ambition as to be an incentive to the gentlemen of the country, and the young men particularly of the country, to qualify themselves and to attend to its duties. I think it is one of the branches of the business of the State likely to be beneficial in the diffusion of intelligence. We know that the assizes giving jurors an opportunity of assisting in the administration of justice is a vast benefit to the country districts. The jurors who attend get a knowledge of law. They get a knowledge of the procedure of the courts, come from where they will. Even the Scotchmen, for instance, do not understand our procedure here until they see it before them in the Supreme Court. Our naturalized subjects, of course, do not; and when the people get a knowledge of the mode of administering our laws and procedure, in that way they form a *check* upon the smaller courts. I look upon it as part of the education of the people.

49. Would you be disposed to trust the people with the election of their own magistrates, subject to a veto on the part of the Government? That is a question I have not considered much; it is so foreign to all English notions to have a person to administer justice elected by the people. I have never properly considered it, but I must say I incline strongly against it.

50. But, then, in case of election, the educational object, at all events, would be advanced in a greater degree than it would be under the circumstances you have just alluded to? I doubt that, very much. A candidate administering justice among electors would prove a dangerous experiment.

51. But then, again, the due administration of justice is the grand object in view. The mere impulse given to the people in the country districts by way of education, is a matter of minor consideration—very important though it be; the grand end in view is the due administration of justice, and what we have to do is to secure the best mode of effecting that object? I am afraid, in the present state of the country, that it would be running a great risk, independent of the other objection. If you first lay the broad foundation, and can say that

J.H. Plunkett, Esq., Q.C.
 June, 1858.

every man is educated, then it might be otherwise; but when we know that the great bulk of the people are not educated at present, the elections for magistrates would be guided by a few busy people in every part of the country, and I am afraid properly qualified persons would not be elected, but the reverse.

52. Have you been able to form any opinion upon this point—whether, notwithstanding all the objections that do exist to the Commission of the Peace, as it stands in individual instances, substantial justice has, or has not, nevertheless, been administered? Oh! I have no doubt that the magistrates as a body intend to do right; but our laws are so complicated, that questions often arise at the Benches here, which require great consideration from a lawyer sitting in the midst of his library; the duties are very multifarious, and the magistrates have not sufficient time to give their whole attention to them. I may say that while I was Solicitor General, in the early stage of the Colony, (1834, I think it was)—in acting on what I considered necessary for the public good, that is, to give legal advice to magistrates, the want of any book to guide them in their duties was so much felt, that I published a book at my own cost—a sort of manual, that would act as a guide to the magistrates. That book was in use for some years, and was the only one that they could come at. Before that was published, the only book the Benches could get was an old edition of Burn's Justice, that did not even contain the recent alterations in the criminal law, called Peel's Acts. The book I allude to was not a very large one, (I called it "The Australian Magistrate,") but it was very useful, I believe, and gave information to the magistrates that enabled them to go on without consulting the Crown Law Officers so frequently as they had occasion to do before. I found that the Crown Law Office was very much eased by the publication of this book, which I took upon myself; and in giving the magistrates general information in this way, a public benefit was conferred, besides a great deal of duty was taken off my own shoulders, by using it for reference. That book got into a second edition, and a third edition, but is now out of print. In looking into the complicated nature of the magistrates' duties now, there can be no doubt that it is very difficult for a magistrate to discharge his duty with legal accuracy, without a legal guide.

53. There were some very useful circulars issued in those days to the magistrates—in the early part of Sir Richard Bourke's administration—about 1833? Yes.

54. Do you remember them? I think I do; they were issued at my instance, before this book was published.

55. A great alteration has taken place in the law too, in consequence of Sir John Jervis's Acts being introduced here? Yes. The late George Robert Nichols published those Acts, with a commentary of his own, principally taken from a similar work published in England. That book has been very useful, and is still very useful to the magistracy of the Colony, but I believe it is also out of print.

56. Do you think it at all advisable that the magistracy, or rather the Commission of the Peace, should be subjected to periodical revision, in the mode contemplated by the second clause of that Bill which is before you—there should be a new Commission at the advent of every new Governor? I think it would be better to make the duration of the Commission certain, without reference —

57. To time? Without reference to the Governor at all.

58. That would be a limitation of the prerogative, would it not? It might be made a matter of Government regulation that every Commission was understood to last for three years.

59. Do you think that would be an improvement? I think in a new country of this kind it would be a very salutary regulation to lay down. An entire revision, I think, might be expected to be requisite every three years.

60. Do you think it would be advisable to introduce the English system here, either in part or whole. In England the magistrates are appointed for counties: do you think we might with any chance of improvement adopt that plan here, and have magistrates appointed for separate districts—for the Southern, the Western, and the Northern? Why, it had been introduced, and was acted upon, I think, in the year 1842 or 1843. It was found at that time it led to very great inconvenience that magistrates should come from Port Phillip and other parts of the Colony to sit upon the Sydney Bench, and that Sydney magistrates should go to the Country Benches, and play at cross purposes in that way; and a Commission was issued for Sydney alone, and also for other separate districts of the Colony. But some cases were brought before the Supreme Court here that showed it to be inconvenient in law. It upset two or three cases connected with the revenue—still cases—some technical details were involved in it, and Sir George Gipps then went back to the old plan of making no distinction between the entire territory and any quarter of it.

61. Then those objections would still apply to it? Oh! I think it highly desirable that the country should be divided into districts, for which Commissions should be issued and confined to those districts.

62. And would you in regard to those districts, then, have periodical Commissions issued as you propose? I think that rule might be a general one, because in those districts some magistrates leave them, and there are some new comers, perhaps, whom it might be advisable to put into the Commission in the place of the absentees; and if the rule were acted upon, it would necessarily force itself, in the ordinary course of things, upon the Government to revise the magistracy at that fixed period of time. It would not, of course, interfere with the power of the Government to add any names to the Commission in the interim that they might think the public interest required.

63. Do you think it would be convenient that all additions shall be made only at those periods? As a general rule, but cases of necessity might arise. For instance, I have frequently known, as Attorney General, that Benches were without a magistrate for two or three months, no magistrate being in the district, or all the magistrates being absent on business, although there were persons who would have been glad to take the Commission of the Peace, and the duties of which they would be qualified to discharge.

64.

64. Then I conclude from your evidence generally, that you do not recommend that the Judges should be appealed to? Certainly not. J.H. Plunkett, Esq., Q.C.

65. And that it is not advisable to have Police Magistrates in all the districts, as a general rule? I prefer seeing the country magistrates doing the duties of the country Benches, than to see what may be called a Stipendiary Magistrate imported into the district merely for that purpose, without urgent necessity. 9 June, 1858.

66. There are some districts where it may be absolutely necessary? I have no doubt there are; but, as a general rule, I think there may be some gentleman resident in the district who, for a small consideration, would act as a Police Magistrate, and then the other magistrates would more willingly assist him, and so improve themselves; and the country would be more likely to have the benefit of a full Bench, generally speaking, than if it were known that a Stipendiary Magistrate were imported there to do all the duties. I find where that is the case the country magistrates are then more easy, or, I may say, negligent, in the discharge of their duties. They do not think it so incumbent on them to attend the Bench.

67. You think that the appointments should rest with one Minister or officer of the Government, to be responsible for the appointment? I think so.

68. And that a Commission should issue for periods of three years or so? I think it would be a good rule.

69. *By Mr. Forster*: Did you not state, Mr. Plunkett, that in a period within your experience, the power of appointment to the magistracy virtually rested with the Attorney General? The recommendations.

70. Recommendations which, I presume, were acted upon? Yes.

71. Did the power of dismissal equally rest in that officer—to the same extent, I mean? Of course he was consulted about it; but there have been very few dismissals, that I am aware of.

72. Did the power exercised by the Attorney General in cases of appointment extend to dismissals to the same extent—did he ever recommend persons to be dismissed, and were the recommendations acted upon in the same way? The Attorney General brought before the Governor any special circumstances connected with any particular magistrate, and in those cases they were generally laid before the Executive Council.

73. In general, I presume, recommendations of that kind were well attended to, that, as in the case of appointments, they were scarcely ever made without being adopted? It was for the Governor to decide whether, under such circumstances, they were proper persons to remain in the Commission of the Peace.

74. Did I understand you rightly, that in case of doubt you considered it a proper principle that in appointing a magistrate the presumption ought to be against him as to the appointment, and that in removing a magistrate the presumption ought to be in favour, in case of doubt as to his competency? What I stated was this, that where there was any doubt as to his qualification and competency for the office, the public should have the benefit of that doubt.

75. That would be against the magistrate? Against the appointment.

76. But in removing him, the presumption would be in his favour; you would not remove without proof? Not without proof, or what is equivalent to it.

77. Have any instances come to your knowledge of dismissals having taken place where no reasons were assigned to the magistrate in question? I know, in leaving out magistrates on the issuing of a new Commission, the Governor, Sir Richard Bourke, for instance, declined to assign reasons for leaving them out.

78. But have you any knowledge of cases of magistrates being dismissed in the individual case—I do not mean being left out in the general Commission—without any reason being assigned to them why they were dismissed? I do not recollect any case of that kind, at this moment. It would not be within my department to know whether the reasons were given or not.

79. It might have occurred without your knowing it? It might have occurred without my knowledge of the fact.

80. I think you stated, that since the period to which you refer a great many objectionable appointments have been made? Several, as far as I recollect.

81. Can you state on what grounds you consider these appointments to have been objectionable? Oh! as to moral character, principally, but some from want of competency, or education.

82. I think you stated, also, that some such appointments have been made in cases of necessity—for instance, on the gold fields? Not all as to moral character, on the gold fields and in other places; but I include persons who had not sufficient standing in the country, or who did not come up to my notions of those qualifications which give a man a fair claim to be put into the magistracy.

83. Could you state in general terms what you consider those qualifications ought to be in all cases? In the first place good moral character, general intelligence, and a certain amount of education.

84. Would you insist upon a very high standard of education? No. I know very excellent magistrates who are men I would not call highly educated men, but who can read and write with fluency, and in such a way as would not be disgraceful either to themselves or the administration of justice when their proceedings appear in our courts.

85. Should not you think that the circumstance of a man having raised himself by his own industry, and at the same time maintained a good moral character and respectability, would in itself be some ground of recommendation? Most decidedly; and I have always acted upon it in making recommendations wherever I could in former days.

86. Have you found in general that the objections taken against the appointment of magistrates, which you stated in a general way, occurred in cases of Police Magistrates? I did not refer to Police Magistrates. No doubt there were some Police Magistrates appointed who had very minor qualifications for the office.

- J.H. Plunkett, Esq., Q.C.
9 June, 1858.
87. But do you think that they generally have been a superior class of men to the unpaid magistrates? I think the mode of selecting Police Magistrates under the former system that was pursued here was not a good one.
88. But, as regards the duties of their office—as regards competence for their office—do you think they were generally better suited to perform the duties of their offices than the unpaid magistrates, or that they were not so well suited? I think the Police Magistrates, as a body, had not very high qualifications.
89. But do you think that is the case at present as to the Police Magistrates now, comparing them with the unpaid—do you think they are a class of men now more competent for their duties than the unpaid magistrates? I do not speak of the present state of things, for I do not know exactly who all the Police Magistrates are.
90. You appear rather to disapprove of the general extension of Police Magistrates throughout the country—did I understand your grand objection to be that they would supersede the unpaid magistracy? The principal objection I see to it is this, that it would take away that energy from among the country magistrates which is somewhat necessary to make them inform themselves of the business of the Bench.
91. But, supposing the interests of justice were advanced, and the knowledge of these unpaid magistrates declined, would not the effect be for the public good? For the immediate suitors, it may.
92. But is not the effect of the due administration of justice the grand object of the appointment of magistrates of any sort? No doubt it is; but I think it ought not to be lost sight of in our present Government that an incentive and an interest in the Government—particularly in the administration of justice—should run through all the veins and ramifications of the different institutions, so as to make the people inform themselves of those political institutions and make themselves qualified to discharge their respective duties, whether on the Bench, whether as jurors or municipal councillors, or in reference to all those subordinate institutions which I take to be component parts of self-government.
93. You mean to say that a sort of political training ought to be imparted to the people by all those institutions? Yes. I think that the general education of the people, to fit them for the free government we have, ought not to be lost sight of.
94. But would not that political training be sufficiently attained by the really political institutions—for instance, municipal and electoral institutions? So far as they go, but the whole policy of government should tend to the same direction.
95. Do you not think that the effective administration of justice is a far higher object, so far as the appointment of the magistracy is concerned, than any other indirect or collateral effects that may arise? The administration of justice, I think, ought to be the first and great consideration in the country. The executive police duties are of course materially connected with it.
96. Then if it could be shewn that by the extension of Police Magistrates the effective administration of justice was attained, although this other political effect should not be attained, do not you think the proper end would be answered in that case? It would be answered for the present time, but I think it would act prejudicially in future times, because it would tend to paralyse that energy which I think it right to encourage in the body of the people.
97. Is not a Police Magistrate likely, from his position, to obtain the confidence of the mass of the people more than any unpaid magistrate? I do not think so. I speak from my experience here and from what I believe to be the case at home in the counties of England, where there are retired men of the law and men of study that apply themselves, without ever being professional men—to an understanding of the law; where they reside upon their properties, and go to administer justice not only in Petty Sessions but also in the Court of Quarter Sessions, where, I believe, they command as much confidence as any stipendiary.
98. Those are unpaid magistrates in England? In England.
99. But can you get that class of men here? In many districts you cannot; but I only speak of the rule that I think it would be wise to act upon as a general rule, with a view to the education of the rising generation, and to instil into them those objects of ambition that it is desirable the Government should instil into them in every possible way, with a view to self-government.
100. In talking of the general rule, do you consider the general rule to be that this superior class of men, such as you have at home, is to be found in this Colony? I hope the next generation, with all the advantages that will, I am sure, be held out by our University and other educational institutions, will be quite as competent to discharge the duties of the Bench as the magistracy in England.
101. Then you do not consider in the present generation men of that sort, as a general rule, are to be found? In some districts they are, but you cannot expect the present generation to produce such magistrates as I have alluded to in the mother country. We have few men of sufficient leisure now.
102. But does not that superior class of men to whom you refer rise out of a condition of society which furnishes much leisure for the improvement of the mind in those particular branches of study which you refer to? There are a great many men of leisure in the class I refer to in the mother country that are not to be found here at present. But, at the same time, from my experience of the magistracy here, and their willingness to attend to the duties of the Bench, I have no doubt a sufficient number will be found in many districts who may relieve each other—may have their stated times to attend at the Bench, and so discharge the duties satisfactorily by arrangement among themselves.
103. But in the present circumstances of the Colony, and supposing those hopes of yours can be fulfilled, can you suggest any other remedy so efficacious as the extension of Police Magistrates—paid functionaries, responsible to the Government? At the present time I cannot, and in many districts it is absolutely essential that Police Magistrates should be appointed.

104. I think you spoke of this being desirable to make the magistracy an object of ambition? J.H. Plunkett, Esq., Q.C.

105. Which object would in some degree be set aside by the appointment of Police Magistrates? Is not the very circumstance of the Police Magistrate being now an object of social ambition instead of being an object for other purposes—is not that one of the reasons in consequence of which by many persons it is considered to operate to impair the magisterial efficiency, and to have led to improper appointments? The appointments that are generally considered improper appointments, and derogatory to the magistracy, are certainly calculated to take away from it as an object of ambition to persons who would be thoroughly competent, and whom it would be desirable to have in the Commission.

106. But I mean, have not many of these improper appointments been made exactly on the very principle of advancing persons to this social position to which they otherwise would never arrive? I do not know what the objects may have been, but they are very prejudicial to the magistracy and to the country. As I have said before, it does not make an appointment to the magistracy so honorable or so great an object of ambition amongst the gentlemen of the country as it was and as it ought to be. And it is much to be regretted that political considerations should enter so largely into the appointments of the magistracy as I fear it has done, and is likely to do, unless checked.

107. Is there any possibility of preventing political considerations from influencing the appointments of the magistracy—can it be possible to obviate such a defect under Parliamentary Government? I think the way best calculated is the way I have already suggested,—that the responsibility should be thrown on one individual.

108. But (I think it was the Chairman put it to you) you must admit it would be impossible to enforce this, if the Cabinet would not themselves enforce it—how can you make a Cabinet enforce this responsibility as it regards one person? If he were fit for his duty, and determined, in justice to his own character, to discharge his duty conscientiously, he would throw the Cabinet to the winds if they interfered improperly with his duty. If such a person as I suggest were not prepared to do that, he would, I think, be unfit for his duty.

109. In fact, the true principle is, to only have men Cabinet Ministers who have a proper sense of duty? I think the duty would be very differently discharged by the Cabinet Ministers as a body and by one individual being solely invested with the responsibility.

110. As to the subject of economy, has it never occurred to you that the appointment of Police Magistrates might in fact be actually more economical than the present system? Un doubtedly it would, where it is absolutely required. I have known in distant Benches, from inquiries and from complaints made to me officially, which satisfied me of the truth of it, that parties have come a distance of thirty and forty miles, not only once, but twice or three times, to get their cases decided, and found no Bench. They lose their time, they lose their money, and at the end probably the loss is so great that they do not ask a decision at all. In such cases there is no doubt that it is a positive injustice; it is, in such circumstances, a denial of justice, and a great injury to the suitors, not to have a Police Magistrate appointed.

111. I do not know whether it has occurred to you at all to consider the question of the jurisdiction that is proposed to be conferred on the District Courts by the Bill at present passing through the Legislature? What part of the jurisdiction?

112. The whole nature of the question. Have you looked at the Bill at all? I paid great attention to it while it was passing through the Upper House of Legislature, of which I was President in the last Session of Parliament.

113. Are you of opinion that if the jurisdiction was not increased beyond what it is at present proposed, that it might be safely conferred upon Police Magistrates if they were appointed very carefully? Oh! I think not; it would require a different class of men altogether. They must be entirely legal men to be competent to fulfill the duties of Judges under that Bill.

114. I think you stated that you had a strong objection to introducing the elective principle in the appointment of the magistracy? I have never thought of it sufficiently; but it appears to me highly objectionable.

115. Your impression is against it? I incline against it, certainly.

116. Don't you consider that the present system which has—as every one admits—under any Government been hitherto influenced by political prepossessions, is not virtually a system of selection? I only speak of what it ought to be.

117. Do you not consider the present system is virtually a system of election—supposing one of those busy legal men of whom you spoke—supposing him to have influence at an election, he will undoubtedly influence the Member or Members to whose return he has contributed, and he will in that case virtually have the nomination of a magistrate or two? I can only say I think he ought not; and I think the influence of Members of the legislature ought not to be brought to bear upon the Commission of the Peace. I resisted it myself when I was in office. I have stated it publicly at various times that I have known very bad appointments to be made at the urgent solicitations of Members of the legislature, and they knew it, because I spoke to one particularly on the subject, as to the want of moral fitness for the magistracy of persons recommended; still, for political considerations, although those names were rejected on the revision by the Executive Council, they were afterwards put in by the pressure from without from the same quarter by Sir Charles Fitz Roy. It is not necessary to mention the names of these Members; but political influence is so likely to press upon any Ministry in future time, that I think it should be generally understood that it would be disgraceful to any Ministry to allow them to operate.

118. By the Chairman: Have you heard anything at all of a letter which was addressed by one of the Ministers here to the Members of the Assembly, requesting suggestions from them in reference to new appointments, and the abolition of some of the old ones, which might appear to them objectionable? Do you mean a late letter?

119. Yes? No; I have heard nothing of it.

J.H.Plunkett,
Esq., Q.C.

9 June, 1858.

120. Did you, as a Member of the House, on the inauguration of Responsible Government, receive a circular from Mr. Donaldson in reference to the magistracy? Yes. I considered such a letter highly objectionable, and declined to make any recommendation under it. As a Member of the Lower House I would not make any recommendation amongst my constituents. I thought it better that it should come from any other quarter. I should not like to convert a political friend into an enemy.

121. You think it highly objectionable, then, that the Members of the Legislature should be applied to in such cases? I think so.

122. That political influences and party influences might be brought to bear most prejudicially upon the due administration of justice? I think so. When the representative of any particular district does make a recommendation of that kind, although the recommendation may be really a proper one, still, when it is known that the recommendation comes from a supporter of that particular Member, I do not think it is doing justice even to the person recommended, and it is not calculated to obtain the confidence of the people in the appointment; and, in those points of view, I think recommendations should not come through Members of Parliament at all.

123. What is your opinion of the Benches of Magistrates recommending persons to be put in the Commission of the Peace in the country districts? Collectively?

124. Yes, the full Bench called together to recommend persons to be put into the Commission of the Peace? I think such recommendations would be highly worthy of the attention of the Government, because they must know the wants of the district, and are supposed to know the wishes of the people, and the appointments that would be most to their advantage.

125. And know the person? Yes; it would be a double guarantee that the person had proper qualifications, and would be useful.

126. *By Mr. Lee:* What is your opinion of a man that has been tried for felony and acquitted being made a magistrate—Do you believe the people would have full confidence in such a party? That would depend upon the circumstances of the case. He might be wholly innocent of the offence he was charged with. Any man may be charged with an offence.

127. Oh! put on his trial, and tried with others who were convicted, and himself liberated? That might occur to any man.

128. In your opinion, so far as insolvency goes, should a man who goes through the Insolvent Court and pays nothing, and afterwards has become in the possession of money sufficient to pay his debts, and does not pay them—should he be put in the Commission of the Peace? I think such a person ought not to be appointed and would say further upon that, I do not think any person ought to be appointed to the Commission of the Peace without having some tangible property, because the only remedy that the suitor has against the magistrate, in case of injury done in his magisterial duty, is by bringing an action to repair any damages; and if the magistrate has no property at all, the law gives a remedy; but it is all useless unless the magistrate be able to pay *damages recovered*.

129. I mean a man that went into the Insolvent Court, and afterwards became rich. He does not pay his creditors, and if he is put in the Commission of the Peace do you suppose the people would have confidence in that party? It would depend upon circumstances. If he has not got his certificate it is quite obvious that he ought not to be put in the Commission of the Peace as a man who acts honestly, or who comes within the benefit of the Insolvent Act through misfortune, and not through any fraud of his own.

130. I think I understood you to say, that some small towns and districts required Police Magistrates, and others, you thought, did not. You are aware—for I heard you say so—there are many cases in country districts that suitors have to go week after week and cannot get their cases heard, and have to go back again without their being heard. Do you not think it would be very necessary to have a Police Magistrate for these small towns? Decidedly, for the hardship is very considerable—(it can hardly be calculated)—upon the people, who are disappointed in having justice administered to them.

FRIDAY, 11 JUNE, 1858.

Present:—

MR. EGAN,
MR. FORSTER,
MR. JONES,

MR. MARKS,
MR. MURRAY,
MR. PARKES.

T. A. MURRAY, ESQ., IN THE CHAIR.

Daniel Henry Deniehy, Esq., M. P., examined:—

D.H.Deniehy,
Esq., M.P.

11 June, 1858.

1. *By the Chairman:* You are a Member of the Legislative Assembly of the Colony? I am.
2. You have, I believe, had considerable opportunities of observing the state of the magistracy in the country districts? I have.
3. You are a solicitor of the Supreme Court? Yes, and have practised in rural Courts of Petty Sessions.
4. Do you think the administration of justice in those Courts satisfactory? By no means satisfactory to the public at large.
5. What does that arise from? It arises from a variety of causes, one is, doubtless, the magisterial illiteracy in matters of law, and the non-understanding of evidence; but principally, I think, from local dissatisfactions, proceeding from the belief of the almost utter irresponsibility, in all practical senses, of magistrates.

6.

6. In what way would dissatisfactions be originated by that cause? It is that suitors believe certain magistrates may be prejudiced against them, or favorable to their opponents.
7. It is then a belief that the personal feeling of the magistrate will bias his decision? Yes.
8. Do you think there is any foundation for that belief? I cannot conscientiously say that I ever knew a magistrate to have given a judgment into which improper motives entered; but I believe the belief to be widely spread that that is an element which enters into many judicial decisions.
9. Right or wrong? Right or wrong, that is the belief abroad.
10. As far as your own experience has gone, do you think that belief rests upon any reasonable grounds, or on mere assumption? I cannot say, as far as my own experience goes, that it rests upon any reasonable grounds—the belief in the moral animus of the magistrate,—but as to mere hearsay, almost every suitor who comes to me from the interior has something to say as to the conduct of the magistrate. That is another matter.
11. Has that been on account of the state of the magistracy, or the administration of justice in those Courts generally, or because the parties have been disappointed litigants? No. With regard to the administration of justice, on the cases as shown by the parties and disclosed by the depositions, there was in nine cases out of ten a vast deal of room for grave dissatisfaction. The decisions appeared extremely arbitrary, and it was hard to conceive on what grounds they had been made.
12. Used these parties to consult you professionally? Professionally.
13. Did you apply for prohibitions in such cases? On some occasions, but generally the suitors were so poor as to make it altogether impossible to go further.
14. What is the cost of an appeal to the Supreme Court? In cases of prohibition it would be a matter of £25 or £30, and it is a general rule; unfortunately—and this is where the hardship particularly operates, that the Judges in nearly all cases decide that the magistrates shall not pay it, but either the party making the appeal, or the party against whom the appeal is made. The Judges holding that it must be a matter of error, or of ignorance, on the part of the magistrate, and that only in the case of unjust proceedings from moral animus can the parties be made to pay. Now, in ninety-nine cases out of a hundred, unless under most flagrant circumstances, it is next to impossible to prove moral animus. So that the remedy of prohibition is for that reason generally inoperative.
15. Can you offer any suggestion in regard to the reduction of costs in such cases? Seeing that the prohibition has to be sent down from a country solicitor to a Sydney agent, and that there are various steps to be taken, such as a rule calling upon the magistrate to shew cause, and then the hearing of the case before the full Court, I scarcely see, as at present advised, how the costs can be reduced.
16. And yet, as the matter stands at present, the expense of a prohibition precludes the parties from being fairly dealt with? Yes; but I think the new system of District Courts is much cheaper. A very speedy remedy could be had in all matters of complaints against magistrates,—the District Judge, having the power of the Judges of the Supreme Court in banco, could investigate these cases and make his decision.
17. Do you find that any portion of the dissatisfaction so generally felt with the magistrates proceeds from the fact of their being, in the country districts, all engaged in the same pursuit, and that there is a professional bias in consequence of that? I think so.
18. It is, then, in your opinion, a matter of fact that this dissatisfaction, whether correctly or incorrectly founded, does exist? I may also repeat, from a variety of causes which have the general effect—the abstract effect—of creating this dissatisfaction.
19. This, of course, is a great evil? The non-satisfaction of the public with the magistrates, who have a larger judicial power here than, I believe, in any part of the world, is a great evil, whether well or ill founded.
20. Can you offer any suggestion to the Committee as to what you believe would be the best means of guarding against any distrust, by any other mode of making appointments than at present exists? Perhaps the Committee will allow me to say, that as regards the depositions, on the face of many of them the decisions are arbitrary. The sense of the magistrate in the virtually irresponsible nature of his own power is one cause of dissatisfaction. Many of the magistrates are not only ignorant in matters of law, but many—particularly those of recent creation—have exhibited a very low scale of intelligence. So that those to whom I particularly allude would scarcely be safe as arbitrators, and much less would it be so to entrust them with judicial functions.
21. Do you think the appointments have been of a better character since Responsible Government has been instituted? I am inclined to think the Commission has, day by day, become worse in that respect.
22. What would you suggest? I think the great evil to be guarded against is the increase of the Commission by administration after administration simply on political grounds, without reference at all to the qualification of the persons appointed as ministerial or judicial officers. I have myself some, perhaps, extreme views on that subject, which are already known—the election of magistrates on certain conditions by the people, subject to the veto of the Governor General, would be better than the present system; but, if without going that length, any compromise might be made which would submit persons nominated for the Commission to some scrutiny, so as to make them more select than they at present are, and to create them for a term, say three or five years, the sense of the possibility of a non-renewal of their Commission, acting in a variety of ways as a check, I think that to a large extent would answer.
23. What do you think of the appointment being subject to the recommendation of the Judges? I am absolutely averse to the Judges having anything to do with matters not strictly judicial.
24. What do you think of the general appointment of Police Magistrates? The general appointment of Police Magistrates, provided there were some better principle adopted in the selection

D.H. Denichy,
Esq., M.P.

11 June, 1858.

D.H. Deniehy, Esq., M.P.
11 June, 1858.

selection of them than has hitherto obtained, would be a very great benefit indeed. I may further remark, with regard to the question before your last, that the putting the appointment in the hands of the Judges would scarcely remove us a step farther than putting it in the hands of the Executive; for the Judges are, practically, as ignorant as the Executive of the characters of inhabitants of extreme rural localities, and they would have to depend upon individual recommendation, as the Executive have at present, and would then be placed in the peculiarly improper and unfair position for the Judges of the land of nominating unsuitable persons as magistrates.

25. It has been suggested to the Committee that the English plan of having justices for counties should be in part, at all events, adopted here? I think it might with very great propriety be adopted. A justice may be very well fitted for the discharge of the functions in one county, but not for the territory generally.

26. You are aware that, from the exigency of the case in particular instances, men not very eligible have been appointed to the magistracy because better men could not be got? That may have been the case, but I am inclined to think, as a rule, that the appointment of men of inferior qualifications to the magisterial Bench has been the effect of political consideration or social influences, without reference to the fitness for the office, still less on grounds connected with a dearth of suitable persons. I think, in a word, that the great cause of the failure of the magisterial Bench here to give satisfaction to the public, has been that the office has been too much regarded as a social distinction, and that proper consideration has not been given to the important functions to be discharged—more important in the rural districts than even those of the Supreme Judicature of the Colony; as they have the decision of at least two-thirds of the litigation of the territory, as the small suits of the humbler classes must obviously be, and generally of cases of great importance to the litigant's themselves, and under the Vagrant Act they have greater power than the magistrates of Great Britain or of the United States.

27. You are aware that by degrees the Legislature have been increasing the jurisdiction of the magistrates? Yes; and I believe that grave fact one of the greatest evils in connection with the present unsatisfactory state of the magistracy, particularly under Responsible Government, where the Administration of the day may be transient, and where it may call into existence a vast number of magistrates without regard to specific fitness.

28. In fact, while we have been enlarging the jurisdiction of the body, the body has been gradually becoming lower in character? Yes. In fact, as regards the magistrates, I do not think the principle applied with as much force under the old *régime* as under Responsible Government, shifting as the duration and the character of the Government may be, and depending more upon local influences for its position than even the old Government did.

29. Is it not exceedingly difficult to establish a case against a magistrate? It is. I may say, for all practical purposes it is perfectly impossible to establish a case against a magistrate. You have to shew the moral animus; which, under the ordinary rules of law, by which you are to shew the animus from the act, it is almost impossible to establish; and the superior Courts are always unwilling—for purposes connected with the policy of having justice administered by unpaid magistrates—to interfere at all; lest—as we are altogether dependent upon the services of people who are not paid—people would be unwilling to act.

30. Then, in point of fact, the magistrates may be regarded as perfectly irresponsible? As perfectly irresponsible.

31. Have any cases come under your notice of magistrates having been removed from the Commission of the Peace? I scarcely know of any case of a magistrate having been removed from the Commission of the Peace, except the case of Alderman Thurlow, which was a *supersedeas* upon grounds of advisability, of attorneys not acting as magistrates.

32. You have known very few cases of removal from the Commission? Very few. I am aware of none where a *supersedeas* was issued for ministerial impropriety.

33. Then, in point of fact, there is no responsibility in any way? None. None directly to the public, and the mere shade of a responsibility as regards the superior tribunal; and as regards the Executive, it has been asserted in the Assembly, in my presence, it would be an act which scarcely any Government would be called upon to do, as it would destroy the social position and affect the character of the person removed from the Commission.

34. There is a responsibility of even a higher character than of that to the law, in the impressions which ought to guide the conduct of every man—do you think that moral sense affords sufficient protection for people who depend upon the decision of a magistrate? I am inclined to believe that the magistrates have as high a moral sense in the abstract as any others; but in speaking of the moral sense of magistrates, we must remember that magistrates are but human, and that there are a variety of causes at work to prevent their acting quite as they should do. Without any wish on my part to impute to them a desire to commit injustice at any time, I may remark, with regard to the discharge of the judicial functions, so complicated is our law, and so unfortunate the state of things, that if a layman be called upon to administer statute law without some legal knowledge, or a high degree of education, it is impossible to prevent injustice being done—the moral sense notwithstanding of the magistrate.

35. On the other hand, where the rights of individuals are concerned, and the Government is called in any way to act in regard to those rights, it is not right that moral restraint alone should be relied upon? Certainly not, for there is a variety of moral feeling, and what may appear perfectly just to one individual may not be so to another. The moral sense varies as much in individuals as the shades of character.

36. The Judges in the higher Courts are all responsible? The Judges are responsible, but they have also a law to guide them, and their responsibility is judged by that law.

37. Their proceedings are jealously watched by the public? Their proceedings are watched by the public, but there is a standard by which to arrive at the correctness of their proceedings—they administer the law; but even in the equitable Courts, they administer upon abstract

abstract equitable principles, but the regulations of which are fixed by authorities as much as in the Law Courts.

38. Their decisions depend upon juries? Yes, they depend upon juries as to the facts.

39. There is also the press in the Police Court, where the magistrate acts as judge and jury too? Yes, as judge of law as well as of fact, which is an innovation of the old Common Law of England, by a statute of Edward the Third.

D.H.Denichey,
Esq., M.P.

11 June, 1858.

40. Then, what recommendation would you make in order to remedy this state of things? I think that any remedy which would provide some direct responsibility in the magistrate, and induce a belief in the popular mind of that responsibility, would go far to elevate and purify the administration of justice. I, of course, as I before remarked, expressed in Parliament extreme views, but even something by no means placing the appointment of the magistrate upon so popular a basis as that, but the subjection of them to more severe principles than the mere gratification of their connection with the Government of the day, would be advisable.

41. With regard to the election of magistrates, of course you are aware that success in elections does not materially depend upon the eligibility of the individual elected, but rather upon the skill of the parties who have the management of the election? No doubt, but if the election were only for three years, subject to the veto of the Governor General, I am inclined to think whatever abuses might be brought about by the first election, they would most assuredly be remedied at the second election. I think suitors would take special care on the second occasion. In carrying into effect any principle of popular election of magistrates, I would hope to see their functions somewhat narrowed, and a more direct supervision of magistrates by District Courts, than now obtains in any Court. I would thus remove the objection to the magisterial decision being only amenable to the superior Courts in case of any alleged impropriety. In the case of a decision given by a remote Bench at Denilquin or it is preposterous to think of an appeal; as the delay must necessarily be very great, irrespective of the expense, and at present the complaint must be made within six months of the decision.

42. You think then that the operation of District Courts would be most beneficial in this respect? Most beneficial.

43. If the Bill, with proper amendments, be passed, that alone will effect great amendment in the administration of the law in these Courts? Very great, particularly if an undivided responsibility be given to the Judge; and I personally am anxious that District Courts should be presided over not by a mere foreman of the Bench, *primus inter pares*, but by an independent Judge, if the Legislature so will it.

44. Are you aware that any dissatisfaction exists with magistrates in country districts from the belief, or the fact, that they hear cases *ex parte*? There is a great deal of dissatisfaction on that particular ground.

45. That can scarcely be guarded against, since summonses and warrants are in the first instance issued by magistrates? I do not see well how that can be guarded against.

46. Would you trust the issue of summonses to Clerks of Benches, as that would remove magistrates from the liability to hear cases *ex parte*? I do think, with the superior persons you now have as Clerks of Benches,—young men belonging to the better classes of society, who are well educated, and directly responsible to the Government as paid functionaries—you might with great propriety trust the hearing of these cases to them, and so remove the necessity for the judicial authority doing anything but adjudicating.

47. The initiation of the case might be left to them? Yes. May I add, that with regard to warrants, where the liberty of the subject is concerned, and which are issued by gentlemen in the Commission of the Peace, there may be some hesitation to entrust Clerks of Petty Sessions with the power of issuing them. That is from an abstract point of view; but I cannot believe that it would work any practical evil.

48. Generally speaking, with regard to warrants, these are only issued where the magistrates attend ministerially? Yes.

49. Generally speaking, they are issued in cases of felony or larceny? In some cases of that sort warrants are very seldom necessary to be issued.

50. It has been suggested to the Committee that a new Commission should be issued every three years; that the Colony should be divided into three districts—for instance, the southern, the western, and the northern; that magistrates should be appointed for those districts severally; that it should be enacted by law that the Commission issued for those districts should be in force for three years only; and that there should be a revision of the Commission every third year:—what do you think of such a course as that? I have no doubt it would act well; but I question still whether it would go to the root of the evil—whether a magistrate, who, without casting the slightest imputation upon his moral or social character, was unfit for the magisterial office would be removed. For I take it, that the great error with regard to the magistrates of the territory has been, as I said before, too much a question of social position, too much a matter of giving a person a certain status without considering the judicial function he would be called upon to discharge. In England, I may remark that it is the social position which gives status to the magistrate—here the Commission of the Peace gives the dignity to the individual.

51. But do you not think that if none but eligible persons were placed in the Commission, considering the importance which really does attach to the office of Justice of the Peace, the fact of a man being a Justice of the Peace would raise his social position? I do think so.

52. You cannot guard against the prestige which will be attached to a Justice of the Peace, if proper care be taken in making the appointment? If proper care be taken in making the appointment, I think the prestige which naturally attaches to the character of Justice of the Peace is of a most beneficial character; but, I believe the error has been in seeking to select the individual for party political or social considerations, without reference to his eligibility.

53. Thus, in fact, the social prestige attached to the magistrates as a body has been destroyed by

D.H. Deniehy, by improper appointments? It has been destroyed by improper appointments, not having the due operation of that prestige in view—I believe in the country districts—without a distinctly marked territorial aristocracy as we are—the two social castes consist of those who are and those who are not in the Commission; and, I believe, it is the ambition of every individual—without regard to a sense of his own qualification—who has made a certain amount of money to reach the favored class. I may remark that the conferring this distinction without any corresponding practical responsibility to any quarter does much to vitiate the popular feeling in this matter: people are accustomed to the fact of seeing persons receiving social distinctions from the Government of the day—of being made judges of their liberty and property to a certain amount—without seeing anything in those individuals deserving the honor of such a trust, and with the private knowledge that they ought to be the last to have it. With regard to the principle of nomination as at present operating, I may state that a serious obstruction in the administration of justice, or at least a want of confidence in the administration of justice, proceeds from the fact of the existence of large family cliques. Influential persons, connected by blood or marriage, form the whole Bench in a country district, and suitors who are not liked, or who suppose they are not liked by that family, have very little confidence in their decisions.

11 June, 1858.

54. What do you think of the appointment of a Commission to visit the different country districts, to observe the mode in which the business is conducted in these Courts? I am afraid there would be a great many difficulties in getting any effective information as to the administration of justice, because the different individuals who attend Petty Sessions day by day may vary in intelligence.

55. The records of the Court will shew? The records might furnish some slight clue, but to obtain satisfactory knowledge there must be a *vidæ voce* hearing.

56. Do you think police office records now, generally speaking, as far as you have had the opportunity of judging—I do not mean the depositions—bear out the decisions arrived at? I am inclined to think that in five cases out of six, to the eye of a lawyer, or of a layman acquainted with the strict philosophy of evidence, they do not.

57. That is a very undesirable state of things? Very undesirable; it goes far to promote the dissatisfaction which now obtains. I think, for instance, one peculiarity connected with the appointment of magistrates of a lower degree of intelligence that has latterly been exhibited in the nominations is, that magistrates are too prone to decide cases from their local knowledge of the character of the litigant, or upon the sophistry, no matter how flimsy to a well educated much less a professional man, of any attorney who happens to practice before them, rather than from the specific evidence in each case tested by ordinary rules of evidence.

58. All that indicates a very unfortunate state of things? I think in the remote rural districts—whether from a feeling which, for want of a better word, may be called localism, or whether from the low state of intelligence in many persons, who, though connected with good families, and themselves respectable men, are, from the circumstances connected especially with a new country, men of very imperfect education and of no great intelligence—there is positive hardship inflicted upon the lower class of local residents, which it is high time for the Legislature to look to.

59. Has it come under your knowledge at all that litigants in these Courts think the decision depends more upon the personal feeling of the magistrates who are present than to the merits of the case—have you not heard them say, “So and so is my friend”? In eight out of every ten cases—I do not now refer to Goulburn, for there are highly intelligent and suitable men on that Bench—the individual has come to me, as his professional adviser, and said “So and so is on the Bench to day, and I would have a chance,” or else has said, that I, as his advocate, must be particularly guarded, because so and so would be on the Bench, and would be unfavorable to him. I may remark, too, that I think a vast amount of labor is brought about by the incompetence of many magistrates, who send cases for trial to a distance, which, if some degree of intelligence were exercised, would never be sent at all, and the country is put to the expense of bringing the matter before Criminal Judge of Quarter Session, and the impannelling of jurors for the trial of cases which do not occupy more than an hour, or an hour and a-half, and result in acquittal.

60. These prosecutions, in the first instance, are sanctioned by the Attorney General? I think, in the lower courts, by the Crown Prosecutor, who is an admirable officer, but whose duties are so extremely heavy as to make it impossible for him completely to analyse every case transmitted him.

61. Bail is always allowed in these cases? Not always; it is in the discretion of the magistrates to refuse to give bail, without assigning any reason.

62. Has not an alteration been made in the law with reference to cases of misdemeanor, that magistrates cannot refuse bail? In misdemeanor they cannot; in cases of felony they can. They can always refuse bail, if from their knowledge of the character of the party they think it desirable.

63. Such evils as those you have adverted to, as existing in remote districts, could not exist in the town of Goulburn, where there is a large public, a press, and professional men? No; there is there so large a mixture of persons of very high intelligence, that with two or three magistrates there would be always one superior man on the Bench.

64. These remarks apply to the remote districts where the population is scanty? In the remote districts where population is scanty, and where young men connected with pastoral pursuits have been put in the Commission as a compliment to them, and without reference to their competency. I have known parties sent down five or six hundred miles in very trumpery cases, in which there never ought to have been committal at all. I may mention a case which was committed from a town in the southern districts, of a young English peasant and his wife, who had not been in the country above six months: They were committed by two magistrates—two very young men indeed—to take their trial for conspiracy; this in itself showing their intense ignorance, as, by an elementary principle of law, there must be two parties

parties to a conspiracy, and, as a man and his wife are one and the same person in the eye of the law, there could be no conspiracy. These people were very young, fresh from an English rural county; they were sent to Goulburn Gaol, exposed to the hardship of a week or ten days' imprisonment, and at the end of that period directions came from the Crown Law Office that there was no case against them, and they must be discharged. They had no money, had to walk fifty or more miles back to the place from whence they had been taken, and were thrown upon the world, as their agreement had been cancelled. It is the practice, after the committal, to send, as soon as suits the convenience of the Bench, the individual to the nearest gaol; the depositions are transmitted to the Attorney General, at whose office they may lie for two or three days before—from the nature of the heavy business he has to attend to, as Crown Law Officer, having private practice in the Courts of Law—it comes under his notice. Some week or so after these papers have reached Sydney, an order is sent up that the individual may be discharged; probably, though not in all cases, as the party may be on bail, the man may be in gaol during the whole of this period.

D.H. Deniehy,
Esq., M.P.

11 June, 1858.

65. Do you think the ends of justice are accomplished in these remote districts, such as the place where the circumstance you have mentioned occurred? This, instead of being remote, is not by any means far from the metropolis; it is a very populous district, and one of the oldest in the territory.

66. Is there a Police Magistrate? There was formerly, who was removed.

67. Any professional men? None. The people very loudly clamour for professional men; but though an old district the population is scattered, and the consequence is, that a professional man would not be sufficiently remunerated.

68. Is the press represented there? There is no press.

69. Do you think the appointment of Police Magistrates generally in such districts would ensure a more equal administration of justice? I think a great point in appointing Police Magistrates would be, first of all, to take care of the character and intelligence of the Police Magistrate; for, unless that were consulted, the Police Magistrate once appointed would be largely under the influence of his brother magistrates, and then, however unintelligent—as these magistrates are appointed from some prior claim upon Government—it would take a great deal to remove him from office, that depriving him of his bread, and to cast some shade of stigma upon his ability to serve the public. I think that hitherto the general course pursued has been to appoint most excellent, and in every sense with regard to character, admirable military and naval men, simply on the ground that it was necessary to provide for these men. I recognize the propriety of providing for these gentlemen, but I think providing for them in this way, where, if not technical knowledge, the requisite of keen intelligence and knowledge of the world have been disregarded, has been injurious to the public.

70. By Mr. Forster: You have said the evils you have described as pervading the administration of justice have been most felt in the remote districts? Yes.

71. Have you resided much in these remote districts? No, I have not; but I have resided in the circuit town of perhaps the most extensive district, and have had an opportunity of judging from the suitors who have come to me from remote districts.

72. You form that conclusion from the results which pass through your hands? As the results of perusal of written evidence, from the feeling of disappointment generally exhibited, and from the want of confidence expressed by suitors of every kind.

73. Was this case, to which you have alluded as a very extraordinary case, one from a very remote district? No; on the contrary, it was not above sixty miles from Sydney, and, as I have already stated, a very old district of the country.

74. I think you stated that you considered the circumstance of making the appointment of magistrates a social distinction, was one great cause of the evil? I think it the cardinal cause—that it lies at the very root of the matter.

75. Has not this motive prevailed equally under all Governments, so far as you are acquainted with them—has it not affected the magistrates under the different Administrations? Under different Administrations, and with regard to the two late administrations it has prevailed in pretty much the same ratio; one Commission has been scarcely a shade, if a shade, better than the other.

76. Does it not then lead to the inference, that it is owing to some general cause? I do not quite understand you.

77. That there is some general cause that no Administration can reach? No, I do not think so. I think it is the nature of all Administrations, without a particle of disrespect to any, to look upon this as a social distinction, and upon the bestowal of it as a favor; and that the feeling of those who are their friends is most consulted, without reference to the judicial and practical part of the business. But I may say, not to be misunderstood, that I do not believe any Administration would knowingly place a man of immoral character in the Commission; still the abstract respectability of the individual may have little to do with his fitness for the office of a magistrate, particularly with the large jurisdiction magistrates have in this territory.

78. If it has prevailed under so many Administrations and different forms of Government, how do you propose the evil shall be remedied? My own proposal is to go direct to the people for the appointment; and this principle has been seen to work even in municipalities.

79. You cannot think of any other way of improving the practice of Government with regard to this matter? The Government must largely depend upon the nomination and recommendation of private individuals; and if there were any way by which the sense of districts could be taken by petition, I have no doubt that to some extent we should arrive at an improvement, because there would then be an expression of popular opinion.

80. Is not the nomination of private individuals made effective by reference to their political opinions? I certainly believe that to be the case; but there may be instances where persons of high social standing are without political influence —

81. That is to say, the influence of people in elections makes their nomination act upon the Government? Yes. I have known instances where individuals have been appointed upon the

D.H. Denichy, Esq., M.P. the Commission, upon no grounds that I could discover except their activity in promoting certain elections.

11 June, 1858.

81. Is not such an effect almost inevitable where the Government depend upon political causes altogether? Inevitable. It is as indissoluble, the one from the other, as cause and effect.

82. In fact, does not the mode of nomination you allude to in some degree amount to a mode of election—is it not to some extent a species of election by the people? By no means; I do not think the one has to do with the other at all. An individual may be favored with the recommendation of a person in political life, without any relevancy at all to the general wishes of any other persons in the community but the individual elector.

83. Have you never heard that this social motive has influenced the election of Members of Parliament, and the election of persons to other offices? No doubt.

84. Even in case of election, would there not be danger that the same persons would seek the office merely for the sake of the social distinction? That danger is inevitable; but I think you would have much less of the operation of this social motive than you have at present. You would then have the individuals elected upon some principle of popular confidence in him, whereas now he is appointed upon arbitrary grounds.

85. If the person himself has popular confidence, is not that something like a double election—I mean if the person who nominates has the confidence of the people? I do not see that it is, because the person, the second person, is irresponsible for the nomination, and he nominates upon very different grounds from what the people do,—the fitness of the individual, more or less, for his office.

86. We seem to arrive now at another and deeper cause of the evil of which you complain—the want of virtual responsibility in the magistrate? Yes, I think so; the two causes are, the appointing of the magistrates upon social grounds rather than upon his fitness for the office, and the practical irresponsibility of the magistrate.

87. Has it ever occurred to you that responsibility cannot be enforced with regard to magistrates? The object is supposed to be, to supply the wants of the country generally, with regard to the administration of justice, and to do this by means of magistrates without pay, and for that reason, and in order to retain a class of individuals who will administer justice without pay, the Legislature are always most anxious to leave them as free as possible, not to trammel them so as to make them unwilling to exercise these functions on these terms, and the superior courts of law recognise that, and are desirous to carry out the wish of the Legislature. Under Sir John Jervis' Act the difficulty of proving cases of impropriety or irregularity against magistrates is almost insuperable.

88. Is the non-payment of magistrates one cause of their irresponsibility? It is theoretically, in point of law, practically, it is at the root of the evil.

89. Is not the only way to remedy that to appoint paid magistrates? Yes; unless you make them amenable to a constituency. The practical way would be to abolish the unpaid Commission, and have paid magistrates.

90. Supposing the appointment of paid magistrates to be determined upon, would it not be possible to provide a salutary check, and at the same time a check which would not go to the effect of making the administration of justice so inefficient as at present? In a case of that kind where there are large Benches of magistrates the Police Magistrate could have no more power.

91. The Police Magistrate, from his constant attendance at the Bench, and from being appointed by the Government with reference to his qualification, would be a person of more authority on the Bench, I do not say directly, but indirectly, than any other? That will depend upon the character of his brother magistrates, their amount of self-confidence and influence. I may remark with reference to this point, it is a well-known fact that, although magistrates are frequently very remiss indeed in their attendance upon the Bench, there are cases where the whole Bench *en masse* attend. I refer to Licensing Meetings, which the whole body of licensed victuallers look at as an assembly to punish in an indirect way those who are opposed to them, and to help their favorites. On such occasions, where there is a Police Magistrate having the surveillance of public houses, he ought on more than any other occasion to have prior authority; he is simply one in a very large Bench, where he may be out-voted.

92. With reference to a remark of yours as to the *ex parte* hearings that often take place before a magistrate prior to the issue of a warrant, may there not sometimes be a salutary effect from it, for instance, where the magistrate sees fit to advise the party not to litigate? I think the same function might be performed by the Clerk of the Bench, provided he had the intelligence, which, I believe, Clerks of Petty Sessions now generally have. I may say, with regard to *ex parte* hearings, I do not believe they are taken in a

but for all practical purposes, where there is a fear of the sort, the very suspicion is an evil.

93. By Mr. Egan: Was it not the case before the establishment of Responsible Government that persons were appointed to the Commission from social considerations that principle, irrespective of the fitness of the individual, prevailed before the Responsible Government, but for very different reasons from those which have operated since. I believe a more popular element has been infused since the advent of Responsible Government. Before Responsible Government, gentlemen who arrived here— young men tated for the judicial functions—purely on the ground of their being naval or military men, or the sons of officials, were put into the Commission. Since the advent of Responsible Government, gentlemen have been appointed purely on political grounds, without reference to their fitness.

94. Do you not think the recommendation of a Member of Parliament, who represents a district, who must have some acquaintance with the residents, would be likely to be as impartial as the nomination of a Bench of Magistrates? I would be sorry to entrust the nomination of any magistrate to a Bench of Magistrates. I have known a remark to be made to this effect, "So and so is a very good fellow; he should be put in the Commission;" and there are Members of Parliament who would recommend on similar grounds. I have seen

seen a Member of Parliament nominate thirteen or fourteen relatives of his own. The one mode would, I think, be just as dangerous as the other. D.H.Denichey,
Esq., M.P.

95. I think you said magistrates have the power of refusing bail? No; I say magistrates have the power of refusing bail in felonies, but not in misdemeanors. 11 June, 1858.

96. Would not magistrates be liable to be punished for demanding excessive bail? I know it would be very hard to do so, and I know, in a case at Hull, where a magistrate refused bail, the Lord Chancellor refused to interfere and punish, although the case was clear as crystal; I believe it is in consequence of that that there is such an indisposition on the part of the superior Courts to interfere—I think the case was at Hull; it will be found in the preface, or in the notes to Sir John Jervis' Act, written by the late Mr. —

97. I think you say, that in towns like Goulburn, or other populous places, such as the City of Sydney, where there is a press, and where there are professional gentlemen residing, no such cases as those to which you have referred arise? Very seldom; but, I believe there are very many cases of cruel hardship in the remote districts, which ought to receive the notice of the Legislature.

98. Do you not think it would increase litigation to a very great extent if power were given to Clerks of Petty Sessions to issue process? I have not distinctly recommended that course, but I think if fair qualifications are looked for in these gentlemen, it would not be likely to have that effect.

99. Do you not think substantial justice is done by the magistrate where he recommends that no further steps be taken? I may be permitted to remark, that the fitness of Clerks of Petty Sessions for the performance of this duty has been acknowledged by a recent Act; and, in many cases, these gentlemen have been promoted to the office of Police Magistrates, as in the case of Mr. Newcombe, at Goulburn, and Mr. Smith, at Carcoar.

100. *By Mr. Forster:* I do not understand your recommendation to be to take away the power of issuing warrants from magistrates? Certainly not, but merely to give the additional power to the Clerk of Petty Sessions. I believe that, under all the circumstances, from the very great width of the jurisdiction, and the fact of there being no *certiorari*, in most cases most of the hardships proceed from the exercise of the judicial function being united with the ministerial.

101. *By the Chairman:* Do you think it is desirable the magistrates should continue to be entrusted with the power of adjudicating in the case of publicans' licenses? Seeing that the licensing is, to a considerable extent, a matter of police, I scarcely know how it could, practically, be taken from under the supervision of the local tribunal, unless indeed to the District Courts or Quarter Sessions, where the application was placed before the sitting magistrate or judge, and the matter was put to assessors.

102. *By Mr. Egan:* Do you not think, in reference to the question put by the Chairman as to the magistrates granting licenses to publicans, that in some cases the course adopted is arbitrary, and should be under some further revision by the Governor and Executive Council? I am happy to have an opportunity of answering that question. I think the power conferred on the magistrate the most arbitrary, and entails great loss and hardship upon the applicants. If a person of irreproachable character, but who happens to be unpopular, goes to the expense of fitting up his house, and is refused justice, he has really no practical means of redress, as in all matters of appeal from the magistrates to the Quarter Sessions it is merely an appeal from Caesar unto Caesar; it is an appeal from the magistrates sitting at a Licensing Meeting to the magistrates sitting in Quarter Sessions; you do not go from the magistrates' Licensing Meeting to a District Judge, or any other tribunal, who decides upon the special ground, the abstract question, of the fitness of the applicant for the receipt of the license.

103. You think that there is really no appeal whatever? Yes.

104. And you think the state of the law ought to be altered? Yes. There is a nominal appeal to the Quarter Session, but there is, practically, no appeal.

105. What remedy would you suggest for persons who felt aggrieved under such circumstances? A remedy of that kind would be one among the many benefits the District Courts Bill would afford, provided the District Judge is independent, and as little connected with the local magistrates as possible. I believe that to be the view of myself and of other Members of the Legislature.

106. Might there not be an appeal to the Governor and Executive Council? I hardly think you could go to the Governor and Executive Council as to the fitness of candidates.

107. Where a man feels himself to be aggrieved should he not have the power of obtaining redress, by laying the facts before the Executive? I think it should not rest upon the first decision of the magistrates, but should rest upon the judgment pronounced in case of appeal to some such tribunal as the District Court, for I do not see how the Executive Council could decide, except to refer to the record of the Court above.

108. Do you not think evidence should be taken on oath as to the ground of refusal? I think in cases where an applicant was refused by the magistrates without any good grounds being assigned, except the mere will of the magistrates, there should be some inquisition before the District Court.

109. Do you not think at the time of the application the grounds of refusal should be stated on oath—that it should not rest upon the mere whim of the magistrates? As it is, I confess it is most arbitrary and most improper. I have known instances where it has been stated by a magistrate as a reason, that he has received a letter from somebody—a party unknown to the other magistrates—stating that there had been fighting in the house; and although that may not have been the reason for the refusal in that particular instance, equally intangible grounds may exist in other cases. I think, seeing that it involves large private interests, it would be well that some more certain form of evidence as the basis of refusal should be arrived at. In conclusion, I beg to repeat my opinion that the present state of the magistracy is, from the principle of making the office rather a social than a magisterial matter, and from the virtual irresponsibility of magistrates.

John Goodwin, Esq., called in and examined:—

- J. Goodwin, Esq.
11 June, 1858.
1. *By the Chairman:* You reside at Scone, I believe? Yes.
 2. You have volunteered some information in respect to the state of the magistracy of the Colony? Yes.
 3. Are you yourself in the Commission of the Peace? No; but I may state, for the information of the Committee, that some twenty years ago Mr. E. D. Day, then Police Magistrate, wished me to allow myself to be put in the Commission, but I objected, as I was then a stranger in the Colony, was not certain whether I would remain, and objected to the system of flogging that was then carried on. When, however, it was proposed to appoint a Police Magistrate for Scone during Mr. Parker's Administration, I wrote to that gentleman, stating that I would be willing to act with other gentlemen whom I named, if we were put in the Commission.
 4. You object to the appointment of a Police Magistrate in the District of Scone? Yes.
 5. Do you think the other magistrates would, or did, discharge their duties in such a manner as to give satisfaction to the public at large, and that there was, therefore, no necessity for the appointment of a Police Magistrate? Quite so. Some of the magistrates were very efficient, and others might have been appointed in the district to assist them.
 6. Do you suppose if Police Magistrates were generally appointed in the country districts they would or would not give satisfaction? There is no need of them.
 7. Have you any considerable experience of the requirements of the Colony? My experience extends from Moreton Bay to Sydney.
 8. Do the unpaid magistrates command the confidence of the public? We shall have a better class appointed in future: those who were of liberal sentiments were formerly overlooked.
 9. You think political influence affected the nomination of magistrates to a great extent? Yes, to a very great extent.
 10. Is not political influence likely to affect the nominations as much at the present time as at any other? The political influence which will affect the matter at the present time is political justice; formerly, it was political oppression. Besides, I believe the people will have the power of choosing their own magistrates eventually.
 11. You are in favor of the election of the magistrates by the people? Yes.
 12. Has it occurred to you that success in elections depends more upon the ability of those who conduct them than upon the eligibility of the candidate? Yes; but in the country boroughs of Scotland, where the magistrates are appointed by the people, great trouble is taken to induce proper persons to come forward, and they are put in without any difficulty to themselves at all. We have Courts in Scotland called Procurator Fiscal Courts, and the Procurator Fiscal is in the position of the Clerk at the Courts here; but he can issue summonses, and in some cases, such as petty larcenies, can issue warrants, and can even incarcerate for twenty-four hours; but there is an immediate appeal to the magistrate.
 13. Are not the magistrates appointed by the Crown? The county magistrates are, but they are rarely required to act.

TUESDAY, 15 JUNE, 1858.

Present:—

MR. FORSTER,
MR. PARKES,
MR. PIDDINGTON,

MR. MARKS,
MR. LEE,
MR. EGAN.

HENRY PARKES, Esq., IN THE CHAIR.

Charles Hamilton Walsh, Esq., called in and examined:—

- C. H. Walsh, Esq.
15 June, 1858.
1. *By the Chairman:* You have resided for some years at Goulburn? Yes, about ten years.
 2. Have you been longer in the Colony? No, not longer in the Colony.
 3. You have been following your profession, as a solicitor, in the town of Goulburn? Yes.
 4. Has your professional practice led you into circumstances where you have had opportunities of observing the conduct of the magistrates for that district? Yes, not only in Goulburn, but in the surrounding districts—in, I may say, the entire southern district.
 5. You say the entire southern district, would you be kind enough to intimate to the Committee what portions of the country you principally mean? Braidwood, Queanbeyan, Cooma, Yass, Binalong, Gundagai, Albury, Wagga Wagga, Deniliquin, and other places.
 6. You are aware this Committee has been appointed to inquire into the state of the magistracy of the Colony? Yes.
 7. Has the result of your experience been to give you the impression that there is a feeling of dissatisfaction amongst the public as to the efficiency of some of the magistrates? I think, generally speaking, there is a want of confidence in the administration of justice by the magistrates.
 8. Did you notice the existence of this feeling when you first resided at Goulburn? Yes; it has always been my impression.
 9. Has that feeling manifested itself recently in a more marked manner than formerly, or at any given period more than at another? No, I do not think it has.
 10. Then, I gather from your answers that there has always been a manifest feeling of want of confidence in some of the magistrates? I should rather say, not so much in some of the magistrates as in the administration of the law by the magistrates generally as a class. Of course, I know particular instances in which there is a want of confidence in individuals.

11.

11. Have you noticed this feeling as existing more in one district than in others? No; I C. H. Walsh, Esq.
12. As much so in Goulburn as in remoter districts? Quite as much.
13. Can you offer any suggestion to this Committee as to any steps that might be taken by Parliament, or by the Executive Government, to produce a better state of things? I think this want of confidence arises, not from any feeling of distrust in the honesty or integrity of the magistracy, but from a want of uniformity in their decisions; and that want of uniformity arises from the very defective legal education of the magistracy. I do not intend to say that magistrates should be regularly educated lawyers; but the magistrates in the interior of this Colony have not had the means that the magistracy in older countries have had of observing the regular administration of the law; and hence they are very arbitrary in their notions and practices in the outlying districts.
14. I presume you will have a personal acquaintance with many gentlemen holding the Commission of the Peace? Yes, I know a large number of them.
15. Has your experience led you to believe that after their appointment they pay much attention to acquiring a knowledge of the law they are called upon to administer? I rather think they give very little attention to it except as it comes under their observation. I have known a few instances of magistrates buying Mr. Plunkett's book, and contenting themselves with that.
16. Returning again to my former question,—could you suggest any means by which this state of things could be improved? It has occurred to me that the administration of justice by the magistracy would be much improved in the particulars to which I have referred by the extension of the District Courts; because the District Courts will carry into all these localities courts in which the law will be administered according to well known rules; and the magistrates by visiting these courts, and observing their modes of procedure, will naturally learn something of the proper methods of conducting business. In that view I am borne out by the Report of the Law Commission in 1849, in which that is given as one reason why District Courts ought to be sent into the interior. And in order that the magistrates might have the full benefit of the opportunity thus afforded, I would be inclined to suggest that the constitution of the Courts of Quarter Sessions should be altered:—that the Judge of the District Court shall be sole Judge in the Court of Quarter Sessions; that magistrates should not be members of the court, but that they should be obliged to discharge the duty of jurors in that court, from which they are exempt now; and then that they might serve on juries. I think the right of peremptory challenge in felonies not capital, ought to be very much modified. The right of peremptory challenge was originally *in favorem vite*, but since our criminal code has been so much altered and modified, the reason does not exist to the extent which it did; and hence I would be disposed to deprive prisoners of the right of peremptory challenge in every case of felony not capital. I would preserve it in capital cases, but reduce the right of challenge in other cases, at all events, to five or six; and then magistrates would come in for their share of duty as jurors. If you leave the right of challenge at twenty, there being a feeling in the minds of prisoners generally that magistrates will deal more severely with them, or consider the case less carefully, of course they would take care to challenge every magistrate. I know in the Southern District, as soon as a magistrate appears in the box he is invariably challenged by the prisoner.
17. Your opinion as to the influence of District Courts merely affects in some degree the experience which magistrates would acquire, and your latter suggestion is more as to the mode of administration: do you think any change could be effected in the mode of appointment. For instance, it has been suggested that the appointment of magistrates should be taken out of the hands of the Executive Government altogether, and placed in the hands of the Judges of the Supreme Court. What is your opinion of that proposal? I think it would not be advisable to give the appointment to the Judges of the Supreme Court. They have no better means of information than the members of the Executive Government. As they cannot have personal knowledge of gentlemen all through the country, they must make inquiries in the same way as the Executive Government are obliged to do. And, besides, I think it would bring the Judges unnecessarily in contact with a particular class. I should like to see the Judges as far removed from matters not strictly judicial as possible.
18. Has it ever occurred to you that it would be desirable in any way to restrict the power of the Executive in these appointments? I think the responsibility ought to rest on some individual member of the Executive, not on the body generally—I should say the Colonial Secretary. I would prefer the Colonial Secretary to the Attorney General.
19. Would you be kind enough to state your reasons for preferring the Colonial Secretary to the Attorney General? I take it that the Colonial Secretary represents society more generally than the Attorney General does. The Attorney General represents only a section of society; and his office and his habits would give a peculiar bias to his appointments.
20. Has it come to your knowledge that magistrates in many instances have owed their appointments to the influence of Members of Parliament, and have been appointed in consideration of their political connection with those particular Members? I do not know personally any particular instances.
21. It has been suggested by a high legal authority, examined before this Committee, that it would be advisable to divide the Colony into four districts, and have four Commissions of the Peace instead of one; these Commissions to terminate by law every three years, so that the appointment of a new Commission should necessarily arrive at a stated time, and necessarily be made by the Ministry of the day whatever their politics; and it is thought the adoption of this plan would cure some of the defects which, it is alleged, have arisen from political influence, where men have been appointed for other considerations than their fitness for the office, or the necessities of the districts to which they were appointed:—What is your opinion as to such a change as that? I do not think much would be gained by dividing the Colony into three or four jurisdictions. I see no reason why the magistrates authority should not extend

15 June, 1858.

C. H. Walsh, Esq.
15 Jan., 1858.

extend all over the Colony. The system of limiting the jurisdiction of magistrates to counties in England and Ireland, has led to very great inconvenience, because a magistrate of one county cannot operate in another; and I may say it has given rise to a good deal of legislation to correct that.

22. You are aware that a motion was made in the Assembly during last session in favor of the election of magistrates? I have heard of that.

23. What is your opinion as to the advisability of having the magistrates of the Colony elected? I think it right in principle, but it would be very difficult to carry it out—inexpedient, in fact, from the state of society.

24. Will you be kind enough to state the reasons, as far as you can collect them at this moment, why you think it inexpedient to elect the magistrates? I think we should be very likely to have persons proposed as candidates who, although they might command a majority of votes, would not command the confidence of society. I do not think you can always take the majority of votes as the best guide to the moral qualifications of a party.

25. I should gather from your evidence that you would scarcely be prepared to propose any alteration in the present mode of appointment? Except by confining the responsibility of the appointments to one member of the Ministry. I see no reason why the Commission should be limited, but I think a revision of it every three years would be very useful, and that non-attendance to the duty should be a sufficient ground for disqualification, or at least, for non-renewal of the Commission in individual cases. I do not mean merely non-attendance at the Police Office, for I know some magistrates who never attend at the Police Office, and yet do a great deal of duty in their particular localities. I think there might be an account kept in each Police Office of the attendance of magistrates, and of the summonses and warrants that each magistrate returns to the Police Office; for in some cases, I know it would be found that some magistrates never do a single magisterial act during years they are in the Commission of the Peace. Generally speaking, the magistrates who do not attend to their duties are the more respectable of the class, and if they were excluded from the Commission, the Commission would cease to be, what it is in many places, a social test.

26. You think it would be unwise to take any action in consequence of the infrequency of attendance on the Bench? The return ought to go beyond attendance on the Bench; there ought to be an inquiry as to what they have done. Now, for instance, I know one magistrate whom I have never seen on the Bench at Goulburn, and yet I know he does a great deal of work as a magistrate.

27. I should gather further from what you have said, that you think that in course of time many of the defects now existing would be corrected? I think so. I think also, that magistrates might be considerably assisted, and induced to attend more regularly, if the practice of their Courts was altered a little. I have always observed that it is very irksome to the magistrates attending at Petty Sessions to sit out an entire case while a possibly tedious clerk may be taking down the depositions. Perhaps it may be some trifling case, which a magistrate hearing the evidence *videlicet* could dispose of in a very few minutes; but according to the practice now, all this evidence must be written down, and thus there is a considerable waste of time. I think there is no reason why all the evidence should be taken down, except in cases of committal. In the Small Debts Courts the evidence is given *videlicet*, no depositions being taken, and the decisions are generally acquiesced in; but in a trifling case of assault, or of police nuisance, where the magistrates are only empowered to fine forty shillings, a lot of time is taken up in taking down the depositions. I think the practice might be improved in that particular. And I think, too, that some facility might be given to the magistrates if a Consolidation Act were passed, consolidating the Acts under which they have jurisdiction, instead of their having to hunt over a dozen books for one Act and another as they want them.

28. By Mr. Forster: I think you said you considered the want of legal attainments on the part of the magistrates one reason of the evils complained of? Yes.

29. Do you think another reason may not be found in the virtual want of responsibility—the difficulty of making magistrates responsible for any acts they may commit? I do not know that. Magistrates are responsible, of course, for what they do in their magisterial capacity. You can have an action against them if they do any thing wrong.

30. Does it not amount virtually to irresponsibility on account of the difficulties attending such actions? It does now, in consequence of the difficulties of bringing actions in the Supreme Court; but when we have District Courts at people's doors it will be rather different.

31. Then you think that in that respect, as well as in others, the District Courts will operate beneficially? I do.

32. Have you found that there is a want of confidence as regards the paid magistrates as well as the unpaid? No; generally speaking, there is greater confidence in the decisions of the paid magistrates.

33. Would that not lead to the inference that the extension of paid magistrates throughout the country would remedy the evils complained of? Not unless you had only paid magistrates.

34. Do you not think the two classes could act together, so as to be a check on each other? No, because the paid magistrate would always be borne down by the unpaid.

35. But the practice of acting together has prevailed up to the present time? It has.

36. Have you found that it has been the case that the paid magistrates have been borne down by the unpaid? No, because, generally speaking, where there are paid magistrates the unpaid very seldom attend the Police Office; but I have known numbers of instances in which the paid magistrate has been in a minority of one.

37. Do you recollect whether in the instances to which you refer the paid magistrate was in the right and the others in the wrong? I cannot say.

38. Might it not have happened that the unpaid magistrates were right and the paid magistrate wrong? I cannot specify a case now regarding which I could give an opinion.

39. Then do I understand that you are not favorable to the extension of paid magistrates, unless

unless they were the only class of magistrates? I should like to see paid magistrates in this Colony on the same basis as in Ireland—that is to say, itinerating magistrates.

40. Do they act there with or without the co-operation of the unpaid justices? The jurisdiction is concurrent.

O. H. Walsh,
Esq.
15 June, 1858.

41. I thought I understood you that you would wish to see them established here solely, without unpaid magistrates? I think that would be the only way in which any benefit would be derived from increasing the number of paid magistrates.

42. You do not mean to say the two ought not to act together? No; but, to produce the effect I understood you to refer to—to increase the confidence of the people in the administration of justice in the magistrates' courts—I should say that it should be essential that Police Magistrates should act alone.

43. Has it not come to your knowledge that where a Police Magistrate has been in the habit of acting continuously with unpaid magistrates, he has always acquired, from the circumstance of his being continually on the Bench, a greater authority, and his legal opinion has been listened to with greater respect? The unpaid magistrates do defer to the Police Magistrate to some extent in virtue of his office. He takes the chair, and in that way acquires some authority.

44. Would not that effect be general throughout the Colony? I dare say it might; but I think the unpaid magistrates might do the work well enough, if they could be induced to attend to their business.

45. Then you think want of attendance is one of the evils? Want of attendance and want of uniformity in their decisions. So far as a magistrates' court is concerned, when attending professionally I never can tell a client what the result of his case may be. I never attempt to do it, because the rule adopted by one magistrate one day may be overturned by another magistrate the next. Every magistrate has his own notions.

46. Would you not say the appointment of paid magistrates would establish greater uniformity? Yes; if you could get competent men, legally educated.

47. Of course the circumstance of a Police Magistrate being a paid functionary would render him more directly responsible than is the case now with unpaid magistrates? Of course he would be responsible to those who paid him. Besides, a paid magistrate would naturally, as a matter of conscience, devote himself to acquire a knowledge of his business. A greater amount of information would be expected from him than from unpaid magistrates. I think ignorance of his duties would be culpable in a Police Magistrate.

48. Have you any reason to believe that the public in general would have greater confidence in paid than in unpaid magistrates? I can hardly express an opinion on that subject. I think if we had paid magistrates here itinerating, similar to those in Ireland, the people would wait for their coming round to decide their cases.

49. That, in effect, is admitting the affirmative of the question I ask? Perhaps it is.

50. With regard to devolving the responsibility of the appointments of Justices of the Peace on a single member of the Executive Government, you stated your opinion that it would be better to choose the Colonial Secretary than the Attorney General; but supposing a Minister of Justice and Public Instruction to be appointed, who would not necessarily be a legal gentleman, though he might be, would you think the same objection would lie in his case as in the case of the Attorney General? I do not.

51. Do you not think the sole responsibility might very well vest in such an officer? I think so.

52. By Mr. Marks: I think you said there was some distrust in the public mind with respect to the present Commission of the Peace? I do not recollect that I conveyed that idea. Do you mean to the persons holding the Commission of the Peace?

53. I understood you to mean that there was some distrust as to the capabilities of the present body of magistrates in the Commission? I think I said there is a general want of confidence in the administration of justice by the magistrates, arising from a want of uniformity in their decisions.

54. And from want of legal knowledge more than from want of integrity? Yes.

55. What do you think the best mode of remedying the defect? As I stated before, I think the introduction of District Courts will work improvement. Magistrates coming into these District Courts, and serving as jurors, would have opportunities of observing the administration of the law upon recognised principles; and it would have the effect of enlarging their views, and giving them more information with regard to legal matters. It would place the magistracy here pretty much in the same position as the magistrates in England and Ireland. There they attend these Courts, and have opportunities of witnessing the administration of justice; and when they return to Petty Sessions of course they carry out the rules they have seen applied in the higher Courts.

56. Do you think the magistrates in England and Ireland perform their duties more efficiently than in this Colony? Yes.

57. That arises from the circumstance you have stated? And from their being better educated men. I think the magistrates here are quite equal to those at home in intelligence, as far as deciding on a matter of fact; but I think the education of the magistrates here is much lower than in England and Ireland.

58. Do you think there are many eligible persons in the country districts who are not in the Commission of the Peace? So far as I know the Southern District, I think every person who ought to be in the Commission is in it, as far as the country gentlemen are concerned; but in some of the towns there are many very respectable tradesmen—wealthy men, and men of great intelligence—that I think might be very well in the Commission of the Peace. I am more convinced of that, because men of the same stamp in other country towns are in the Commission of the Peace.

59. Do you think there is any great want of further increase to the Benches in the different towns? As far as Goulburn is concerned, there might be a few additions to it; but I do not know that there is any great want.

C. H. Walsh, Esq. 60. No urgent necessity for an increase of numbers? No.

61. You think that as far as the country districts are concerned generally, nearly all the eligible persons are at present in the Commission of the Peace? I think so, so far as I know them. In reference to a question of the Chairman's, as to whether I have known parties put

15 June, 1858.

in the Commission of the Peace because they were connected with Members of the Assembly,—I remember a couple of instances in which very active parties at an election, who were not in the Commission before the election, were in it immediately afterwards. At the same time, I should say that they were very proper parties to be in the Commission of the Peace.

62. Do you think there are many improper persons in the Commission of the Peace? That of course is matter of opinion. There are many persons in it whom, if I were appointing magistrates, I would not appoint.

63. Do you think the general efficiency of the different Benches is in any way interfered with in consequence of ineligible persons being in the Commission of the Peace? I am not aware of any appointment to the Commission of the Peace that I would actually pronounce ineligible, although there are parties in it whom, if I were appointing magistrates, I would not appoint.

64. Do you think the presence of these parties on the Benches has the effect of keeping more efficient magistrates away? I am not aware of any case of that kind.

65. You think, on the whole, that in the country districts the best men, and all of them, are in the Commission of the Peace? Yes, so far as the country gentlemen are concerned. There are some cases where the managers of large establishments are men of great intelligence, and command the confidence of the entire district in which they reside, and would therefore be very eligible as magistrates; but they are not in the Commission. There is, however, a difficulty with respect to their admission, because if you open the door once to let in superintendents, there is no saying where it will end.

66. You think the number of magistrates at present sufficient to do the duty, if they would give the ordinary attention to it? Quite sufficient as to the Southern Districts.

67. By Mr. Piddington: I think I heard you say that, as a professional man, you could not give your clients any information with respect to the probable decisions of the magistrates? I could not anticipate what the decision might be.

68. In no cases? I should not say in no cases.

69. But as a general rule? If there be any controversy at all in the matter, I never undertake to give an opinion. I cannot tell beforehand what the decision may be, from the uncertainty that exists, arising from the want of uniformity.

70. Can you give the Committee the grounds on which that want of uniformity arises? I think I have already stated it arises from the defective legal education of the magistrates.

71. Magistrates in this Colony administer justice in a multitude of cases in summary jurisdiction? In a very large number of cases.

72. If there is any defect arising from want of sufficient legal education, is not that defect a *prima facie* proof of the incompetency for such arduous and responsible duties? Looking at it as a lawyer, I should say very few of the magistrates are competent; but I do not think the magistrates ought to be lawyers; nor do I think it is the intention of the institution that they should be lawyers.

73. My question was not directed to inquire whether you think magistrates should be lawyers, but whether your own statement of the impossibility of anticipating the verdict of unpaid magistrates is not *prima facie* proof of incompetency for the performance of the duties they are called upon to perform? I do not think it is evidence of absolute incompetency. Of course if you make legal acquirements a test of competency, it is evidence of incompetency; but there are other considerations to be entered into.

74. Are you satisfied, from your observation of the magistrates generally, that as a body they are competent to the performance of the duties they are entrusted with? Yes; and I do not see where you can get any other magistrates. If the magistrates here had the same opportunities of acquiring a knowledge of the law that magistrates have in older countries, I think they would be as competent as we have any right to expect.

75. Speaking of their present qualifications, without reference to any future hopes, do you say the unpaid magistrates are fully competent? Not fully competent; but I think the unpaid magistrates can discharge all the duties of their office, with the exception of strictly legal matters.

76. I think you said, that if paid Police Magistrates were appointed to itinerate, the public would wait for the appearance of these gentlemen, in preference to having their cases decided by the unpaid magistrates? I think they would.

77. Is not that a further proof of the existing want of confidence in the unpaid magistrates as such? Yes; I think I said there was some indication of want of confidence.

78. If Police Magistrates were appointed with the view of improving the administration of justice, on what ground would you desire or approve the continuance of unpaid magistrates? Because I think it would be more a question of expense than anything else. I think if you could put paid magistrates in every district you might dispense with unpaid magistrates; but until you are able to do that you must continue them. You must have some magistrates in every district. I think, with reference to the Southern District, that perhaps three paid magistrates ought to be able to assist the local magistrates to a very great extent, if they were itinerating.

79. You are decidedly of opinion that paid magistrates would be more efficient administrators of justice than the unpaid? Yes.

80. You have also stated that the general appointment of paid magistrates is a question of expense, not of qualification? Yes.

81. Have you observed any difference of late years with respect to the fitness, generally speaking, of appointments to the Commission of the Peace, compared with those made in

former

former years? When I knew the magistrates of the district first, the magistracy was more confined to a particular class than it is now. C. H. Walsh, Esq.

82. Was that class a more competent class? Not more competent, but it might be regarded socially as more respectable.

15 June, 1858.

83. Your attention has been drawn by the Chairman to the proposition of His Honor the Chief Justice,—that proposition being, that the country should be divided into four districts, for which distinct Commissions should issue at short periods, the magistrates of each division to have jurisdiction only within one district, but their warrants to run throughout the territory—do you think that scheme in itself is open to serious objection? I do not see how it would improve the condition of the magistracy; but I can see no objection to it beyond this, that wherever the lines would be drawn for these divisions inconveniences would arise, unless double Commissions—Commissions for two districts—were issued to the magistrates living on the borders. I know in Ireland it is a very usual practice to issue Commissions for two or more counties to magistrates living immediately on the border.

84. Supposing that proposal of dividing the Commission of the Peace into local divisions was accompanied by one referring the proposed lists periodically to the Judges for their revision—would you see any objection to such a reference? Yes. I should not like to see the Judges interfering with the appointment of the magistrates, or having anything to do with them. I think the further the Judges are kept away from matters unconnected with their duties on the Bench the better for society in a small community like this. The Judges could not revise a list of that kind without making inquiries, and the Minister having the appointment could make inquiries just as well as the Judges.

85. Do you think the appointment of magistrates should depend on political influences, or the results of contested elections? I do not think it should. Of course, at the same time, I know that politics have kept men out of the Commission of the Peace in the old country, and I see no reason why politics may not help some of them into it.

86. Do I gather from you that you express an opinion in favor of politics being taken as a qualification? Not as a matter of qualification; but as a matter of recommendation. If a person be a suitable man to be in the Commission of the Peace, and he serves a friend in a contested election, I see no reason why that friend should not help him into the Commission.

87. Do I understand that you are in favor of the popular election of magistrates? I think it right in principle; but it would be impracticable to carry it out.

88. If it be right in principle, on what ground do you think we should not attempt to carry it out? I think the state of society would prevent it.

89. Then you would not entrust the parliamentary electors of the country with the right of electing magistrates? No.

90. Have you turned your attention to the system pursued in appointing High Sheriffs at home? I am aware of the system.

91. Are not the Judges the persons who recommend persons for the office of High Sheriff? The Judges recommend three gentlemen for the office, and one of these three is selected by the Crown. That is the practice in Ireland, and I believe it is similar in England.

92. Do you think it possible to apply that principle, enlarging of course the number of names, to the appointment of magistrates here? It is possible to apply it, but not with reference to the Supreme Court Judges, because their circuits are so limited; their personal knowledge of the gentry of the districts is confined merely to the circuit districts. In England the Judges of course come into contact with the gentry of every county, and the districts being comparatively limited they can very easily inform themselves as to the character and position of every gentleman in the county. But the Judges of the Supreme Court here can hardly be acquainted with the gentlemen of the different districts, merely because they each of them visit those districts, when going circuit, once in eighteen months. The Judges of the District Courts, of course, would have an opportunity of acquiring information. But, as I said before, I should like to keep the Judges, both of the District Courts and Supreme Court, as far as possible from contact with the people. They cannot be too much removed from it.

93. Do you not think the office of Attorney General is that particular office that would be likely to afford security to the public in respect to devolving the responsibility of these appointments on one member of the Executive, rather than on the entire body? I do not think the public could have more confidence in the appointments because they were made by the Attorney General; on the contrary, I think there would rather be a prejudice against appointments made by the Attorney General.

94. Will you have the kindness to state on what grounds you think there would be such a prejudice? Because I think the general feeling would be, that the Attorney General, from his office and habits, would have a legal bias. I may add, that so long as the Attorney General is a Minister, going in and out with the Ministry, and looking to the condition of the profession here, in this Colony, it would be very unsafe to leave the appointment of magistrates in the hands of the Attorney General.

95. Have you any opinion as to the number of gentlemen holding the Commission of the Peace here—I mean whether the magistrates are not more numerous than the necessities of the country require? So far as the Southern District is concerned I do not think there are too many of them.

William Munnings Arnold, Esq., M. P., examined:—

W. M. Arnold, Esq., M. P. 1. *By the Chairman:* You are a Member of the Legislative Assembly, and a magistrate of the territory? Yes.

15 June, 1858. 2. You have resided for some years in the district of the Hunter? Yes, for nineteen years.

3. Have you also at any time resided in any other parts of the Colony? Yes; I have been in various parts of the Colony, and resided for two or three years in the district of Mudgee, on the Gold Fields usually, but not permanently.

4. You are aware this Committee has been appointed to inquire into the state of the magistracy? Yes.

5. During your residence in the Colony, have you had many opportunities afforded you of observing the character of the magistrates and the manner in which they discharge their duties on the Bench? I think I have had particular opportunities of doing so. I have paid great attention to the matter ever since I arrived in the Colony.

6. When did you first arrive in the Colony? In 1839.

7. Was the magistracy then of such a character as to command your confidence? My attention was first called to the matter by being accidentally present in a Court House when some proceedings were being taken; and it was in consequence of what I saw then, that I paid more particular attention to the mode in which the magistrates performed their duties.

8. Have you any objection to state what was the circumstance that so attracted your attention, without mentioning any names? The circumstance was this, of a man being tried in the absence of any prosecutor, and in the absence of any evidence, and being convicted.

9. What was he tried for? For insolence to his master.

10. What was the sentence? I believe the sentence was fifty lashes.

11. Passing on over the course of your experience with reference to the magistracy from that time to this, has it, in your opinion, at any time been in a better state? I think it has been gradually improving.

12. Down to the present time? Yes, unquestionably.

13. Do you think it has improved to such an extent as to command pretty generally, at the present time, the confidence of the people of the Colony? I do not think the people have that confidence which they ought to have, and which they have a right to expect to have, in the administration of justice in the Courts of Petty Sessions.

14. Do you think that at the present time there are persons holding the Commission of the Peace who are entirely unfit, by education, natural ability, and social position for discharging the duties of the Bench, so as to administer justice, and command public confidence? I think there are persons in the Commission who are entirely unfit; who do not in any degree command the confidence of the people, and who, certainly, very much detract from the respectability of the magistracy.

15. Are you aware whether this opinion obtains generally among the public? Almost universally.

16. Then, you are of opinion that some steps are necessary to improve the state of the magistracy even now? The character of the magistracy might be improved by revising the Commission; but I do not think that would be sufficient to improve the confidence of the people in the administration of justice in the Courts of Petty Sessions.

17. You have seen one Commission revised within the last few years? Yes.

18. Do you think that revision had the effect of improving the Commission? I saw very little difference in the Commission after the revision and before, except that a great number of names were added. I had hoped that great part of the change would have been in the omission of names improperly included, and in that respect I saw so slight a change that it was not worth mentioning.

19. Do you not think if a revision took place again the same reasons would operate—the disagreeableness of omitting gentlemen's names, and the political consequences to the Minister of the day—so as to produce the same result? No doubt public men—the Ministry more especially—would be likely to be influenced by considerations of that kind; but I have a great doubt in my own mind whether omitting the persons I am now alluding to as unfit for the office would have the effect of operating to their prejudice at any time when they might require popular support. I believe the popular feeling is against these men—I have no doubt about it.

20. Several suggestions, amounting to positive recommendations, have been thrown out for effecting a complete change in the mode of appointment; for instance, it has been suggested that appointments might be made by the Judges; again, that the appointments might still be made by the Executive, subject to the approval of the Judges; and again, that persons might be nominated by the Judges, but finally appointed by the Executive;—what is your opinion as to the Judges of the Supreme Court having anything to do, in either of these modes, with appointments to the Commission of the Peace? I think appointments by the Judges would be more objectionable than any other mode of appointment I could conceive.

21. Will you be kind enough to state the reasons for your opinion? In the first place, the Judges ought to be kept entirely above suspicion; and I am quite sure suspicion would always attach to the appointment of magistrates in some way or other. No Commission could be formed where exception would not be taken to the character of some of the persons appointed; and it would be imputed to the Judges, as it is now imputed to others by whom the appointments are made, that they were made from considerations of friendship or relationship, or perhaps even more improper motives. I also think the magistrates and Judges in some degree occupy a position checking one another, and therefore I do not think the one ought to be the creation of the other.

22. One or more of the present Judges, who have given evidence, are of opinion that they would not have the means of acquiring the requisite information? I think they would not have so good means of obtaining information as even the Ministers would have. But the people themselves seem to me to be the persons who have the best knowledge of the fitness of any

any person to occupy the position of a magistrate, and therefore I think they ought to exercise some voice in their appointment, although I still feel a doubt whether it would be desirable that they should absolutely elect them.

W. M. Arnold,
Esq., M.P.

15 June, 1858.

23. It has been proposed by one of the Judges of the Supreme Court that there should be a division of the jurisdiction of the magistrates—that the Colony should be divided into, I believe, four districts, for which four Commissions should be issued, and that these Commissions should terminate by statute at a particular time, so that the duty of re-appointing should fall to the Minister arbitrarily, whoever he might be, who might be in power at the time the Commission expired; and that the warrants issued by the magistrates so appointed should have full force over the whole Colony? I can see no reason for the proposed change, and as it seems to me to be making that complex which is now simple,—and that the only effect,—I think it would be very objectionable. It will be recollected that a similar plan was carried out at one time with regard to the City of Sydney, and found to operate badly; magistrates were appointed for the City of Sydney only, and when warrants were sent down to be executed in Sydney, great inconvenience was experienced from the necessity of having them endorsed; in some cases they were executed, the parties not being aware that they had no power in the City of Sydney. The result was a constant clashing of authority. In England the greatest difficulty is experienced from the same cause, the magistrates of one county having no jurisdiction in another; and although a constable may have it in his power to apprehend a man, before he can go to a magistrate and get the warrant endorsed the man has escaped. Every body knows the difficulty in England of putting a stop to a prize fight from the same cause; the combatants escape from one county to another, and before a fresh warrant can be obtained the fight is half over.

24. I think the object of the division would be to counteract the political influence which is supposed to prevail in the appointment of magistrates in this way—that on the expiration of the different Commissions the duty of re-appointing would fall to the Minister of the day, irrespective of any will of his own in the matter, and that, while his connexions might be in one division of the Colony, the privilege of appointing magistrates might fall to him in another. It is imagined by the author of this proposal, that by some check of this kind we may counteract the political influences that may naturally be supposed to come into play under Responsible Government? I see one objection to the plan, namely, that it would have the effect of limiting the authority of the magistrates, and would also lessen the honor, in some degree. That, I think, would be very objectionable, as the honor of holding the Commission of the Peace is now the only inducement to accept an office which involves a good deal of trouble, if acted upon. I think every care ought to be taken not unnecessarily to limit the honor and dignity of the office.

25. Supposing the appointment be retained absolutely in the hands of the Executive, what would you think of the proposal to concentrate the responsibility in one Minister—say a Minister of Justice, if one should be appointed—or the Colonial Secretary? Practically I think that would have very little effect, because we know that although one Minister may be ostensibly responsible, he would be very much under the influence of the other Ministers, and they, again, would be under the influence of their political supporters.

26. You are aware that a motion was made in the Legislative Assembly in favor of the election of magistrates—what do you think of that proposal? I confess I should feel some hesitation in assenting to it; but, at the same time, I think the people ought to have some voice in the matter. I can see no reason why a system should not be resorted to of electing persons to be eligible as magistrates, the power of nomination by the Executive being confined to those persons who had been determined upon, in their different districts, to be competent; that, again, I think, ought to be guarded by a property qualification.

27. Perhaps it would be as well, at this stage, for you to state in detail any suggestion that you wish to offer for improving the character of the magistracy, and insuring the more satisfactory administration of justice? I have not considered the matter in detail, but I think the principle I have indicated should be adopted in appointing magistrates,—that the Executive and the people among whom the magistrates are intended to act should jointly have the power; but whether the Executive should name a number of gentlemen, and the people elect the required number of magistrates from among those so named, or whether the people should nominate and the Executive appoint, seems to me a matter of very little importance.

28. Do you not think either mode would give rise to a good deal of dissatisfaction—for instance, supposing the people elected the same person to the field of eligibility, as it really would be, and the Executive year after year declined to appoint him, would it not have the effect of marking this person out in an unenviable manner, as having some supposed stigma attached to him, or being in some way objectionable? I think the honor of being elected by the people as an eligible person would be so much greater than the indignity offered by the Executive in refusing to appoint him, that the one would more than counterbalance the other.

29. Still the honor would have a kind of veto put upon it by the Executive Government? The appointments would be made in the same mode as that in which special juries are now chosen: A list of twenty-four is submitted by the Sheriff, from which twelve jurors are chosen by the parties interested. The plan I propose would be of a somewhat similar character.

30. The cases do not appear to me to be analogous—in the case of jurors, special reasons are understood to operate, whereas, in the case of persons selected as eligible and not appointed, some circumstance of disqualification would be imagined to exist? No, I do not think so, because I propose that a double number should be selected by whichever party takes the initiative, and that only half that number should be appointed.

31. What is your opinion as to the expediency of appointing Police Magistrates to the chief centres of population? I have for some time been of opinion that perfect confidence would never be felt in the administration of justice in the Courts of Petty Sessions until there are

W. M. Arnold, paid magistrates; and I think these magistrates should be as much as possible travelling magistrates, occupying much the same position in their smaller sphere as the Chairman of Quarter Sessions does in his larger one.

15 June, 1858.

32. Do you think if persons were appointed in this manner to visit certain places within certain limits, that, by reason of their paying more attention or undivided attention to the study of their duties, the administration of justice in these Courts would be much improved, and in consequence the confidence of the people obtained? Yes. I think also, that the same mode of action ought to be made to apply to chief constables.

33. I should infer from your general answer just now, that you are not of opinion that the appointments to the Bench made under Responsible Government are in any respect inferior to those formerly made? I think they are superior. I think the magistrates appointed now are superior to those appointed under the old state of things; but they are not comparatively superior, because the state of society has improved very much during the last few years; the requirements of the people are much more rigid and exacting; they expect more, and therefore I do not think their expectations are comparatively better, perhaps not even so well fulfilled now, as they were then.

34. Then it is your opinion that although the magistracy has improved during the last twenty years, that improvement has not kept pace with the improvement in the state of society? Exactly so.

35. With regard to any change for the better, should you think that, as the result of the inquiry of this Committee, it will be necessary to recommend any specific legislation on the subject, or that it would be sufficient for the Committee to put their recommendations in a Report for the consideration of the Executive? I think they ought only to report. I think it would be for the Executive to determine the proper mode of carrying out the recommendations of the Committee.

36. I do not think you quite understand my question—I mean, does the case require specific legislation from any source, or whether the recommendations of this Committee might not be supposed to be sufficiently influential to effect the improvement? I presume some legislation would be necessary, because I should like to see a system of itinerating Police Magistrates, who should each take in as many districts as would completely employ them; and the same character be given to the chief constables. At the same time, I think the ordinary duties of the Bench could be very well performed by the unpaid magistrates, who could, if they chose, defer any case of importance to the day when the paid magistrate would be sitting. The people themselves would also have an opportunity of bringing on their cases when the paid magistrate was sitting, and that I think they would do; but still I think emergencies might arise, that would be supplied by the ordinary magistrates. I think it as a matter of great importance that the chief constables should have an itinerating character, and have the complete control of a large scope of country, so that by being able to communicate personally with their subordinates in that way from time to time, they would be much more likely to trace crime, and apprehend offenders who might be escaping. At present they seldom think of travelling out of their own districts.

37. Do you think there is at present a superabundance of magistrates in the Commission of the Peace? I think there are a great number of persons in the Commission who should not be in it, not only on account of their character, but also on account of their wanting those means that would be a guarantee of their responsibility for any acts they may commit in their capacity as magistrates; as well as many who are useless from habitual inattention to their duties.

38. Do you think there are more magistrates than are necessary? I think not, considering the habitual inattention of so many of the magistrates to their duties.

39. By Mr. Lee: What is your opinion respecting Benches of Magistrates recommending persons to the Executive for the appointment? I have a strong objection to that which arises from observing the practical results of those recommendations. It is this, that while gentlemen whom the people have considered eligible have for a series of years been excluded, immediately they have been placed in the Commission, we have found it has been followed by the introduction of all the members of their families—brothers, cousins, and so on; and that in fact the Bench has become a sort of family meeting place. In my own district, just to give you an instance, during some fifteen years that I lived there, there were two Messrs. Park, one of whom was a Member of the Legislature, two Messrs. Cory, one of whom is now warden of the district, who were kept out of the Commission for a great number of years, though the opinion was universal in the district that they were very fit persons, or at least that some of them were; but immediately one Mr. Park was put in the Commission, his introduction was followed by that of his brother; directly one Mr. Cory was put in the Commission, the other was also appointed; so that now the only magistrates are two Messrs. Boydell, two Messrs. Brown, two Messrs. Cory, and two Messrs. Park; and the consequence is, that the Bench is a sort of family party, who determine who they shall include, and who they shall exclude.

40. The magistrates have no power to appoint? No; but their recommendation is always influential.

41. Do you believe the decisions of the Benches are generally just ones? I think the decisions are far more satisfactory now than they were; and I attribute that, in a great degree, to the power of the people to make their proper influence felt, and to the spread of the local Press.

42. You are aware, I should fancy, that magistrates never can please both parties? It would be very difficult to do so, nor do I think it at all necessary that they should please either party. A strict and impartial administration of the law may sometimes please neither party immediately concerned in a particular case, but will be generally appreciated by the people at large.

43.

43. *By Mr. Piddington*: With reference to your observations upon the proposed division of the Commission into three or four local lists, I think you stated that you objected to such division, on the ground of the inconveniences that would arise from limiting the currency of the warrants? Limiting the jurisdiction, and also diminishing the honor of the office.
44. But if the restrictions upon the authority of the local magistrates, as I may call them for convenience, were confined to the right of adjudication—the warrants having effect throughout the territory—would you have the same objection? I would have the same objection, because I think the magistrates would be more efficient in districts where they were not locally interested or prejudiced; if it were possible to obtain their attendance; and that is the reason I wish to have itinerating magistrates, because they would not be influenced by these local feelings.
45. That objection would apply to the unpaid magistracy as a body? It does, no doubt, and that is why I wish to see paid magistrates appointed to act in the way I mention.
46. You have adverted to two modes of improving the constitution of the magistracy,—one by appointing paid itinerating magistrates, and the other by permitting the parliamentary electors, I suppose, to elect a given number of candidates for appointment by the Executive? Yes, candidates having a property qualification.
47. What should be that qualification? Either a qualification in property, or the suretiship of two responsible persons for the proper execution of the office. The reason why I wish to see magistrates possessed of a property qualification is this, that I think they have enormous power entrusted to them in the execution of the law—almost unlimited power; and if they are not made responsible by liability to a pecuniary penalty, it seems to me they may become a sort of tyrants in their own districts, whose power, though it ought to be limited by law, is in fact not limited at all.
48. Then your proposition that every magistrate should have a property qualification is connected with the necessity of increasing their responsibility to the public? Yes. I also think it derogates altogether from the character of the magistrates that they should be known as men of neither character nor means.
49. How would you secure increased responsibility as between the unpaid magistrates and the public? By means of the property qualification. They would then be responsible at all events in pocket for maladministration.
50. How would that circumstance enable you to reach a magistrate under the present law? You could bring an action against him. I know the difficulties of doing so are very great; but if you could show that he has maliciously used the power entrusted to him to injure any one, you could recover damages; but if he has no means, of course he can use his power in any way he thinks fit, and there is no redress whatever.
51. Is there not great difficulty, almost amounting to impossibility, in proving malice legally? Almost; but the difficulty of obtaining redress amounts quite to impossibility if he has no means. I may state that several cases have occurred in which malice has been proved. In the action brought against Mr. Gaggin a short time ago, considerable damages were recovered; and in a case of my own, I brought an action against a magistrate and recovered damages to the amount of £200, at least I got a verdict for it, but that was the end of my redress. I may also say, as another reason for requiring a property qualification, that I do not understand how any person who has no property can afford to give up his time to the duties of the office, or how it could be expected of him; and if he cannot afford to give up his time, where is the use of appointing him?
52. *By the Chairman*: Would not that reason apply with as much force to Members of the Assembly, from whom no property qualification is now required? No. There is, I think, a very obvious distinction: Members of the Assembly have no individual unchecked power affecting the liberty or property of another, as magistrates have.
53. I mean simply as to their ability to give up their time? I think it is a consideration for the electors whether they will elect a person who cannot afford to give up his time. If they do so, they must take the consequence of their own act. But in the case of magistrates, the sufferers do not take the consequence of their own act, but of the act of another over whom they have no control whatever.
54. *By Mr. Piddington*: Do you recommend a property qualification in connection with your proposed scheme of empowering the electors to choose a certain number as eligible candidates for the office of magistrate? Yes; I do not think any person having no property, or unable to give security, ought to be a magistrate, under any circumstances. And I think Police Magistrates ought to be obliged to give the same security as other public officers holding responsible offices; but if the magistrates were elected, I think the property qualification less necessary.
55. Have you considered the details of the proposal you have described to the Committee in reference to the election of *quasi* nominees to the choice of the Executive—have you given any consideration to the number of parties who should be offered for selection to the Executive? No; I have not considered all the details of the plan. I think if it were found that the principle of electing magistrates answered to the extent I have named, it might then be made more absolute.
56. *By the Chairman*: Do you not think the mode of selection you propose would have the effect of degrading the right of election,—that the fact of the people electing gentlemen merely to the position of nominees—electing to a virtual nullity—to a position from which they might be removed by the will of the Executive,—would detract from the power and dignity of the electors? I do not think so. But it is not necessary the people should elect the nominees; if it be thought better, the Executive could name certain persons as eligible, and from them the people could finally elect the magistrates.
57. *By Mr. Piddington*: Do you think that would meet with popular approbation—do you not think the public would object to any exclusive list depriving them of a general power of electing

W. M. Arnold, Esq., M.P. electing whom they chose? I think many would probably wish to go further, and many would not wish to go so far. I have a doubt whether it would be satisfactory to a considerable majority.

15 June, 1858. 58. In any case—whether the Crown should select a certain number of eligible persons to be elected from by the people, or whether the people should elect and the Crown nominate finally—would it not be necessary to take legislative action to bring the scheme into operation? No doubt it would.

THURSDAY, 17 JUNE, 1858.

Present:—

Mr. MURRAY,
Mr. LEE,

Mr. FORSTER,
Mr. MARKS.

T. A. MURRAY, Esq., IN THE CHAIR.

The Hon. Stuart A. Donaldson, Esq., M.P., called in and examined:—

- The Hon. S.A. Donaldson, Esq., M.P.
17 June, 1858.
1. *By the Chairman:* You are a Member of the Legislative Assembly? Yes, I am.
 2. And were Prime Minister on the inauguration of Responsible Government? Yes; from April, 1857, until September of that year.
 3. During your administration, were any gentlemen placed in the Commission of the Peace? There were very few. If I remember rightly, we were very much pressed with public business, and postponed the general appointment of magistrates until a new Commission should issue. That issue of a new Commission was felt to be a matter of pressing importance, and we had it prominently before us; but in fact very few gentlemen were appointed to the Commission. A new Commission was not issued during the time I was Colonial Secretary. The appointments made were, I think, almost exclusively confined to gentlemen connected with the neighbouring colonies. I may go on to state what steps we took with regard to the new Commission. Although we did not at the time I was Prime Minister issue a new Commission, the desirableness of a revision of the then existing Commission, and the appointment of a number of new magistrates was so forced upon us, that my colleagues and myself agreed to take a step preliminary to the issue of a new Commission, to the following effect: We issued a circular, in the first instance, to every Member of the Legislative Assembly without distinction, stating that it was desirable, as far as possible, to omit from the then existing Commission the names of any gentlemen holding the Commission of the Peace who had done anything derogatory to their position, and who ought from their characters to be excluded; at the same time we expressed a desire that none but gentlemen of the highest character should be appointed to the Commission of the Peace, and requested the co-operation of the Members of the Legislative Assembly, so far as local acquaintance enabled them to give us advice, in the nomination of gentlemen who were considered highly eligible. That circular was answered, I think, by every Member of the House. In some instances, (there were not more, I think, than five,) gentlemen declined to name any one, and declined to express any opinion as to the existing Commission. In almost every instance, with the exception of these five, there were names submitted of gentlemen, generally in the districts where the Members of the Assembly who recommended them resided; and in a great many instances there were suggestions (which were considered privileged) of names of gentlemen in the Commission who ought to be left out of the new Commission. There were also expressions of opinion in more than one quarter of the desirableness rather of taking great care in framing a new Commission, as to the names of these gentlemen who should be appointed, than any extreme elimination of the names of those who already held the office, on the ground, which is very plain and evident to any one—that to appoint gentlemen is one thing, but to strike gentlemen out, unless there is some clear case against them, is quite another matter. The Ministry, of which I was then the head, had taken this matter into serious consideration. We had gone the length of drawing out lists of all the nominations by gentlemen who had favored us with their assistance, both of those who should be appointed and those who should be omitted. The gentleman then acting as Private Secretary to the Colonial Secretary (Captain Scott) was solely intrusted with this task. It was thought to be one of great delicacy, and no information regarding it passed beyond the precincts of my own office (the Colonial Secretary's.) But before any action was taken in this matter—before anything more than this preliminary step towards issuing a new Commission had been done—we resigned our offices.
 4. Did you find it was a matter of difficulty to effect the revision? Very great difficulty indeed. We found in many cases that charges had been brought against gentlemen holding the Commission of the Peace of which, on investigating, no proof could be found; that these charges, although perhaps based upon the truth, were not capable of proof; that in many cases they arose from rumour, and sometimes rumour at second hand; and there were many which, on the face of them, bore some indication of ill-will or personal malice.
 5. And you concluded, that once in the Commission of the Peace it would be very unjust to strike a gentleman out, unless there was a clear case against him? Yes; unless a clear case was proved against him it was hard to strike him out. He was appointed, not by our own act, and having found him there we left him where we found him.
 6. You were also a member of the Parker Administration? I was. I was Minister of Finance and Trade.
 7. Several magistrates were appointed under that Administration? Yes, a new Commission was issued, and the work intended to be undertaken by the Administration of which I was the head, was completed by the Government of Mr. Parker—of which I was Treasurer. I felt

- felt it was not beside my duty to those gentlemen of the Legislative Assembly whom I had addressed as Prime Minister, and it was due also to my colleagues to give them the benefit of the information I had collected by the circulars. Accordingly, I placed all these papers confidentially in the hands of Mr. Parker. I was the more induced to this course on public grounds, because three of the members of the new Cabinet—I mean Mr. Manning, the Attorney General; Mr. Darvall, the Solicitor General, and myself, the Treasurer—had been Members of the former Administration, of which I was Colonial Secretary, and I thought it would be of great use to all parties to give the new Cabinet—consisting of Mr. Parker, Colonial Secretary; Mr. Hay, Minister of Lands and Works; and Mr. Deas Thomson, who became a Member of the Cabinet without office, being nominated by the Governor General Vice-President of the Executive Council—the benefit of our labors to that extent.
8. In that Commission which was issued were many names left out? A great many names were left out; but in no case were names left out without the most careful investigation as to the reason and proof positive of some delinquency or misconduct.
9. Were many new names included? Yes; a great many new names were included.
10. How was the information obtained by the Government as to the fitness of the gentlemen who were appointed? It was drawn to a considerable degree from the replies to the circulars already alluded to. It was also drawn from information open to us all—each of us (myself and late colleagues) knew something of one or more districts, and from personal acquaintance with different gentlemen, and from other sources of information derived from Government officers. I must state that, at the time I was Colonial Secretary, in addition to the circulars sent to the Members of the Legislative Assembly, I also forwarded circulars addressed to the Benches of Magistrates, calling for a return of the members comprising the Bench, and a list of the attendances of the Justices in each police district; together with a memorandum of the death or absence from the Colony of any magistrates belonging to such Bench. I endeavoured to find out what gentlemen omitted to attend at all, and who treated their appointments in the Commission of the Peace as a dead letter. We were partly guided, in addition to other sources of information, by these circulars; but in no case was a person omitted from personal feeling only, and when there was no proof of public delinquency or misconduct.
11. Was the information received from the magistrates in answer to the circulars very valuable in guiding you in your appointments? No, I don't think so.
12. It has been suggested that perhaps the best mode of ascertaining the fitness of the party would be the recommendation of the Bench where he resided? I think some information was got in that way, but we did not invite the magistrates to point out names; we only asked them to give returns of the actual attendances. We did not invite their nomination, so we hardly tested that means of gaining information.
13. Were you guided at all in making the new appointments by the fact that additional magistrates were required in the districts? We were very much guided by that. Where we made the greatest numerical addition, it will be found in every instance that it was owing to the representation that a dearth of magistrates existed in that district. That had a material effect in favoring some districts more than others.
14. Were not many appointments made in Sydney? Yes, a great many.
15. Magistrates were numerous in Sydney? We did not think it precluded the necessity of nominating the number we placed in the new Commission.
16. The great object you regarded was the want of magistrates in certain districts? Yes. There were also other reasons which must have entered into our minds, namely, personal acquaintance, personal acquirements, personal fitness and high standing. There were a great number of gentlemen named of mercantile standing, and personal fitness. I think we added very little to the Sydney Bench, compared with what was done since. Indeed we refused a vast number of applications made directly or indirectly to us.
17. How were these applications made? They were made either personally, or by letter—sometimes in both ways.
18. Did you find that Parliamentary influence was brought to bear on the Government in making the appointments? Parliamentary influence was not brought to bear personally—not much more than in the answers to the circulars addressed to the head of the Government. In reply to the circulars, I cannot doubt that there was a good deal of political feeling introduced.
19. From your own observations, generally speaking, with regard to the Government of the Colony, at all times, of the appointment of magistrates—do you think it is likely that political influences have been brought to bear to any great extent? I think to a certain extent they have. I think, however, it is due to the Government of which I was a member to say, they exercised very little influence in our case, as the list of magistrates appointed will shew, and the list of refusals will prove.
20. Were refusals made? Yes, a great many.
21. Do you think this is an evil in regard to the appointment of the Commission of the Peace which ought to be guarded against? I do.
22. Namely, party and political influences? Yes; I think it is a growing evil.
23. An evil which presses severely on any Government? Yes; and eventually will tend (I don't say to degrade) perhaps to lower the standard of education and position which should entitle persons to be placed in the Commission, owing to the pressure which I think will, as party Governments go on, be made on the Ministers in power.
24. Taking a general view of the thing, the Government of the day may be pressed by political supporters in the House, or out of the House, to make appointments which they know to be objectionable, because if they refuse, perhaps they will be deprived of the support of these persons? I think it is very likely.
25. And the Government thereby is placed in an unpleasant position? The Government is thereby placed in a difficult and unpleasant position.
26. Could you offer any suggestions at all which would guard against difficulties of the kind?

The Hon. S.A.
Donaldson,
Esq., M.P.
17 June, 1853.

The Hon S.A.
Donaldson,
Esq., M.P.
17 June, 1858.

kind? That is an excessively difficult question to answer. As far as I understand the system at Home, the nomination of magistrates is constitutionally with the Lord Chancellor. It is, however, delegated to the Lord Lieutenant of Counties; and although surrounded by as great a check as you could have to protect undue influences in asking for appointments to the magistracy, even there, from my own knowledge, I can say it is a fact that appointments to the magistracy are made even in England owing to political influences—I mean by those who are returned for the counties and boroughs through the Lord Lieutenants of the Counties—and appointments are thus made in England on political grounds. I think the question in a new country is surrounded with difficulties, unless some new plan is struck out, such as leaving the appointment to the Judges. But I see there a great difficulty, because (although the Judges are as pure as possible, and as I believe the Bench is now, and the fountain of justice is as free from taint as possible), it would be impossible for the Judges not to be appealed to, or be pressed upon by friends or political supporters of one party or another. I am afraid this would cause an influence to be used that would be improper, and, however unjust such a suspicion might be, the public would believe that some appointments were made from political influences, and this would place the Judges in an embarrassing position. That is the only source I could look to for nominations to be made to the magistracy without being open to the objections that are made to appointments to the magistracy by Responsible Governments.

27. The Judges are opposed to anything of the kind? That is an additional reason, then, for not asking them. I thought that it should be absolutely left to the Governor General; but if any one has studied the part he takes in Responsible Government, he will see that it is virtually leaving the appointment with the Ministers. He could not act independently, because he gives every member of the Executive Council a vote with himself. If, however, the Governor General could be charged with the responsibility of nominations to the magistracy, irrespective and entirely unbiased by the advice of his Executive Council, I am disposed to think much good might result. I admit, however, that I see great difficulties in the way of this arrangement.

28. It was suggested by Sir Alfred Stephen that the magistracy should be appointed for the different districts—the southern district, the western district, and the northern district;—that a new Commission for each separate district should issue every three years, thus making a revision of the magistracy every three years for each district, and that no new appointment should be made unless these three years had expired? There is a good deal of practical usefulness in that suggestion; but it is open to the objection that any political nomination is open to,—that the appointments would be made triennially by the party Government which happened to be in power, and thus you would have, at the end of every three years, the same objection to party influences. I see this good in the suggestion,—that you do not expose the Bench to supplemental appointments. I cannot conceal from myself, and I have no hesitation in saying, what I have seen from the nomination of magistrates for the last two years, that we shall have additions made more and more from party influence and pressure even than we have seen yet. I will instance one reason that gives ground for this belief: As party feeling runs higher, and party divisions become more marked, so the rolls of electors will be more narrowly watched by the adherents of each party. The electoral rolls are revised by the Benches of Magistrates. The first evil I anticipate from the nominations by party Governments of magistrates to particular Benches arises in this—that the Bench will be packed when the revision of electoral lists takes place by magistrates of a political party, just as one party in the Assembly preponderates, and that the electoral rolls of the Colony will, consequently, be influenced by the composition of the Benches at the time the revision takes place. If I am right in that apprehension, it will be found that the incoming Government will seek to counterbalance the nominations of their predecessors by the nomination from their own party to the Commission of the Peace; thus the evil will increase as time goes on.

29. The great object in view being the due administration of justice in the minor courts of the Colony, what would be your opinion if the more general appointments of Police Magistrates in the different Police Districts? I think that question would be very much governed by the scale of expenses incurred, as Police Magistrates could hardly be appointed without appointing salaries. I think an objection might be made on the score of expense.

30. That is the only objection? I see no other particular objection but that.

31. But the Government freely provide the necessary sum attending the higher courts of the Colony, and in which it is supposed that persons of higher means are concerned—ought not then the Government also to provide courts in which the poorer classes are concerned? I think that is very reasonable. It must be borne in mind that if the nomination of magistrates which we were speaking of still goes forward, the Police Magistrate is only one among the Bench of Magistrates in each district; while his usefulness may be evident his particular influence is not sufficient to check influences on political ground, caused by the nominations made by party Governments.

32. If proper selections were made, the influence would be sufficient to counteract this tendency to degenerate? Yes; it is the badness of the selection, I apprehend, in this system. I think if Police Magistrates were judiciously appointed, and their districts so apportioned or divided as to enable them to take within their ministerial control the greater part of the Colony, that the appointments to the Bench of unpaid magistrates might almost cease, or be very much diminished. The only excuse urged on us when in the Government, and on other Governments, for the large number of nominations to the Commission of the Peace, was the difficulty of procuring the attendance of a sufficient number of magistrates to administer justice for the people in the inferior courts. That would cease if there were paid magistrates for each district—a certain radius in extent—where these cases could be brought. A great deal of evil would therefore be done away with by the non-necessity of unpaid magistrates. There is another reason in favor of paid Police Magistrates. In small communities people know one another well, and, in spite of their good intentions, prejudices will arise amongst the residents of the different districts respecting unpaid magistrates

magistrates. There is an apprehension, however unjustly founded, that favoritism or partiality may be shewn, (I am speaking of the humbler classes who reside within the districts of unpaid magistrates.) It is thought that they have a fellow-feeling more for one another than for those for whom they administer the law. I think that apprehension would be less likely to attach to paid Police Magistrates.

The Hon. S.A.
Donaldson,
Esq., M.P.

17 June, 1858.

33. The magistrates are bound together by a similarity of interests in the country districts? It is believed that generally they are.

34. Whether rightly founded or not, there is in many instances a growing distrust in the minds of the working classes with respect to unpaid magistrates? I don't say it is rightly founded, but I think there is. They cannot give up the idea. If when they first attend they cannot get a Bench to decide what appears to be some trifling matter to the magistrates, but which is of vital importance to the humbler classes, it causes them to have a feeling that the magistrates are not friendly to their interest. I only instance that as showing an additional reason may exist for having stipendiary magistrates instead of unpaid magistrates.

35. It has been suggested to the Committee that the people should elect a number of gentlemen in their districts, from whom the Government might make the selection of persons fitted for the Commission of the Peace—what is your opinion of that? I have a decided objection to elective magistrates. I cannot help thinking that in an election of that sort all the worst objections that can be found to the election of representatives would be increased and enhanced. The local feelings and local prejudices—personal dislike to some and personal influences of others—would exercise a baneful effect upon such elections. I am afraid that, so far from doing good, it would create rancour and party feeling, and there would be a greater amount of distrust, from the prejudices of party feeling, than there is now by the nominations, had as it can be, by Responsible Government. I have a great objection to elective magistrates.

36. You are aware that experience shews that success in any election does not always depend on good qualities, but on the amount of tact shewn by the parties who support him? To a certain extent. I don't say the election of candidates for the Houses of Parliament is on the same ground objectionable as the election of magistrates. It has been proved in this country under Responsible Government, and I have no doubt it is inherent in the Anglo-Saxon mind, to select the best man as representative. I think the duties of representatives are so different from magistrates, which are confined to local objects—I don't apply the same rule to both.

37. Then I gather from what you say, that on the whole the more general appointment of Police Magistrates would prove the best mode of remedying the evils complained of? I think it would remove many of the evils now found to exist.

38. *By Mr. Lee:* It is your opinion, I believe, that it would be desirable for the Benches to recommend to the Government certain parties residing in the districts to the magistracy? I think that these recommendations would have less and less force and value as time goes on, because the Benches will become more and more partizan as the nominations by party governments go forward. I would, therefore, look on their nominations with less weight and consideration than I would have done some time ago. I think, to ask them to nominate magistrates when a certain political party composed a majority of the Bench, would be to add to the party that preponderated already.

39. Do you not think the Benches have the greatest opportunity of knowing gentlemen that are best fitted to act as magistrates? I think their recommendations ought to be received with respect.

40. Are you of opinion that Police Magistrates should be appointed to the populous districts or to the distant districts? I think they would be very useful to both; but I think in the remoter districts they would be more valuable.

41. Are you aware that, during your government, there were some districts where no magistrates attended, and that people could not get their business done? Yes; that is the system I pointed out as objectionable to the appointment of unpaid magistrates.

42. You think that Police Magistrates would be more valuable? I think Police Magistrates more valuable in remote districts than in those near to Sydney.

43. *By Mr. Marks:* I think you said the present mode of appointing magistrates was objectionable to some extent? Yes, I do.

44. And you thought the objection might be removed if the appointment were left in the hands of the Judges? Yes. I said that had occurred to me; but I also suggested a grave objection to it. I stated, that appointment to the magistracy is almost inseparable from Responsible Government. I illustrated it by English precedent. I said, as party government became more and more the law of the land, the nominations would partake more of the character of party government, and, if you found a number of magistrates nominated by one party, in the revision of the electoral lists, the incoming party who came into power would feel disposed to nominate a great many more, and so it would go on, and the objection increase. When I said the appointment should be left to the Judges, I pointed out the objections to that course, and the Chairman said the Judges themselves objected to it.

45. You would not place the power entirely in the hands of the Judges? No, I think not. I would not even place it in the hands of the Governor General, because, as I have already said, unless he exercised it quite independently of his Executive Council, it would be inoperative. I see nothing to remedy the evil but a diminution of appointments and a feeling on the part of the Government to determine to resist party applications, which I do not say is impossible, although it is difficult. It is easier to object than to point out and carry into effect the remedy. One way towards finding out a remedy in all these political and social considerations is, finding out the evil—the remedy does sometimes present itself after you have first clearly pointed out the evil.

46. Do you think there are many ineligible persons in the Commission of the Peace? Yes; many very ineligible persons.

47. Do you think there are many eligible gentlemen in the country districts who are not in the

The Hon. S.A. the Commission? Not a great many; there are some who would not accept the honor, and some who would not take the responsibility.
 Donaldson, Esq., M.P.
 48. You think there are very few? I would not say so positively, but certainly throughout the country a large selection has been made already from persons holding the position in life that would entitle them to the appointment.
 17 June, 1858.

49. Do you think under any other mode of appointment better magistrates could be got? It is very difficult to suggest a plan. From my experience of Responsible Government, I know, although there may be an inclination to strike out the names of public delinquents, the obstacles in the way of proof are so great, that we found much difficulty in striking out names. I believe our successors have not issued one single supersedeas, or only one.

50. Do you think if there was a less objectionable plan more eligible persons could be got? Probably, yes; but in the meantime I think a great number will be got to accept office, if the nominations go on; and that the number of ineligible persons will increase.

51. What is the best mode of purifying the Commission? I don't see any way. I don't think any Government would have the moral courage to interfere. The appointments are made according to law, and under the authority of the Government. To nominate is one thing, to expunge is another. I see great difficulties in expurgating the Commission of the Peace now.

52. You think it would be improper to strike a gentlemen out of the Commission of the Peace if there was nothing found against him, except at the time of the appointment? I say it would be unfair to strike a gentleman out, except for some public delinquency, or some impropriety, notorious, capable of proof. I say again, the appointment is made according to law, and it is unjust to deprive him of the post he holds, unless a charge against him is proved. Where an ineligible person is found in the Commission of the Peace, the responsibility rests in his nomination with those who placed him there.

53. *By the Chairman:* In regard to the objectionable appointment, to which you have alluded, what is it in your mind that constitutes the objection—is it a deficiency in education? I might point out several as objectionable peculiarities.

54. What do you think the qualifications ought to be to fit a gentleman for the office of magistrate? I think in this country I would put education perhaps in the first rank; a fitness by educational training not only to understand, but to administer the law in such a way as to make its administration respectable. Next to that, I should place high moral character—a magistrate constantly sitting in cases where social delinquencies are punished should not be open to the taunt of living immorally himself. Habits of temperance and self-control I also look upon as very essential in a magistrate. Beyond these three leading characteristics, I should say in this country local residence of some duration in the district to which he belongs, and some experience in the Colony generally, are, undoubtedly, of very great value. I don't know anything that tends in a new Colony to cause a disrespect for magistrates, or causes magistrates to be held in contempt more than ignorance, intemperance, violence on the Bench, or a notoriously immoral life. I think in that general way I can answer the question. Wherever I found the absence in a marked degree of any one of the characteristics which I have named, I would not consider a person fit to be put in the Commission of the Peace. On the other hand, if I found any person whose position was humble, but who possessed these qualifications, I should think him as fit for the Commission as the highest gentleman in the country.

55. Then you are of opinion that these qualifications have not been regarded as they ought to have been, either during the present Administration or under preceding Administrations, or under Irresponsible Government? I will not go the length of that, but I think that in some instances they have not been sufficiently regarded.

The Hon. Charles Cowper, Esq., M.P., Principal Secretary, called in and examined:—

The Hon.
 C. Cowper,
 Esq., M.P.

17 June, 1858.

1. *By the Chairman:* You are the Colonial Secretary? Yes.
 2. What is your opinion of the present state of the magistracy of the Colony? Taking the magistracy as a whole, I think it is efficient for carrying out the objects for which it is designed. Of course in a new country you cannot expect always to be able to obtain for such duties men of equal attainments in all respects as to education and social position, as are available in an older country. It has often appeared to me, that many of the complaints with regard to appointments to the magistracy have been unreasonable. I am quite willing to admit that there are gentlemen in the Commission of the Peace whose habits are exceptionable; still, when the question has been before the Government from time to time, even in issuing new Commissions as to the superseding of these gentlemen, it has been found a very great difficulty to determine whether their defects of character have been such as to demand their exclusion from the Commission, even at the most appropriate time that could be selected for deciding the point.

3. Do you think, generally speaking, that the magistrates command the confidence of the people in the different Police Districts of the Colony? Yes, I do. I think even those gentlemen who perhaps by education and social position would be selected for the magistracy as preferable to many others, are not the gentlemen most willing to give up their time, or the most ready to devote themselves with the same amount of disinterestedness and zeal, to the performance of the duties as others not in some respects so well qualified. I have always felt that if the individual recommended for the Commission of the Peace were competent, by general intelligence and unexceptionable character, it was of comparatively less importance that he should be highly educated, or move in a particular sphere of life. No doubt a certain amount of education is absolutely necessary; but from the very earliest history of the Colony down to the present moment, I believe it will be found that some of our most valuable magistrates—those who were the most zealous in the performance of their duties, and who perhaps

perhaps had the confidence of the public more than others—have been persons of not the highest attainments as regards education.

4. Very high attainments are, of course, not necessary; still, a gentleman in the Commission of the Peace ought to know how to read and write. It has been given in evidence that there are cases where the gentleman could not even read the oaths that were administered when sworn in properly? I am not aware of such a case; and I may say, with regard to the statement, that short as is the period during which I have been empowered to recommend appointments for the magistracy, it has satisfied me that the most unfounded rumours are circulated with regard to such appointments. Prejudices, proceeding partly from feelings of jealousy, and partly from other feelings not of a very creditable nature, alone can account for this state of things. I will give one instance of what I mean: When the first appointments were made to the Commission of the Peace by the present Administration, the most extravagant misstatements to the prejudice of parties were made to me. I believed at the time they were unfounded, and in several cases they were traced out and thoroughly disproved; so, on a more recent occasion, similar statements were made which I satisfied myself were absolutely untrue. Persons' names were sometimes mistaken; and individuals bearing the names, or something like the names of other parties, were assumed to be the persons appointed. Such statements as you have alluded to—that parties were not able to write—were made when I myself witnessed the writing of the parties, who I therefore knew could write as well as myself; and the same remark may be made with regard to their alleged previous history in the Colony. Assertions were also made and maintained in reference to particular circumstances with such perseverance that I was led to doubt every authority that I could refer to; but, having traced them out to their very source, I have after all found them to be absolutely false. Much of the ill-feeling which is often excited by appointments to the magistracy may be accounted for by the jealousy of those who consider themselves to have been passed over.

5. Now, so far as your observation has gone, have the appointments to the Commission of the Peace been dependent altogether on the absolute want of magistrates in the locality in which the gentlemen appointed reside? I have generally made that a material ingredient in the consideration of appointments; for instance, in Sydney very great complaints were made as to the non-attendance of magistrates, and it was mainly on that account additions were made. A large number of merchants and other gentlemen who are very eligible on account of their position have been appointed, and remain in the Commission, and their services are occasionally valuable, although they do not regularly attend the Bench duties. Still there have been very serious inconveniences felt at the Police Offices from the want of a regular attendance of magistrates, and not only when I was formerly in the Government, but since I resumed office in the present Administration, application was made to appoint the chief clerk a magistrate, simply to perform ministerial duties, because magistrates could not be induced to perform them. I objected to that course, and in consequence, added to the Commission of the Peace mainly for the convenience of the public.

6. And in regard to the country districts, you have been guided by the same principle—the want of magistrates in the interior? So far as I remember, almost universally.

7. Are you aware that any objections exist to the magistracy, as a body, in the country, from the fact of their having been generally engaged in the same occupations, and from being united together by a certain communion of interests, particularly in cases between masters and servants? I have heard that such a feeling does exist. Personally, I do not consider it has much weight. The mode in which the magistrates of the Colony have generally carried out their duties has disproved the allegation; and I think I may refer to an opinion expressed, on a former occasion, by a late Member of this House, Mr. Nichols, who stated—after great experience in cases which were brought before him—that, in his opinion, the magistrates, as a body, did perform their duties with a very creditable amount of intelligence and with strict impartiality.

8. That was some ten or twelve years ago? Yes. I do not think the magistracy has deteriorated since.

9. It has been reported that it has, and that the appointments made during Sir Charles Fitz Roy's time were far more objectionable than any made before? I do not think that applied so much to the country districts as to those in or near Sydney.

10. Suppose a party in a Police Court in a country district feels himself aggrieved, how can he obtain redress? No doubt he feels the inconvenience of being at a distance from the Supreme Court of Justice; but the cases of appeal, on the ground of injustice, are not numerous.

11. Perhaps you are influenced in your opinion by the fact that as cases are silently passed over there is no grievance to complain of? That did not actuate me in expressing my opinion. I may have been influenced by not hearing of many cases of appeal. The reason I cited Mr. Nichols' opinion was, that that gentleman having been so influential a practitioner of the Supreme Court, and having been almost universally employed in that particular branch of his profession, expressed that opinion so confidently in favor of the magistracy as a whole, and I think he went so far as to state, that in nearly every case where a decision was adverse to the magistracy, it was so upon grounds of a technical nature rather than for reasons affecting the impartial administration of justice.

12. That opinion was expressed during the administration of Sir George Gipps? Yes.

13. The law has been altered very much since? Yes.

14. Those cases that are adjudicated in the Police Courts are of just as much importance to the poor who are interested as those which are decided in the Supreme Court are to the richer portion of the community? Yes, that I freely admit.

15. The sum of £5 may be the same to a poor man as £500 is to a man in a higher station of life. Now, if the State provides for the due administration of the law in regard to the man in the higher position, is not the State bound to provide for the protection of the poor

The Hon.
C. Cowper,
Esq., M.P.
17 June, 1858.

man, even in the small sums he is interested just as much? I do not understand the bearing of the question, unless it applies to the facilities of applying to a higher Court. These facilities, I apprehend, will be very much extended by the erection of the District Courts.

16. Do you think the more general appointments of Police Magistrates in the country districts would be beneficial? I do not. I think the only convenience attending the appointment of Police Magistrates is the assurance the public have that, as they are paid officers, they will be at particular places at stated times to administer justice. I cannot admit that an individual is better qualified to perform a public duty because he receives a salary for it. It has always appeared to me highly desirable that the gentlemen resident in the districts should administer justice and perform the duties of magistrates; and in that respect I should be very glad to see the Institutions of the Colony of the same character as in the Mother Country. If Police Magistrates could be obtained having (as perhaps your question might assume) a knowledge of the law, and be filled by persons of high standing, possibly it might be desirable to appoint such functionaries; but we know, as a matter of fact, that the amount of salaries given to Police Magistrates, if you extend the number, is hardly likely to increase; and it is not sufficient to secure persons better qualified than other gentlemen who are resident in the particular districts. On the contrary, there are no doubt in every district many gentlemen as qualified and quite as willing to administer justice, as the individuals who may be appointed and paid for the performance of those duties. I do not entertain the opinion that there is such a want of confidence in the country magistrates generally as on that account to render the appointment of Police Magistrates necessary. I have myself always held the opinion, that unless there is a total want in the districts of persons competent to be appointed magistrates, or there is an amount of police business sufficient to occupy the whole time of the magistrate, a Police Magistrate ought not to be appointed.

17. Then, of course, you are of opinion that the ordinary magistrates are quite competent to deal with the general business of the Courts? Yes; and that they are the proper persons to do it. I should be sorry to see the unpaid magistracy dispensed with, but if Police Magistrates are to be universally appointed, I see no reason for others.

18. Then it follows that greater care should be exercised in the appointment of magistrates? Yes; I admit that great caution should be exercised in all cases.

19. What is the rule at present—the fitness of individuals, as well as want of magistrates, in districts? Yes, both.

20. Are you not aware that parliamentary or political influences are often brought to bear on appointments of this kind? There is no doubt that applications are made to the Government by Members of both Houses of Parliament; and it has been contended by very many persons of eminent position that there can hardly be a fitter mode of bringing candidates for the magistracy under the consideration of the Executive Government than the nomination by persons who represent the districts, and in this respect the position of Members of Parliament has been considered as analogous to that of Lord Lieutenants or Deputy-Lieutenants in England. The Government should have some knowledge of the party who recommends, as it is impossible that the Government can have intimate personal knowledge of every individual throughout the Colony, and therefore, in acting upon recommendations of those persons who are elected by the people resident in the particular districts, there can hardly seem to be a less objectionable mode of bringing the names of gentlemen to be appointed magistrates before the Government. I am not aware that political considerations have guided the appointments of persons to the magistracy apart from all other considerations; but I am aware that the statement has been made that certain persons holding certain political opinions have been appointed to the Commission of the Peace, while others, not better qualified, and not enjoying more of the confidence of their fellow-subjects, have been passed by. The opinion has also been expressed, that political considerations had their weight in causing such omissions.

21. Have you heard of a case in one particular district (during a late Administration) in which fourteen magistrates were appointed on the recommendation of one gentleman in that district? I have.

22. Do you think the wants of this district were so great as to render the appointment of so many necessary? I am not competent to offer an opinion. I may state, as the result of my own experience, that I have been surprised to find in the districts of the interior such a great want of magistrates, and I have no doubt, from the representations made to me by impartial persons, that this has existed particularly in the more northern districts. I have also been surprised to find in these districts so many persons who, so far as I could form an opinion, were quite competent for the magistracy, and who were quite willing to undertake the duties, but who had never been appointed.

23. You know, as a fact, that fourteen gentlemen were appointed on the recommendation of one Member? That was no doubt admitted in the Assembly. I do not know the extent of country over which they exercised jurisdiction.

24. Are you aware that the gentlemen appointed were nominated by a gentleman a supporter of the Government of the day? I am aware such was the fact, and that one of that gentleman's sons-in-law took his passage to England just as he was appointed, and has never been back to the Colony since.

25. Are you aware that at the same time recommendations that came from other Members opposed to the Government were neglected altogether—in part, if not altogether? I believe that was the fact.

26. Then does it appear to you an unreasonable presumption, that Parliamentary influences ruled the appointments in these cases, and prevented the appointments in other cases? Parliamentary considerations might rule the appointments in some cases, but I am not sufficiently acquainted with the circumstances to say that Parliamentary influences guided the determination to exclude others. There seems to me, so far as I had an opportunity of

The Hon.
G. Cowper,
Esq., M.P.

17 June, 1858.

of judging, to have been an unwillingness on the part of preceding Administrations to augment the magistracy to any great extent. I arrived at this conclusion after I had gone over the list of persons recommended to me when formerly Colonial Secretary, and comparing that list with the appointments which subsequently took place. Having again come back to office, and having received complaints from persons who stated they were led by the previous Administration to believe that they would be included in the Commission, but were not so included, I would only ascribe the exclusion to the unwillingness to which I have alluded. I should be otherwise at a loss to know why they were not appointed, for in one instance the party took no interest in politics, and I cannot imagine that that would be considered as ground for exclusion.

27. You see no objection, I understand you to say, to the recommendations of the Members of the districts? I think the Government ought not to consider themselves bound to accept every recommendation, but I do not see any objection to the Members of both Houses nominating parties who they know are willing to undertake the duties, and who they believe to be competent to perform them, and in addition, certifying that they have the confidence of their fellow colonists.

28. Certifying they have the confidence of their fellow colonists? Yes; expressing an opinion entitled to weight. I do not know any more legitimate source from which the Government could obtain opinions entitled to consideration. It has in former years been very much in practice—I believe I am correct in saying so—to appoint no person to the magistracy who was not recommended by the existing Bench, and even in some cases to refer to the existing Benches, to know whether parties were qualified, or whether their appointments would be acceptable to them. I confess that now we have obtained Responsible Government, the present is, in my opinion, a more legitimate and proper mode of having parties brought under the notice of the Government.

29. Is there not great risk of party influences being brought to bear in appointments to the Commission of the Peace? Party influence will, I apprehend, always have some weight with Government, but the Government ought to have sufficient moral courage to refuse the appointment where parties are known to them to be disqualified, morally or intellectually. The knowledge which Government would possess without some suggestion must be very limited. They must depend to a great extent on the recommendations of Members. The course which I have usually adopted is this:—I receive the recommendation, and it is noted; no promise is made, but the Government are understood to consider the recommendation favorably; and further information is acquired as opportunities arise, either by private communication or through Members of the House generally. The Government have thus opportunities, of which they can avail themselves, of knowing whether or not there are objections to such appointments. The Ministry, representing several constituencies, have also amongst themselves some personal knowledge by which they can advise each other. I should deprecate as much as any one political influence being the only guide in determining appointments.

30. What do you think of the mode of resorting to election? That subject has also been considered by me, and although hereafter, when our Municipal Institutions have been established, and have been working some time, eventually we may be in a position to elect the magistrates—that time has not yet arrived. We have, unquestionably, been very backward in the introduction of Municipal Institutions, but when they have been introduced, and have been worked successfully, we may gradually introduce several changes in matters of Government, and possibly the appointment of magistrates by election. At the present time Aldermen are elected for the Sydney Municipality, and they are occasionally appointed to the magistracy mainly on the ground of being Aldermen, which seems to be rather a step in that direction.

31. What do you think of the people in the different districts electing a certain number, from whom the Government might select in their discretion? This seems at first rather a novelty, and, without consideration, I should not like to commit myself to an opinion in favor of the proposition. It is evident that elections to the Municipalities, so far as they have gone, with reference not only to the City but to the District Council, would not lead you to suppose that many of a higher class would be elected as magistrates than those whom the Government have appointed, as a whole. I think people with great defects of moral character are often very popular with their fellow-citizens.

32. But then, if their immorality were gross and notorious, the Government, under the plan I have just proposed, need not appoint them? Unquestionably; but then the question is, what would you gain by allowing the element of election to be introduced with the power of the Crown to veto.

33. The appointments at all events would be limited to this, which would provide for those chiefly interested the administration of justice in particular districts? The subject is one that I have not sufficiently considered to enable me to express a decided opinion upon it.

34. Sir Alfred Stephen suggested that the magistracy should be appointed for different districts—the Southern District, the Western District, and the Northern District—that a new Commission for each district should issue every three years, thus involving a revision of the magistracy for each district every three years—what do you think of such a plan as that? I am not inclined to view favorably the proposition restricting the jurisdiction of magistrates; because I think the conferring a jurisdiction co-extensive with the Colony is convenient, and I cannot conceive why a gentleman who is qualified to act for one particular district should be disqualified to act for any other. With regard to the occasional re-issue of the Commission of the Peace, the value of this would altogether depend upon the amount of moral courage which the Executive Government might exhibit in issuing the new Commission. No doubt the object desired to be obtained is the relieving the Commission of the Peace, in a legitimate way, of persons whose conduct might have proved them to be unfit for the position to which, under a different supposition, the Government had appointed them; but when the last Commission of the Peace was issued, it was a matter of general surprise

The Hon.
C. Cowper,
Esq., M.P.

17 June, 1858.

surprise and comment that the Government did not avail itself of that opportunity to omit several names from the magistracy, who were however re-appointed.

35. Have you issued any writs of supersedeas since you became Colonial Secretary? With the exception of cases of insolvency, I think only one. In consequence of a complaint made to the Government in the case of Mr. Charles Bayly, of Liverpool, which the Government thought of a serious character, they appointed a Special Commissioner to proceed and investigate the circumstances at the Court House, Liverpool. But the party who made the original complaint did not appear to sustain the charge, and therefore the report of the Commissioner was not such as to justify the Government in taking any further steps with reference to the matter; and although repeated complaints have since been made to me in conversation personally by the magistrates of the district and by other persons, and although I have received intimations that definite charges would be made of the unfitness of this person to hold the office of magistrate, no formal complaint has since been made to the Government which would, in my opinion, justify the adoption of a course which, if the allegations made be well founded, the Government certainly ought to take, and would take.

36. *By Mr. Forster:* With regard to the appointment of Police Magistrates, you seem unfavorable? I am. I quite admit there are cases where the appointment is necessary, and where, if you get a good man, the appointment may be of advantage; but I would not encourage the magistrates of the districts to seek to evade duties which I think society has a right to expect from them, to a certain extent, and which I think are better performed by them than by any substitute.

37. Do you consider every public servant, whether paid or unpaid, is responsible to the Government, and through them to the public? I do.

38. In what way is the responsibility enforced in unpaid magistrates? I have already stated to the Committee that the Executive Government having once appointed a magistrate, have comparatively little to do with the way in which he performs the duty. I view him as administering the law, and whenever he may act improperly, the legitimate tribunal for punishing him, or determining whether he is right or wrong, is the Supreme Court.

39. Would not the necessity of applying to the Supreme Court in such cases as you have mentioned involve a serious expense to the person who avails himself of that mode? Unquestionably, it must involve some expense.

40. Will not that deter persons from seeking this under that particular channel? It may, in some cases; but I think if it is a serious case, the party if able to meet the expense will not be deterred on that account.

41. Might not this want of responsibility fall most heavily on those cases where men of small means are concerned? No doubt.

42. Is not that admitting the responsibility of which you speak as void for a man of small means? If you get a gentleman to undertake a delicate and difficult duty, I do not think he ought to be too easily subjected to annoyance or very serious expense for the performance of those duties to which he devotes himself, at perhaps great loss, unless gross partiality or corruption were alleged.

43. I think you admitted that in cases of men of small means there were no means of enforcing the responsibility? Except in the Supreme Court. I should deprecate frequent or too ready interference by the Executive Government with the magistrates. I view them as Judges, and as such not amenable exclusively to the Executive Government.

44. Is there no other way of enforcing the responsibility of unpaid magistrates except through the Supreme Court? No doubt there are cases in which the Executive Government might be so satisfied of misconduct as to issue a supersedeas. I apprehend if a magistrate sat in a case in which he was himself concerned, or if there was reason to believe that he sat for the purpose of determining the case partially, or for the benefit of a particular friend, as in the case of supersedeas to which I have referred,—in such a case, on it being proved or admitted, the Government would issue a supersedeas. That is the amount of responsibility to which magistrates are amenable to the Government, but charges of unjust decisions are matters for a Court of Law. These can only be dealt with by the Supreme Court.

45. Have you not in evidence adduced a great number of cases that go to prove that in the magistracy there are a number of persons totally unfit for the office? There are some; I do not think a great number.

46. There are some? Some magistrates are, doubtless, not fitted for the office.

47. Without wishing to cast any blame upon Government, have you not admitted that the continuance of people in the Commission of the Peace is almost inevitable under certain circumstances—there seems no way of removing them? There is a way of removing them, but there is, no doubt, the same difficulty in making the law apply as to other cases where there is any unwillingness to carry the law into effect.

48. Then this is an admission that there is no way of enforcing the responsibility? Your question which commenced this branch of the examination rather applied, as I thought, to the case of a person who believing himself to be the victim of injustice by a magistrate could not get redress.

49. No; I allude to general responsibility for any sort of offence, or any kind of disqualification of office: if these persons continue in the magistracy—if there is no legal or formal mode of removing them, does not that particularly do away with the responsibility so far as these gentlemen are concerned? My opinion is, that the Executive Government have the power, upon a case being proved to them, irrespective of the remedy the party may have in the Supreme Court; but I also think the Executive Government ought to be very careful in dismissing magistrates, and that they ought to require a very strong case to be made out before issuing a supersedeas.

50. But still the responsibility of which you have spoken cannot be enforced in this way? There is, I contend, a double responsibility affecting the magistrates. They are certainly amenable to the jurisdiction of the Supreme Court, and unquestionably in those cases of which

which I speak (matters of complaint to the Executive Government) they can also be dealt with by the Executive Government.

51. But, if practically they are not dealt with by the Executive Government, is that responsibility not in abeyance altogether? I do not admit the Government would not act in strong cases; but there are many comparatively trivial cases in which parties consider that they have a right to feel aggrieved, and the Government refer them to their remedy in the Supreme Court.

52. Can any case be stronger than Mr. Bayly's, or more notorious? If Mr. Bayly committed a gross injustice, I apprehend the Supreme Court might bring Mr. Bayly to account; and if any person would substantiate a serious charge against Mr. Bayly, or bring his conduct in a regular manner under the notice of the Executive Government to determine the question, the Executive Government would not be found wanting in doing its duty.

53. I am not casting any blame upon any one. I wish to know the system. Is it not a fact, as regards Mr. Bayly, that although he is totally unfit for the office, in fact there is no mode of enforcing the responsibility against him, because persons cannot be got to complain? There are many other delinquents who escape punishment for want of an accuser.

54. I want to ask one further question—whether you can conceive that it is right that Mr. Bayly should retain the office of magistrate after the facts are known to the Government? I have already said Mr. Bayly's accuser failed to appear and support his charge, and it would be quite possible for a Police Magistrate to commit acts of misconduct as gross as are publicly imputed to Mr. Bayly, and still to remain a recipient of the salary from the public as a Police Magistrate, if no person complained; for there is so great an unwillingness on the part of the public to become accusers, that I can conceive it possible for a popular Police Magistrate to be guilty of very great improprieties and no one be found to bring these improprieties so markedly before the Government as to justify the Government in dismissing him.

55. I suppose you admit it is easier to enforce responsibility in cases of paid servants than unpaid? Yes, as a general rule, I do.

56. That is, in favor of paid Police Magistrates? So far it is.

57. *By Mr. Lee:* Have you had many complaints from the people about the Bench of Magistrates giving wrong decisions? Not many.

58. You have had some? Yes—that is to say, the parties decided against were dissatisfied with the decision.

59. What is your opinion about the Court of Requests cases tried by the magistrates—do you think the Court of Requests is not more a Court of Equity than a Court of Law? No doubt; but still I think the magistrates are bound to respect the law in all their decisions. I think the extension of the power of dealing with small debts to the magistrates generally has been a great boon to the public.

60. You have not heard many complaints? In that respect I have not heard any complaint.

61. With regard to Police Magistrates, are you aware in distant small towns your magistrates are living some ten or twenty miles from the place where they have to undertake the business of the Petty Sessions—such as Mudgee or Wellington? You have a Police Magistrate at Mudgee.

62. Only recently—well Wellington? I do not consider ten miles in the country too great a distance for magistrates to travel in the performance of their duties. I do not myself think it desirable in country districts to have the Police Office open every day. You only give too great facilities to parties to make complaints before magistrates; and a spirit of litigation is encouraged by the Police Office being open every day in the country districts.

63. Are you aware that in Molong four years ago suitors had to attend for three weeks, because they never could get magistrates together to hear their cases? I was not aware of this.

64. Do you think in small towns like these that the Police Magistrate appointed could attend to the two districts of Molong and Wellington each week? No doubt he might.

65. By allowing him something for his horse? Where there are not gentlemen in the district to be appointed to the Commission of the Peace, of course you must provide for the administration of justice otherwise; and I can understand that a Police Magistrate, if he worked harmoniously with the country magistrates, would be found a convenience; but if the Police Magistrate happened, as was not unfrequently the case in former years, to be unpopular, and even disobliging, not to speak of any graver offence, he is a very undesirable fixture in any district.

66. Does that arise from the other magistrates being jealous of his having more power than they have themselves? I think that feeling has disappeared—no doubt there was that feeling.

The Hon.
C. Cowper,
Esq., M.P.

17 June, 1858.

WEDNESDAY, 23 JUNE, 1858.

Present:—

Mr. FORSTER,
Mr. MARKS,Mr. MURRAY,
Mr. PARKES,

Mr. PIDDINGTON.

T. A. MURRAY, Esq., IN THE CHAIR.

The Hon. Edward Deas Thomson, Esq., C.B., M.L.C., examined:—

- The Hon. E. D. Thomson, Esq., C.B., M.L.C.
23 June, 1858.
1. *By the Chairman:* You were Colonial Secretary in this Colony for many years? I was, for a considerable number of years; upwards of nineteen.
 2. How used the appointment of magistrates to be carried out, or decided upon, by the Government? The general practice was for application to be made to the Governor through his Private Secretary, proposing the names of persons whom it was desired to place in the Commission of the Peace, and the Governor decided whether they should be put in or not, making such inquiries as he thought necessary. In some cases applications were made officially through me as Colonial Secretary, but that was not the recognized mode of applying. In general those who applied in that way were told that it was not the proper course—that the qualification of persons to be placed in the magistracy was not a fit subject for official correspondence, and that if parties desired any one to be placed in the Commission, the proper way was to apply to the Governor direct through his Private Secretary. Application was also occasionally made to the different members of the Government, who, if they were satisfied with the qualifications of the individuals proposed, and the expediency of their appointment having reference to the requirements of the districts in which they resided, recommended them accordingly for the favorable consideration of the Governor. In some cases exception was made to persons who were admitted into the Commission, and it then became the practice, but not formally, as a matter of record in the proceedings of the Executive Council, to mention the names of candidates at some meeting of that body before they were placed in the Commission. It was impossible for the Governor to know the qualifications of individuals in distant parts of the country, and it was thought better, therefore, that their fitness for appointment should be canvassed; so that, if any knowledge was had of the parties, the Governor might be advised accordingly; but that was not the invariable practice.
 3. From whom did the applications generally proceed? Generally speaking, I should say from magistrates of the district, and sometimes from the Court of Petty Sessions, in their collective capacity.
 4. In many instances the Governor, then, without reference to the Executive Council, made the appointment? Yes.
 5. This was the case during the administration of Sir George Gipps? The general practice was the same during the administrations of Sir Richard Bourke, of Sir George Gipps, and of Sir Charles Fitz Roy; but it was only during the latter Governor's administration that it became the practice to canvass the qualifications of individuals for appointment, in the Executive Council.
 6. We have been given to understand that the appointments made during the administrations of Sir Richard Bourke and of Sir George Gipps were, generally speaking, of a better character than those that were made during the administration of Sir Charles Fitz Roy? I am not prepared to say whether that was so. There might have been a greater difficulty in the later appointments, from this circumstance, that the Colony became much more extended, and, in some cases at least, it was a choice between persons who were not thoroughly qualified and no appointment at all; because, as you are aware, there was a great objection in those days to the appointment of stipendiary magistrates. There were constant applications for the appointment of magistrates in the remote districts of the interior; and unless the Government had complied with them, the law could not have been administered at all.
 7. Stipendiary magistrates were generally provided in those old times? In the early days they were—till 1843, when the late Legislative Council struck off a great number of Police Magistrates. In fact, in those early days, as you know, the magistrates had to administer summary jurisdiction in convict cases, and it was thought more desirable, for obvious reasons, that they should be dealt with by paid magistrates than the ordinary magistrates of the Colony. Most of the latter were assignees of convicts, and they could scarcely perform these duties, therefore, with perfect satisfaction to the public or to themselves.
 8. Then the appointments were made, in those days, in consequence of there being an actual want of magistrates in the localities for which the appointments were made? It was so. There were no other means of carrying out the law. I believe that, with the very extensive statutory functions with which the magistrates are now charged, more than nine-tenths of the whole administration of justice in the country devolves upon them. Of course that is a mere opinion.
 9. You think so large a proportion as nine-tenths comes before them? Yes. When you consider the very numerous cases which, under the present state of the law, have to be determined by the magistrates, either in Petty Sessions or in the General Quarter Sessions of the Peace, I think I may assume that this estimate is not far from the truth. I will briefly enumerate a few of the most important of them. The first to which I will advert is the licensing of public-houses. It will be admitted that scarcely any more important duty devolves on the magistracy than the proper decision of cases of this nature. It is most essential for the interest of the community that the privilege of holding a license should be granted only to men of thoroughly respectable character. I fear that, hitherto, sufficient care has not always been taken in this respect. Then there is the important duty of preparing and correcting the Jury Lists. It is obviously most necessary for the due and satisfactory

satisfactory administration of justice in the superior Courts of the Colony, that men only of proper qualification and character should be placed on these lists. There is another, and very difficult adjudication cast upon them,—that of determining cases of complaint between master and servant. I have always thought that it would be better to have paid magistrates to perform this duty; that it would be more satisfactory to the servant, because most of the magistrates are employers of labor; and it is no disrespect to them to say that they must be subject to the frailty of human nature, and to a certain extent be influenced in favor of their own interests. Another most important function which devolves upon the magistrate is the revision of the Electoral Roll. I have never thought that a very satisfactory mode of effecting the object; and I proposed, in 1851, when the Electoral Bill was before the late Legislative Council, the adoption of the English principle of appointing revising barristers to perform this duty; but from the difficulty of obtaining a sufficient number of properly qualified persons, and the large expense with which it would be attended, the Council in those days refused to entertain the proposition. It has since occurred to me, that if District Courts were established, the Judges of those Courts might be charged with this duty. They will be men of competent legal knowledge and ability, unconnected with the districts, and altogether the most proper parties to perform this most delicate and important function. It sometimes happens, I have been informed, that Members of the Assembly sit as magistrates in these Revision Courts. Now, without any imputation against them, or any intended disrespect, it is scarcely possible that they could perform this duty satisfactorily to themselves or to the body of electors, for there must be party feelings in the case, and especially in local districts, where party feeling generally runs high. It is more desirable, therefore, that some functionary unconnected with the district, and having competent legal knowledge, should be charged with the duty. Then there is another duty which devolves upon the magistrate, that of magisterial inquiry in the nature of inquests where no coroner is appointed. That obviously requires a competent knowledge of the law and practice in this somewhat difficult branch of the administration of justice. The committal of prisoners for trial at Quarter Sessions, the Supreme Court, and Circuit Courts, in cases of felony, misdemeanor, and other matters of that kind, greatly increase the responsible duties of the magistracy. Hitherto there has also been the important duty of adjudicating in civil cases of debt under certain sums; and I perceive in the amended form in which the District Courts Bill has been sent to the Assembly, that it is still intended in those districts where there are no District Courts to retain this jurisdiction of magistrates in cases not exceeding £10. Then there is the summary jurisdiction generally in those infinite number of cases of offences against the statutes, and which it has been the policy of the Legislature, both in England and in this Colony, especially of late years, to multiply to so great an extent. Upon the justices also devolves the important duty of adjudicating in all criminal cases not punishable with death which are within the jurisdiction of the Courts of General Quarter Sessions, as well as in the cases of appeal to those Courts from the decisions of magistrates acting singly or in Courts of Petty Sessions. If all these various calls upon the services of the magistrates be taken into account, I think I have justified the assumption that at least nine-tenths of the whole administration of justice in the Colony now devolves upon them. It will be readily admitted that if this be a correct estimate of the nature, extent, and character of the duties to be performed, it is the more necessary that men only of the highest and most unexceptionable character should be appointed to the magistracy. There has always been a very strong pressure upon the Government to place men in the Commission of the Peace. There are very few objects of distinction in this Colony, excepting seats in either House of the Legislature, and as men naturally wish to rise in the estimation of their friends and of the public, they desire to be placed in the Commission of the Peace. This has created a very great pressure on the Government, which it has been difficult, if not altogether impossible, to resist. There has also been this inconvenience sometimes—men of somewhat inferior qualifications have occasionally been appointed to the magistracy, and this has raised up a host of applicants, who naturally say, “If So-and-so is placed in the Commission, a man of little education and estimation in the community, why should not I.” This increases the difficulty of the Government, and points to the expediency and propriety of maintaining, as far as possible, a high standard of qualification. The same thing has been felt in England in a great degree. I find on reference to some of the authorities, that the institution of the magistracy is one of very old date. In the early days they were the conservators of the peace, the principal of whom was constituted the *custos rotulorum*, or keeper of the records. They were called “*custodes* or *conservatores pacis*.” Those that were so *virtute officii* still continue, but the latter sort are superseded by the modern justices.” Blackstone, in his Commentaries, says, “The King’s Majesty is, by his office and dignity royal, the principal conservator of the peace within all his dominions; and may give authority to any other to see the peace kept, and to punish such as break it; hence it is usually called the King’s peace.” Then he proceeds to enumerate the superior persons who, *virtute officii*, are conservators of the peace, including the Lord Chancellor, the Justices of the Court of King’s Bench, and others. He then observes, “Those that were, without any office, simply and merely conservators of the peace, either claimed that power by prescription, or were bound to exercise it by the tenure of their lands, or, lastly, were chosen by the freeholders in full County Court before the Sheriff; the writ for their election directing them to be chosen “*de probioribus et potentioribus comitatus sui in custodes pacis*.” But when Queen Isabel, the wife of Edward II, had contrived to depose her husband by a forced resignation of the Crown, and had set up his son, Edward III, in his place,—he proceeds to say that the King issued a writ “commanding each sheriff that the peace be kept throughout his bailiwick, on pain and peril of disinheretance and loss of life and limb; and, in a few weeks after the date of these writs it was ordained in Parliament that, for the better maintaining and keeping of the peace in every county, good men and lawful, which were no maintainers of evil or barrators in the country, should be assigned to keep the peace; and in this manner,

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1868.

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1858.

"manner, and upon this occasion, was the election of the conservators of the peace taken from the people and given to the King; this assignment being construed to be by the King's Commission; but still they were only called conservators, wardens, or keepers of the peace, till the statute 34 Edward III c. 1 gave them the power of trying felonies; and then they acquired the more honorable appellation of justices."

10. By Mr. Piddington: Then, formerly the conservators of the peace were more in the nature of strictly executive officers rather than of persons empowered to adjudicate? Certainly, they were more as executive officers of police than as justices of the peace having also judicial functions to perform. Blackstone further states,—“These justices are appointed by the King's Special Commission, under the Great Seal, the form of which was settled by all the Judges, A.D., 1590. This appoints them all, jointly and separately, to keep the peace, and any two or more of them to inquire into and determine felonies and other misdemeanors, in which number some particular justices, or one of them, are directed to be always included, and no business to be done without their presence; the words of the Commission running thus—*‘quorum aliquem vestrum, A. B. C. D. &c., unum esse volumus,’*—whence the persons so named are usually called justices of the quorum.” But he goes on to say, it is now usual to include them all in the quorum, that they may be allowed to act. Then, “Touching the number and qualifications of these justices, it was ordained by statute 18 Edward III sec. 2 c. 2, that two or three of the best reputation in each county shall be assigned to be keepers of the peace; but these being found rather too few for that purpose, it was provided by statute 34 Edward III c. 1, that one lord and three or four of the most worthy men in the county, with some learned in the law, shall be made justices in every county; but afterwards the number of justices, through the ambition of private persons, became so large that it was thought necessary by statute 12 Ric. II c. 10, and 14 Ric. II c. 11, to restrain them at first to six, and afterwards to eight only. But this rule is now disregarded, and the cause seems to be, that the growing number of statute laws committed from time to time to the charge of justices of the peace have occasioned also (and very reasonably) their increase to a large number; and as to these qualifications, the statutes just cited direct them to be of the best reputation, and most worthy men in the county; and the statute 13 Ric. II c. 7, orders them to be of the most sufficient knights, esquires, and gentlemen of the law; also, by statute 2 Hen. V st. 1 c. 4, and st. c. 2 c. 1, they must be resident in their several counties. And because, contrary to these statutes, men of small substance had crept into the Commission, whose poverty had made them both covetous and contemptible, it was enacted by statute 18 Hen. VI c. 11, that no justice should be put in Commission if he had not lands to the value of £20 per annum. And the rate of money being greatly altered since that time, it is now enacted by statute 5 Geo. II, c. 18, that every justice, except as is therein excepted, shall have £100 per annum clear of all deductions.” Then, he says, “As the office of these justices is conferred by the King, so it subsists only during his pleasure, and is determinable, first by the demise of the Crown, that is in six months after. But if the same justice is put in Commission by the successor, he shall not be obliged to sue out a new *dedimus*, or to swear to his qualifications afresh: nor by reason of any new Commission to take the oaths more than once in the same reign. Secondly, by express writ under the Great Seal, discharging any particular person from being any longer justice. Thirdly, by superseding the Commission by Writ of Supersedeas, which suspends the power of all the justices, but does not totally destroy it; seeing it may be recovered again by another Writ, called a *procedendo*. Fourthly, by a new Commission, which virtually, though silently, discharges all the former justices that are not included therein—for two Commissions cannot subsist at once. Fifthly, by accession of the office of Sheriff or Coroner.” Then there is a passage to which I would particularly call the attention of the Committee. Perhaps I trespass too much, but it may be convenient to give reference to some of these authorities which are received everywhere with so much respect:—“The power, office, and duty of a Justice of the Peace depend on his Commission, and on the several statutes which have created objects of his jurisdiction. His Commission first empowers him singly to conserve the peace, and thereby gives him all the power of the ancient conservators at the Common Law, in suppressing riots and affrays, in taking securities for the peace, and in apprehending and committing other inferior criminals. It also empowers any two or more to hear, and determine, all felonies and other offences; which is the ground of their jurisdiction at sessions. And as to the powers given to one, two, or more justices by the several statutes, which from time to time have heaped upon them such an infinite variety of business, that few care to undertake, and fewer understand, the office; they are such, and of so great importance to the public, that the country is greatly obliged to any worthy magistrate that, without sinister views of his own, will engage in this troublesome service, and therefore, if a well-meaning justice makes an undesigned slip in his practice, great lenity and indulgence are shewn to him in the courts of law; and there are many statutes made to protect him in the upright discharge of his office, which, among other privileges, prohibit such justices from being sued for any oversights, without notice beforehand, and stop all suits begun on tender made of sufficient amends. But, on the other hand, any malicious or tyrannical abuse of their office is usually severely punished; and all persons who recover a verdict against a justice for any wilful or malicious injury are entitled to double costs.” With respect to the practice of later periods, I now quote from a celebrated speech of Lord Brougham and Vaux on Law Reform, delivered on the 7th February, 1828. He says, “I cannot help thinking it worth inquiry, whether some amendment might not be made in our justices of peace system. The first doubt which strikes me is, if it be fit that they should be appointed, as they are, merely by the Lords Lieutenant of Counties, without the interference of the Crown's responsible Ministers. It is true that the Lord Chancellor issues the Commission; but it is the Lord Lieutenant who designates the persons to be comprehended in it. Such a thing is hardly ever known as any interference with respect to those individuals on the part
“ of

" of the Lord Chancellor. He looks to the Lord Lieutenant, or rather to the Custos Rotulorum, which the Lord Lieutenant most frequently is (indeed everywhere but in counties palatine), for the names of proper persons. The Lord Lieutenant, therefore, as Custos Rotulorum, absolutely appoints all the justices of the peace in his county at his sole will and pleasure. Now I cannot understand what quality is peculiar to a keeper of the records that fits him above all other men to say who shall be the judges of the districts whose records he keeps. I think it would be about as convenient and natural to let the Master of the Rolls appoint the judges of the land (indeed more so, for he is a lawyer,) or to give the appointment to the Keeper of the State Papers. The Custos Rotulorum may issue a new Commission too, and leave out names. I have done it; but I have also known it prevented by the Great Seal: indeed it was laid down as a rule by the late Lord Chancellor Eldon, from which no consideration, his lordship was used to say, should induce him to depart, that however unfit a magistrate might be for his office, either from private misconduct or party feeling, he would never strike him off the list until he had been convicted of some offence by the verdict of a Court of Record. Upon this principle he always acted." Then, in a note he says, "The course since 1828, and especially since 1832, has been for the Great Seal to exercise a much more active interference in appointing magistrates; and the Lord Lieutenant (or rather Custos Rotulorum) no longer is the person alone consulted. This is now the case with Durham also, where the Bishop is no longer Custos, that office being now held by the Lord Lieutenant." He proceeds to show the great importance of appointing proper men to the Commission, from the very extensive powers now granted to them by statute. He says, "I have shuddered to see the way in which these extensive powers are sometimes exercised by a jurisdiction not responsible for its acts. It is said that the magistracy ought not to be responsible, because it is not paid; but we ought not to forget that as gold itself may be bought too dear, so may economy; money may be saved at too high a price. Mark the difference of responsibility between the Quarter Sessions and one of the superior Courts of the Kingdom. In the King's Bench the name of the Judge who pronounces the judgment is known, and the venerable magistrate stands before the country in his own proper person, always placed at the bar of public opinion. Here it is Lord Tenterden, it is Mr. Justice Bailey, by their names; in the other case it is merely the Quarter Sessions, which, as Dean Swift says, is nobody's name. The individual magistrates composing it are not thought of; their names are not even published. It is a fluctuating body. If the same individuals always sat in the Court there might be some approach to responsibility. At present there is none; and where there is no responsibility injustice will occasionally be committed, as long as men are men. It would be some correction of the evil if the number of magistrates was fixed; if their names were always known in connexion with their acts; and if they were more easily removable on proof of their misconduct. Then comes the question, is it after all gratuitous service? We are told 'we cannot visit the magistrates severely, or even watch them very strictly, because they volunteer their duty and receive no remuneration for their trouble.' But although they have no money for it, they may have money's worth. Cheap justice is a very good thing, but costly justice is much better than cheap injustice. If I saw clearly the means by which the magistrates could be paid, and by which therefore a more correct discharge of the magisterial duties might be ensured, I would certainly prefer paying them in money to allowing them to receive money's worth by jobs, and other violations of their duty." Then he recites a number of incidents as to the over-zeal of some magistrates, some of whom are clerical magistrates, and then makes these closing remarks:—"Some of these details may be ludicrous, but the general subject is a most serious and a most important one, because these facts shew the manner in which justice is administered to the people, out of sight of the public, and out of reach of the higher Courts of law. It is through the magistracy, more than through any other agency, except indeed that of the tax-gatherer, that the people are brought directly into contact with the Government of the country; and this is the measure of justice with which, when they approach it, they are treated, by functionaries irresponsible for their proceedings. A Justice of the Peace—whether in his own parlour or on the Bench—whether employed in summary convictions, or in enforcing what is called, after a very worthy friend of mine, 'Mr. Nicholson Calvert's Act'—is never an ostensible individual, responsible in his own proper person to public opinion; hardly ever, unless he chooses by some indiscretion to make himself so, amenable to a higher and purer judicature. The Judges of the land, chosen from the professors of the law, after the labors of a life previously devoted to the acquirement of knowledge calculated to fit them for their office, and clothed with attributes of supreme power over petty magistrates, are responsible for every word and act, and are subject to every species of revision and control. They were selected with the most anxious caution for every qualification of high character, and of profound knowledge; and yet they are incapable of pronouncing a single decision from which an appeal will not lie to some other tribunal immediately above them; while from the decision of the country justices—taken from the community at large, or recommended by habits least calculated to make them just—subject to no personal responsibility, because beyond or below the superintendence of public opinion—and irremovable, unless by a verdict for some indictable offence; from their decision there is no appeal; from their decision, although they have to deal with some of the most important interests in the country, there is no appeal unless their misdeeds shall have been set forth in a case submitted by their own free will, with their expression, to their Court of King's Bench." I think the Committee will be satisfied from the opinion of that very high authority, how important it is that only properly qualified men should be placed in the Commission of the Peace; that the highest interests of society are involved in the right discharge of this duty by the Government.

11. *By the Chairman:* Are you aware whether stipendiary magistrates are commonly appointed throughout England? I think they have been more numerous of late, but they exist

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1858.

exist in large numbers in Ireland. There are stipendiary magistrates almost every where there.
12. The practice of making such appointments has grown up since the period when Lord Brougham delivered this speech? I think so; a considerable time after. You will perceive he points to the desirability of appointing paid magistrates, if he saw his way clear to do so; but no doubt the enormous expense, and the difficulty of appointing properly qualified persons, would render it a matter of almost impossibility, particularly in this Colony. The stipend which is given to a paid magistrate can scarcely be supposed to command a man of very high qualifications, especially of legal attainments.

13. What is the salary usually given? About £400.

14. You are aware that in different towns throughout this Colony there are other officers, generally speaking, for some particular purpose connected with the Government? Only Clerks of Petty Sessions and Clerks of the Peace. There are Commissioners of Crown Lands, who have been hitherto employed; but I believe there has been some alteration in that respect.

15. Take the case of Goulburn,—there are there a Police Magistrate, a Commissioner of Crown Lands, a Clerk of Petty Sessions, and a Visiting Justice for the Gaol? But in general the duty of Visiting Justice is performed by the Police Magistrate; Goulburn is an exception, from an accidental circumstance: There was no Police Magistrate at Goulburn when the gentleman received the appointment of Visiting Magistrate for the Gaol, but I believe that no salary is now attached to the office.

16. Might not these offices be united? No doubt.

17. And thus a larger salary be provided for the person holding the office of Police Magistrate? Yes. I think you would command men of higher qualifications, if the stipend were higher, for men of ability and legal attainments must be paid well.

18. If the Commissioner of Crown Lands also acted as Police Magistrate in remote districts, he might of course itinerate? Formerly, we generally chose, when we could, men who were acquainted with surveying, and I think a Commissioner of Crown Lands ought to be a man who has some technical knowledge of surveying, so as to perform his duty properly. He should be able to point out allotments on the ground, and prepare maps and tracings for the information of the public, and I think there might be a difficulty in getting men qualified to perform both duties—I do not say an insuperable difficulty.

19. Are you acquainted with the working of the Assistant Barrister's Court in Ireland? I am not, but from all I have heard of these Courts they give great satisfaction.

20. This is the plan adopted, I believe, in the issuing of summonses: it is very simple:—The form is printed, and any party who has a grievance specifies his complaint in the blank part left for the purpose; he then signs his own name, and serves it on the party. The party served with the summons is bound to appear at the sitting of the Court the case is referred to, and the case is then proceeded with; and all the trouble we now experience in instituting proceedings is avoided? May any one issue a summons in his own case?

21. Any man may issue a summons in his own case? I should think that was a dangerous principle, and might bring many people to Court uselessly.

22. Then the party would be liable to pay the costs if the case went against him. Now, in many instances in the country districts, persons are obliged to go many miles to a Bench for a summons, and many cases are not prosecuted, unless felony, from the difficulty of obtaining justice? Yes, no doubt.

23. Another part of the working of the system is this, that the Judge who is assisted by the Barrister travels with only one attendant, the Registrar goes from town to town and holds his Court, has a jury impanelled and decides in civil and also criminal cases. The machinery is extremely simple, and the law is thus administered with great satisfaction to the people—do you think any such system as that would be suitable to our circumstances here? It is a subject which I have never considered sufficiently to enable me to express an opinion upon it, but I am rather doubtful whether it would operate properly. Besides, that would not provide for a great number of the cases of summary jurisdiction now submitted to the magistrates.

24. Under such an arrangement, I take it the summary jurisdiction might be very much curtailed—summary jurisdiction is a form in direct violation of common law; we have from expediency been increasing the power of the magistrate, but it appears that while the jurisdiction has thus been enlarged, the competency of parties to administer the law, generally speaking, has diminished. There was a suggestion made here some time ago by the Judges, to the effect that the Supreme Court should take cognizance of all the cases that are now tried at Quarter Session, and even the more important cases that are decided by magistrates in Petty Sessions. You remember the Report made some years ago—Mr. Lowe took a part in it? I have some recollection of it, but the circumstances of the Colony have changed since that. The establishment of Circuit Courts, and the proposed establishment of District Courts, will render such a system undesirable. I thought myself in the passage of the Bill through the House a great mistake had been made in retaining Courts of Quarter Sessions. I consider it would have been a much simpler and better plan to have transferred the whole of the criminal jurisdiction of Quarter Sessions to the District Courts, and then a competent legal Judge would have tried these cases. You will now have to institute a double set of courts—a set of District Courts and a set of Courts of Quarter Sessions—with a double set of officers. I think it is a great mistake. I listened with great attention to all the arguments against the transfer of the criminal jurisdiction to the District Courts, and certainly I did not hear one that persuaded me.

25. The lawyers are not favorable to a change that would necessarily decrease their business? No doubt; but I never heard them assign one reason satisfactory to my humble judgment why the criminal jurisdiction now vested in the General Quarter Sessions should not be transferred to the District Courts.

26. If we were to extend the jurisdiction of District Courts in the manner you contemplate,
I

I take it there would then be no occasion for the general appointment of Police Magistrates? I think there would be, for there are still most important functions to be performed under summary jurisdiction. I do not think you could extend all cases of jurisdiction to District Courts, as you would have to multiply the number of Judges infinitely, almost to the number of Police Magistrates. There is an enormous amount of business done, if you consider the number of Courts of Petty Sessions throughout the territory, and the number of days they meet.

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1868.

27. Can you say what is the number of Petty Sessions Courts? I cannot; but there would be no difficulty in getting a return.

28. At what salary do you think proper men could be found to take the office of Police Magistrate? I really have considerable difficulty in saying what would induce properly qualified persons to accept the office. In fact I have always considered public officers—I do not mean those holding the highest appointments, but all having salaries under £700 or £800 a-year—the worst paid men in the community, and that much more was to be obtained in private than in public employ.

29. You think in an enterprising community like this there is more profitable occupation for men of energy and ability? I think so, under £700 or £800 a-year; but I do not think, in the present state of the revenue the country could afford such salaries as these.

30. Still it is the duty of the Government to provide for the administration of justice in these courts in which you say nine-tenths of the business of the country is transacted? Yes.

31. The business of the country is very great, and the expense ought not to prevent the making of proper provision for the protection of litigants? Certainly not; it is a most important matter. We know that in very distant parts of the country the magistrates reside at very great distances from the courts, and it is extremely difficult to get them to attend. Parties go again and again to the courts, and, finding no quorum, are unable to get their cases adjudicated upon, and they are abandoned. Thus crimes against property and person go unpunished, and the law is not vindicated.

32. You have expressed yourself very clearly as to its being objectionable to leave the revision of the electoral lists to the magistrates? It appeared to me as more desirable and more satisfactory to the public to have the lists revised in the way I have suggested.

33. The present system causes the magistrates to be mixed up in political matters? Yes; and as long as men are men we must expect them to have a bias in favor of those persons with whom they agree in political opinions. If too scrupulous to yield to that bias, they will be driven into the opposite extreme, and do injustice to persons of their own party, from the fear of being unduly influenced in their favor. They must, therefore, be placed in a false position.

34. Do you think it likely no evil would result from electoral influences being brought to bear upon the appointment of gentlemen on the Bench? I think it must. Under the present Constitution Act the magistrate must be appointed by the Governor, upon the advice of the Executive Council, and this brings great pressure upon the Ministers from their adherents. I do not speak of the present Ministers only, but of any Ministers under the existing Constitution.

35. A parliamentary supporter of the Ministry may wish to have his friend put in the Commission—the Minister may think the party unsuitable, and refuse, and the applicant may then feel aggrieved and withdraw his support, and thus an amount of pressure may be brought upon the Government of the day, difficult to resist? Almost impossible.

36. Can you offer any suggestions as to how this could be guarded against? Since I was first summoned to appear before this Committee I have given my best attention to the subject, and several modes have suggested themselves to me. The best, I think, is to place the appointment in the hands of the Governor alone, independently of the Ministers for the time being. He is above all political influence, and, I think, would be able to perform this duty to the public with greater satisfaction than any one else. I do not think this would be setting aside the principle of Responsible Government; it would merely relieve the Ministers of the day from that political pressure which I think they ought not to be exposed to, and which, I am sure, nine out of ten desire to be relieved from. It has been proposed to assign this duty to the Judges of the Supreme Court; but it scarcely appears to me that they would have at their command the necessary information to enable them to perform it satisfactorily. We see that in England this duty nominally devolves upon the Lord Chancellor, but, in reality, upon the Lords Lieutenant of Counties, who nominate, and who are themselves, I believe, ordinarily put in motion by the Deputy Lieutenants. The means of knowing the character of individuals is, I think, much greater in England, owing to the settled habits of the people, than it is in a country such as this, where the population, to a certain extent, is migratory. Men are born, educated, brought up, and remain the whole of their lives in particular districts, and their characters are well known to the whole of the public; here it cannot be so, for men are arriving every day whose characters are wholly unknown. They may be, of course, highly respected and really respectable, but they cannot be so well known as in an old country such as England. Therefore, I do not think the Judges of the Supreme Court could perform the duty very satisfactorily either to themselves or to the public.

37. You are, then, in favor of leaving it to the Governor alone? Yes, as before the establishment of Responsible Government. That would require an alteration of the law, but it would not deprive the Governor of the advantage of conferring with his Responsible Ministers; they would be, naturally, the parties to whom he would have recourse for information; but it would relieve the Ministers themselves from that political pressure to which I have adverted.

38. Lord Brougham adverts, in the speech to which you have referred, to the power the magistrates have in licensing public houses? Yes.

39. Do you think it desirable that an alteration in the law should take place here in that respect?

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1868.

respect? I scarcely think it can be done; it must be left to the magistrates. The point is to appoint no man to the magistracy who is not qualified by property, by character, and by education to perform the duties; that is the best guarantee to the public. I do not think the duty could be transferred, unless to paid officers, who would be responsible to the Government for the time being.

40. That is, to persons holding other offices? I mean to the Police Magistrates, if it be thought desirable that one, at least, of the licensing Justices should be a paid officer of the Government, in order to ensure greater care in the selection of the individuals entitled to this privilege. I think it is a very important question, for I believe one-half the crime of the country is concocted over the rum bottle, in the public-house, sometimes, I fear, with the connivance of the publican. I am well aware, of course, that there are a great many respectable publicans to whom such injurious imputations in no way apply.

41. The regulation of these public-houses you consider as forming a very important part of the police arrangements of the Colony? I do; a most important part.

42. Might not the difficulty be got rid of by abolishing this licensing system altogether? I do not see how you could do that without creating much greater evils. It would not prevent drunkenness, but would, I fear, merely act as a premium on every species of debauchery and crime, and the establishment of drinking shops throughout the country, where men of dissolute habits and character would congregate together for the concoction of crime.

43. Let the trade be free—the evil is so bad it can scarcely be worse? I believe as far as the practice goes it is almost free. Every man of good character is entitled to receive a license; there is no absolute discretion on the part of the magistrate to refuse a license; he is not to judge whether one public-house, or two, or three, are required for a district. If there is the proper accommodation as required by law, and the occupant is a man of respectable character, and applies for a license, it is scarcely within the discretion of the justice to refuse him; so that it virtually becomes what I conceive to be free trade.

44. It has been held in the courts here that the justices have the discretion. However, what I referred to is the trade being absolutely free. Parties now pay licenses and have the exclusive right of selling spirits in small quantities in these houses, hence there is about these houses a congregation of disorderly persons? It is so; but that I conceive to arise from granting licenses to improper persons; still I think there would be greater evil if it were thrown entirely open. These people are under police regulations; their houses can be entered by the police at any time and searched; they are obliged to enter into recognizances to prevent gambling and absolute drunkenness, although we know that in many cases they do not prevent it.

45. With regard to the practical working of the licensing public houses, do you consider that, as a matter of police restraint, the present system is successful or not? Only partially, I think.

46. To what do you attribute the failure? To the want of due caution on the part of magistrates in granting licenses.

47. Then you think that might be guarded against by the appointment only of proper persons? Yes, I think so, or at least to a great extent.

48. Then, under any system that may be adopted, objectionable persons would get into the Commission of the Peace? It ought not to be so.

49. It would be very difficult to guard against it? It will be difficult under any circumstances, but I think not impossible.

50. Looking over the last twenty years, at any time, I presume you must be aware that objectionable persons have got into the Commission? They have, as it has appeared, because they have misconducted themselves afterwards; but there was no knowledge at the time they were appointed that they were unfit persons. A great many persons were put into the Commission whom I did not know even by name—whom I could not know—but when I did know that any unsuitable persons were proposed, I was not backward in giving my strong opinion that they should not be placed in the Commission.

51. Have you known many instances of the issue of Writs of Supersedeas? Not a great number; but there have been cases. Although the general practice is, as it is stated to be in the speech of Lord Brougham, from which I have read, I recollect some years ago that there was a correspondence on the subject with the Secretary of State—I think Lord Glenelg was Secretary of State at the time. There were some complaints on the issue of a new Commission of the Peace that certain persons had been omitted, and reference was made to the Secretary of State by the Governor of the time, and a rule was laid down in conformity with what was stated to be the practice in similar cases in England. It was this:—When a new Commission issued, it was the privilege of Government to omit the name of any person without assigning a cause. If a man, for instance, had been negligent in the performance of his duties, if he had systematically absented himself from the Bench, or if he had proved himself, from his general habits, not desirable to be retained in the Commission, or if he were a person whose education even was not satisfactory, he was omitted from the new Commission, and had no right to complain, or ask the reason. It was within the proper discretion of the Government to do that; but if a supersedeas was issued specially removing a Justice from the existing Commission, then he had a right to know the cause, for there was an imputation against his character, arising from such a proceeding. Therefore, it was the practice of the Government never to remove any one from the Commission by a supersedeas unless there were some proper assignable cause to justify so extreme a measure. I may observe, that in cases of resignation and insolvency it has been usual to issue writs of supersedeas as a matter of course.

52. The writ of supersedeas does not actually remove a magistrate from the Commission of the Peace, it merely suspends the power of acting for the time? It is virtually a removal; no doubt what you have stated is the technical interpretation.

53. In your experience, how many of these writs do you think have been issued? It is hard to say, as my experience extends over a period of nineteen years.

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1858.

54. A dozen? I think a great many more.

55. What steps were taken by the Government in order to obtain the necessary information which would justify such a proceeding as that? Generally, there was an investigation before the Executive Council, and the party was called upon for an explanation. In some cases the facts that were disclosed were such as to render any such proceeding unnecessary; they were sufficient in themselves to shew that the party was not properly in the Commission. In such a case as that you will find alluded to by Lord Brougham, in the matter contemplated by Lord Eldon, the Governor issues a supersedeas.

56. That is a conviction in a Court of Law? Yes.

57. Do you know if the Governor has, during the period of your holding the office of Colonial Secretary, issued a writ upon such grounds? I think so; but I cannot quite recall to my recollection particular instances. I think there are cases of that kind, but it does not occur to me at the present moment what these particular cases were. I have an impression upon my mind that such cases have occurred a great many years ago.

58. It appears to be but reasonable that a man who has himself been convicted in a Police Court should himself be held as an unfit person to sit upon the Bench? Most assuredly; I should have no hesitation, if the duty devolved upon me, to recommend the immediate removal of such a person from the Commission.

59. It is objectionable that a man should appear at the Bar one day as an offender and the next day on the Bench to adjudicate in offences—is it not calculated to bring the administration of justice into contempt? Yes it is, and to destroy the whole *prestige* which should attach to the office of magistrate, and in fact to produce a bad moral effect on the community generally.

60. Has it come under your knowledge, from police reports, that such cases have occurred? I have heard of such a case certainly; but I am not aware whether there was any conviction. I have heard of a justice who has committed himself by appearing in a state of drunkenness in public.

61. And of his having been fined? I am not sure; but there have been complaints by their brother magistrates against them, and I think in some of these cases they were absolutely removed by supersedeas.

62. Then your recommendation is, that the appointment should rest solely with the Governor General? Yes; and, as I stated before, that would not supersede his application to the Minister of the day, if he thought it necessary.

63. What do you think of some such regulation as that which is involved in the second clause of the Bill, to limit the appointment and continuance in office of unpaid Justices of the Peace—"At the expiration of six months after the accession to office of each succeeding Governor or Governor General, the Commission of every Justice of the Peace in force at the time of such accession shall cease and determine"? I think that would be desirable, for it would compel by law a periodical revision of the Commission. I know it is a very invidious task, and no Ministry proceeds to it without great reluctance.

64. It was recommended by Sir Alfred Stephen that the appointment should be made for different divisions of the Colony—for the southern, western, and northern—and that the Commission should be for three years, so as to ensure a periodical revision? That is another mode to effect the same object. I think myself, and have thought for many years, that it would be desirable to confine the jurisdiction of magistrates to particular districts, either to counties or to police districts. If confined to counties or police districts, the number for each might be limited. As has been shewn, there is an ancient Parliamentary precedent for such a limitation.

65. No inconvenience would arise, because warrants could be backed, as in England? Yes. If necessary a short law could be passed, making a warrant issued in any county or district operative throughout the Colony without endorsement. I believe that some cases have occurred almost of an indecent character, where magistrates have come in, in numbers, from an adjoining district to overwhelm the majority of a local Bench, in order to carry measures against their views.

66. Have you known such cases? I have heard of such cases; I will scarcely go so far as to say I have known of them.

67. You cannot see, that any such is likely to arise from such an arrangement as that to which I have adverted? I think the paid magistrate should be a magistrate of the territory, because, in the performance of his executive duties, he may be required to proceed beyond the limits of the district for which he is specially appointed; but the private magistrates should be confined to local jurisdiction, either to the great divisions of the country proposed by the learned Chief Justice, or to the police districts or counties. Perhaps, in the first instance, as a trial, it may be expedient to act on the recommendation of the Chief Justice; it would then be necessary to divide the Colony into four districts—the southern, the western, the northern, and the Moreton Bay districts. The great object is to restrain the jurisdiction of the magistrate within his own district. My chief objection to the adoption of such large divisions is the impracticability in such cases of limiting the number of justices, unless indeed a maximum number were fixed for each Court of Petty Sessions, according to the extent of the district and the business to be performed.

68. From your evidence, it seems that you are strongly of opinion it is necessary something should be done, in order to guard against the improper appointment of magistrates? I think it is desirable that the influences which must be brought to bear under present circumstances should be restrained in some way or other—that the Minister of the day should be protected from the importunity to which he is subjected, by constant applications from his political supporters for the appointment of themselves and friends to the magistracy. No such influences existed in former days. There was no motive such as now exists.

69. These suggestions might enable us to devise some scheme that would act well for the purpose? I think something ought to be done to limit the number of justices. The

The Hon. E. D. Thomson, Esq., C.B., M.L.C.

23 June, 1858.

great evil is the excessive number. Every man now thinks he has a right, as an object of distinction, to be placed in the Commission of the Peace, and as long as that is the case the Government will have applications from persons little qualified to perform the duty.

70. You also think that were it not for the expense involved it would be highly desirable to have Police Magistrates? Yes, associated with the magistrates of the district, because you would then be always able to command the attendance of a magistrate, and if he could secure the attendance of another, no cases need be adjourned for want of a proper quorum to adjudicate. I think that would induce a great number of persons to bring forward cases for prosecution that are now altogether neglected, owing to the difficulty of obtaining a quorum of magistrates competent to adjudicate, and the tendency of that of course is to bring the law into contempt.

71. *By Mr. Piddington*: You have adverted to the duties of magistrates with respect to licensing public-houses—I would like to ask whether you are of opinion if the trade were thrown open so that it should be optional to any trader to sell spirits, provided they were not consumed on the premises, that would lessen or increase drunkenness? I believe it would increase drunkenness if people could purchase liquor in small quantities without any restraint whatever. I am afraid it would very much tend to increase it if it were allowed to be retailed in every petty shop and store throughout the Colony. I consider that any regulation prohibiting the consumption of spirits on the premises would be entirely futile, especially as the police would have no right of entry such as they now possess in respect of licensed public-houses.

72. Do you endorse the general animadversion of Lord Brougham upon the unfitness of unpaid magistrates for the general duties they are appointed to perform? In a general way I do.

73. You think those observations of Lord Brougham upon the incompetency of unpaid magistrates as a class in England might be applied to unpaid magistrates in New South Wales? Yes, I think so. Although entertaining a great respect for the general body of the magistrates in this Colony, and a high appreciation of the gratuitous services they render to the community, yet as we can scarcely hope to get men of higher qualification as to character, education, and standing here than we have in England, and if they be obnoxious to these objections, magistrates here—I may say with no disrespect to them—are equally open to the same objections.

74. I think you are of opinion that the appointment of paid Police Magistrates would be one mode of providing for the better administration of justice than the system now existing? The more certain administration of justice; but I think they ought to be associated with private magistrates, more especially in cases where more than one magistrate is required.

75. Have you any means of forming a judgment with respect to the confidence reposed in unpaid magistrates of the country by the public at large? I have not; but I have no reason to believe there is any want of confidence in them generally. There may be in some districts, from party motives, but I think, generally speaking, they meet with the confidence and respect of the public.

76. Are you of opinion that the paid Police Magistrates of the country are viewed in precisely the same light by the public with respect to their decisions? In cases between masters and servants I think they are not.

77. Do you think the public confide in their decisions in that class of cases more thoroughly than in those of the unpaid magistrates? I have an impression to that effect, because they are not interested in the same degree. The local magistrates who are not paid are almost all employers of labor to a very great extent, and there must be a sort of feeling, of course, rather in favor of the master than of the servant; at least there is such an idea abroad. The same feeling does not, I believe, exist with reference to a paid magistrate.

78. A great number of the cases decided by magistrates are cases between masters and servants? There are a very great number in this country, and they are a most important class of cases.

79. With respect to the attendance of magistrates at Petty Sessions, are you of opinion that some register of the attendance might be kept? I think that a good suggestion. If a magistrate systematically neglected to attend the Courts of Petty Sessions of his district, I think he would have no reasonable ground of complaint if, *de facto*, his name were omitted in the next Commission of the Peace.

80. If a man did not attend his duty at Petty Sessions for a certain number of times—would it not be desirable that *ipso facto* he should cease to be of the Commission? I think so, subject to the qualification I have mentioned. No magistrate has a right to take the title of justice merely as an honorary distinction, without performing the duties required by the public.

81. With reference to the proposal that the Governor should appoint the magistrates, I think you state that you made that proposal upon the ground that you view the Governor as a non-political functionary? Yes; that he is removed from the political influences to which the Minister of the day is exposed.

82. If he has the appointment of the magistrates will not that in itself entangle him to a certain extent in political matters? I think it ought not, for it will be his duty to select from persons of all parties with reference to the requirements of the public, and the qualifications of the individual.

83. You accompanied the expression of your opinion with a statement that the Governor would naturally refer to his advisers? That he would not be debarred from doing so, and they would naturally be the parties he would consult when necessary.

84. What means would the Governor have here of becoming acquainted with the fitness or character of parties desiring to be placed in the Commission? By consultation, in the manner suggested, with his responsible advisers, and by correspondence, through his private secretary, with individuals upon whose opinion and judgment he could rely. That has been the practice hitherto.

85. *By Mr. Parkes*: Many magistrates, I believe, were appointed formerly without their names being intimated to the Executive Council? Yes, it was so; a very considerable number.

86. *By Mr. Piddington*: With reference to the future—if the right of appointing were vested in the Governor, as a personal prerogative, would he be fully competent from the information he would receive to make good appointments? I think he would, for, unless he were satisfied of the due qualification of the parties he would not put them in the Commission. He might have a great number of persons proposed to him for the Commission, but it does not follow that he would place them in it without the necessary information to satisfy himself that they were properly qualified.

87. You are strongly of opinion that such a power would not naturally involve the Governor in political duties? I think not necessarily; for he ought to make the appointments from all parties, according to their qualifications and the requirements of the public. I think one great objection to the present system has been the excessive number of persons placed in the Commission of the Peace; and, consequently, the tendency to appoint persons of inferior qualifications.

88. Do you not think, if the Commission of the Peace were divided into four districts, as proposed by the Chief Justice, the Judges might be expected to revise the Commission when divided? I scarcely think they could.

89. I do not of course mean that the Judges should be expected to go minutely into the qualification of persons nominated, but merely they should have the general power of revision? I do not think they could perform the duty properly unless they did go minutely into the qualifications of the individuals.

The Hon. F.
D. Thomson,
Esq., C.B.,
M.L.C.

23 June, 1858.

TUESDAY, 29 JUNE, 1858.

Present:—

MR. MURRAY,

MR. EGAN,

MR. MARKS.

T. A. MURRAY, ESQ., IN THE CHAIR.

Captain Samuel Moore, J. P., called in and examined:—

1. *By the Chairman*: You are a magistrate of the territory? I am.
2. And have been so for many years? Yes; since 1836, shortly after I arrived in the Colony—that is, including the period I was in the service.
3. You arrived in the Colony as a military man? Yes.
4. And you were placed in the Commission of the Peace whilst still a military man? Yes.
5. You have had ample opportunities, during that length of time, of observing the general state of the magistracy of the Colony? I have.
6. Can you favor the Committee with your general opinion as to its present position, so far as you have had opportunity of judging? My answer to that question, of course, could only apply to the district in which I have resided. I have been resident in Liverpool for the last eighteen years, and it is only within the last few years I have had occasion to find fault with certain gentlemen who are now in the Commission of the Peace. On public grounds, I have felt it my duty, as a magistrate, to report to the head of the Executive what, in my opinion, I considered to be sufficient to have them removed. I allude to Dr. Robertson and Mr. Charles Luke Bayly, both of whom I reported for acts that, in my opinion, they ought to have been removed for.
7. When did you make that report? Three or four years ago.
8. Before the introduction of the new system of Government? Yes.
9. What was the result of your representation at that time? I received a reply to my communication from the Honorable Mr. Deas Thomson, stating that the subject of my reports would be immediately submitted to the Governor General; and from that period until the present moment I have never heard anything more about it.
10. Had you any occasion to make any further complaints of either of these gentlemen? I have made several complaints with reference to Mr. Bayly, which also ended in nothing. There was a case of assault heard before the Liverpool Bench, in which Mr. Bayly was principally concerned. I was the presiding magistrate, and his conduct on that occasion was so remarkably gross that the Bench fined him £5, and further bound him over to keep the peace for six months. A report of this case got into the *Empire* newspaper, and excited the attention of the Executive. A letter was addressed to the Bench on the matter, and in consequence of their report a Commission was appointed to inquire into the matter, over which Mr. Forbes was sent up from Sydney to preside. On another occasion I was told by the Revd. Mr. Priddle that a relative of his on going to a public-house at Liverpool, passing through a room, saw Mr. Bayly on his knees tossing for half-crowns with an individual of the lowest class.
11. This is not a fact coming under your own knowledge? No.
12. Was it given in evidence? When Mr. Priddle was asked to make the statement, he declined to do so.
13. Did you write a letter to the Colonial Secretary representing that circumstance? Yes.
14. Was an inquiry instituted? Yes. I was also informed, that when engaged in gambling at Mudgee, Mr. Bayly had passed off blank pieces of paper as bank-notes when he was a loser, and on the discovery being made he was forcibly ejected from the room.
15. All these things you represented? Yes.
16. On the authority of your informant? Yes, the Revd. Mr. Priddle, our incumbent.

Capt. Samuel
Moore, J.P.

29 June, 1858.

On

- Capt. Samuel Moore, J.P.
29 June, 1858.
- On the same occasion I was told by Mr. Priddle of a circumstance that had occurred to himself. Mr. Bayly came into his house in a state of intoxication, took a chair, and sat down by his side, and to Mr. Priddle's surprise, threw his arm round his neck. Mr. Priddle disengaged his person from him, and asked him what he wanted. The reply of Mr. Bayly was,—“I have come to you, Mr. Priddle, as my spiritual adviser; I have called on you for the good of my soul.” Mr. Priddle told him that at that moment he was particularly engaged, as there were seventy or eighty persons waiting for him in the school-room, where a lecture was to be delivered; but that if he would defer it until the following morning, he would be happy to hear anything he had to state. Mr. Bayly replied to this—“There is no time better than the present moment; it must be done now.” Mr. Priddle's answer was—“I cannot delay seventy or eighty persons to accommodate you, Mr. Bayly, in your present state.” Mr. Bayly replied—“Is it not better for you to save one soul than to preach to seventy or eighty persons.” Mr. Priddle still declined; and Mr. Bayly then said—“Then all I have to tell you, Mr. Priddle, is, that your doctrine is all a lie throughout.” A couple of days after this Mr. Priddle detailed this conversation to me, and he said it was his intention to make a special report of the circumstance to Mr. Cowper, who was then Colonial Secretary. He did not do so; but I considered Mr. Bayly's conduct to be so remarkably offensive, that I made a report of it, and the result was that a Commission was sent up to inquire into the matter, but Mr. Priddle would not attend. The reason he gave for declining to do so was that Mr. Bayly had come to him, and that he had stated he had forgiven him, and under those circumstances he did not think it would be correct to give evidence against him. Although I sent for him, and gave him the Attorney General's letter to read, he would not attend.
17. All these circumstances that you have stated were represented to the Government? Yes.
 18. And Mr. Forbes, I think you said, was sent to inquire into them? Yes.
 19. What were the circumstances of the case in which Mr. Bayly was fined £5? The assault arose out of that Commission of inquiry. There was a young man at Liverpool, the son of a butcher, named Pearce, who gave evidence against Mr. Bayly in regard to the gambling transaction. He was present, and saw the gambling going on. This circumstance rankled, I believe, in Mr. Bayly's mind, and he took occasion one day when this young man Pearce was in a public house to speak to him on the matter, and he ultimately spat in his face three or four times. That constituted the assault.
 20. He was brought before the Bench for that assault, and fined? Yes.
 21. Did it come out in evidence on that occasion that he was sober, or at all intoxicated? The landlord of the “Terminus Hotel” distinctly stated that he was in a state of intoxication.
 22. Were you called upon for copies of the depositions by the Government? Yes, by the Attorney General.
 23. Were they furnished? Yes.
 24. The evidence taken established the facts you have stated? Yes.
 25. Mr. Bayly is still in the Commission of the Peace? Yes.
 26. Does he often attend the Bench? I have seen him there every court day—once a fortnight.
 27. Has the general feeling of the people of the district, as regards the administration of justice, been at all affected by his remaining in the Commission of the Peace? My opinion is that they have not confidence in Mr. Bayly. I never sit on the Bench with him, nor do some other magistrates; in consequence of which the public are sometimes put to great inconvenience, where it is necessary that two magistrates should preside, and the Court is frequently broken up for that reason.
 28. What other magistrates of the district decline to sit with him? Mr. Rowe, Mr. Lane, and Dr. Watson, besides myself.
 29. Are there any who do sit with him? Yes, Dr. Robertson and Mr. Throsby.
 30. Is much business done by the Bench? Occasionally.
 31. What magistrates generally sit? The attendance on Court days is confined to very few. Mr. Bayly comes; sometimes Mr. Rowe, and sometimes Mr. Lane.
 32. By Mr. Egan: With reference to the reports you made of the gentlemen you have named, did the Government from your statement institute any inquiry? Not from my individual statement. When inquiry was instituted an official letter was signed by Mr. Rowe, Mr. Lane, and myself.
 33. Can you inform the Committee what was the result of that inquiry? The result was that the Attorney General stated that he did not see sufficient reason for removing Mr. Bayly, as it was only secondary evidence, in consequence of Mr. Priddle not appearing.
 34. You say great inconvenience arises in consequence of the non-attendance of magistrates who will not sit with Mr. Bayly? Yes. If there are three magistrates on the Bench, two besides Mr. Bayly, then they do not object, because they can decide the case without referring to Mr. Bayly.
 35. Supposing Mr. Bayly and the other objectionable magistrate were there, would you or the other gentlemen who made the complaint object to sit with them? The only magistrate I object to sit with is Mr. Bayly.
 36. Were there two reports forwarded to Mr. Bayly—one in reference to the public-house gambling, and the second in reference to the case in which he was brought before the Court? The case in which he was brought before the Court, and fined, was not represented; but the Attorney General wrote to the Bench for a copy of the depositions, and the result of that was that the inquiry was instituted.
 37. And since that inquiry no steps have been taken to remove Mr. Bayly? None whatever. With regard to Mr. Bayly, I am aware the public have not confidence in him, because in any case which is considered to be of importance I am very frequently sent to by the parties to request my attendance.

George Taylor Rowe, Esq., J.P., called in and examined:—

1. *By the Chairman*: You are a magistrate of the territory? Yes.
2. And act on the Bench at Liverpool? I do.
3. Some circumstances with regard to the Liverpool Bench have been brought under the notice of the Committee. Perhaps you would be good enough to relate all you know of its present state? The first instance that came under my notice was on my return from Melbourne in October last, when I was informed that Mr. Bayly had grossly insulted the Reverend Mr. Priddle, and in consequence of that report I called on Mr. Priddle to ascertain if it really was the case. Mr. Priddle told me that Mr. Bayly had called upon him one evening, being at the time in a state of intoxication, and told him that he had called upon him as he was anxious to get a little spiritual advice. Mr. Priddle's reply was, that he should be most happy to afford Mr. Bayly an hour or two's conversation at some other time, but that that evening he was very much engaged, and did not think Mr. Bayly was in a fit state. During this time Mr. Bayly took a chair and sat close to Mr. Priddle, and at last fell forward with his arms about him. Mr. Priddle begged of him to leave his house and call again on the following day, as he had a meeting at the school-room, where a great number of persons were waiting, and he was then ten minutes behind his time. Mr. Bayly was so far gone then that he fell from his chair into Mr. Priddle's lap. Mr. Priddle assisted him on to his chair, and said he really must leave the house, for he could not be delayed any longer. Mr. Bayly then said—"Is not the soul of one person of more consequence to you than preaching to sixty or seventy? if not, what you preach on Sundays and what you say now are lies." Mr. Priddle then took him by the shoulders and put him out of the house. In consequence of that occurrence, I was one of three magistrates who joined in making a report to the Government, upon which a court of inquiry was held at Liverpool.
4. Mr. Priddle, we are informed, declined to give evidence? Yes. On the same day that he was informed that the Commission of inquiry was instituted, Mr. Priddle told me, in the course of conversation, that he would not attend, because Mr. Bayly and his family had been to him, and he had promised reformation in his character, and therefore he thought it was his duty as a clergyman to look over the matter, and he had forgiven him. In consequence of what Mr. Priddle said, a special summons was not sent to him; but a few days afterwards Mr. Priddle said he had heard that since he had been to him Mr. Bayly had committed himself very grossly, and if he had been sent for he would have given his evidence; and moreover, he said he had come to Sydney on purpose to substantiate what was said by myself and Captain Moore, but he had received a reply stating that the case could not be taken up again as the inquiry was finished.
5. Do you know anything about the circumstances of the case in which Mr. Bayly was fined £5? No, I was not present. I only heard of the transaction. The landlord of the hotel where the assault occurred informed me that he was very much annoyed with Mr. Bayly on another occasion, when a party of gentlemen were at tea. Mr. Bayly intruded himself upon them, and his conduct was so bad that many of them left the room and went into an adjoining one, where he followed them, although the landlord kept putting him back; his reply to the remonstrances of the landlord was, that he would not be stopped by him; he was a magistrate of the territory, and would go into any room he thought proper.
6. *By Mr. Egan*: Mr. Bayly was not appointed to the Commission of the Peace since the advent of Responsible Government? No; previously.
7. You are one of the magistrates who object to sit with Mr. Bayly, on account of his conduct to Mr. Priddle? Yes; and besides that, I have seen Mr. Bayly in a state of intoxication, and mixing up with very low company about Liverpool. In fact it is a very common occurrence.

G. T. Rowe,
Esq., J.P.

29 June, 1858.

WEDNESDAY, 21 JULY, 1858.

Present:—

MR. MARKS,
MR. LEE,

MR. FORSTER,
MR. PIDDINGTON.

W. R. PIDDINGTON, Esq., IN THE CHAIR.

The Rev. Charles D. F. Priddle, called in and examined:—

1. *By the Chairman*: I believe, Mr. Priddle, that you are incumbent of the parish of Liverpool? I am.
2. Have you had any opportunities of becoming acquainted with the state of the magistracy? Yes, many.
3. Have you any knowledge of the state of the magistracy in your particular district? Yes.
4. Can you favor the Committee with any information in reference to the magistracy of the district that comes more particularly within your knowledge? There are certain individuals whom I think totally unfit for the position of magistrates.
5. Would you have any objection to state the grounds upon which you are of opinion that the individuals you allude to are unfit for the position of magistrates? Drunkenness.
6. It would be desirable to mention the individuals whom you think are unfitted upon that ground, and any instance that may have arisen, which you can recollect? With reference to one, I certainly can mention an instance.
7. Will you have the goodness to do so? Mr. Charles Bayly.
8. Mr. Charles Bayly? Yes.
9. On what particular occasion did you observe that gentleman in a state of drunkenness? On his coming twice to my house—that is to say, on one occasion he came to my house when

The Rev. C.
D. F. Priddle.

21 July, 1858.

The Rev. C. D. F. Priddle. I was at home, and on the second occasion I happened to be absent; but he went into the room where my wife was sitting.

21 July, 1858. 10. With reference to the time when he visited your house when you were at home, can you give the particulars of the visit, the observations he made, or the general tenor of his remarks, and the particular state he was in? Yes. I saw that he was in an unfit state to speak to any one, and as I had an engagement I told him I should be glad to see him the next day, if he particularly wished to wait upon me. He then rose from his chair, and said, "I believe you to be a liar!"—on which I bowed him out; afterwards he apologized for his conduct.

11. On another day? On another day; and, of course, as a Christian man I was bound to forgive him; but his conduct since then has been so thoroughly disgraceful that I feel bound to mention these circumstances, which, in my opinion, disqualify him for a magistrate's commission.

12. Since the time you have alluded to have you seen Mr. Bayly in such a state of inebriety as to disqualify him for the position of a magistrate, in your opinion? I cannot call to my recollection any particular occasion on which I have seen him intoxicated; he has avoided me, and I have avoided him.

13. Since the period you have referred to, you have had no opportunity of noticing him? No. I know, from a Police Court case, that he was intoxicated on a certain day; that came out before the public.

14. You have no knowledge of that case yourself? No.

15. By Mr. Lee: I believe Mr. Andrews, the publican, has a particular knowledge of Mr. Bayly—do you think it would be advisable to have Mr. Andrews summoned before this Committee? I think it would be. I am only anxious, as a clergyman of a parish, to see the magistracy purified, and I think he could throw a little light upon Mr. Bayly's character.

16. By Mr. Forster: How is it that no public complaint has been made against Mr. Bayly—these facts you have stated are notorious? Yes.

17. He is known to be so? Yes; he is quite a by-word.

18. Can you give any good reason why no public complaint has been made? An investigation was held last year, in September or October.

19. By whom was it held? By Mr. Forbes. There was a Commission appointed to take evidence, but I was not sent for, and I did not volunteer to go. I did not think it my duty. If I had been sent for I should have gone, and perhaps mentioned much more than I have done now.

20. What was the impression—was it supposed that it inquired sufficiently into the case—what was the general public impression? I have refrained from canvassing the conduct of Mr. Bayly, or of any of the magistrates, with the parishioners.

21. But as a clergyman have you not felt it your duty to represent to the Government such notorious facts? I have done so.

22. And what has been the result? I went to the Premier, but he said the commission had concluded its business, and that it could not be reopened.

23. Are you aware whether other complaints have been made by other individuals? Yes; I believe the senior magistrate, Captain Moore, has represented his conduct; also one of the other magistrates.

24. Does Mr. Bayly sit upon the Bench now? I believe he does, occasionally.

25. And when he sits there the others leave? The others leave.

26. Has that occurred within your knowledge, and often? Certainly on three occasions; I cannot mention the dates.

27. Can you tell the Committee whether on the occasions of Mr. Bayly going to the Bench he was not sober? I could not say that; but his habits are so notorious that the others decline sitting with him.

28. You say it is a year ago since the Commission was held by Mr. Forbes? I think it was last September or October. It was prior to the case in which Mr. Bayly was summoned for an assault upon a young man named Pearce.

29. Then, has there been no inquiry into his conduct since? No.

30. I think in this matter of Pearce, you are alluding to a case which appeared very prominently in the newspapers? Yes.

31. In the *Empire* for one? Yes.

32. Since that there has been no inquiry? No.

33. Have any complaints been made since that against him? I believe so.

34. By the Chairman: How many magistrates usually attend upon the Bench at Liverpool? That is a question I could not answer. I know that the senior magistrate, Captain Moore, has had to send all over the town to get a second magistrate to adjudicate with him, and he has not been able; but the messenger has not gone for Mr. Bayly, knowing that Captain Moore would not sit with him.

35. Then, in consequence of the objection made by Captain Moore to sit on the Bench with Mr. Bayly, the public interest suffers? No doubt, very materially.

FRIDAY, 3 SEPTEMBER, 1858.

Present:—

MR. PIDDINGTON,
MR. FORSTER,

MR. EGAN,
MR. MURRAY.

T. A. MURRAY, ESQ., IN THE CHAIR.

W. E. Plunkett, Esq., Secretary to the Crown Law Officers, called in and examined:—

(Vide "*Progress Report*," dated 3 September, 1858.)

W. E. Plunkett
Esq.

3 Sept., 1858.

TUESDAY,

TUESDAY, 2 NOVEMBER, 1858.

Present:—

MR. MURRAY, | MR. PIDDINGTON,
MR. FORSTER.

T. A. MURRAY, Esq., IN THE CHAIR.

William Elyard, Esq., called in and examined:—

1. *By the Chairman*: You are Under Secretary, are you not? Yes.
2. The Committee wish to obtain information from you as to the number of gentlemen placed in the Commission of the Peace during the several administrations we have had since the commencement of responsible Government; specifying the names of those appointed during each administration? I understood that to be the object which the Committee had in view, and I have in consequence prepared a list, showing the number and the names of the gentlemen appointed during each of the different administrations—that is, Mr. Donaldson's, Mr. Cowper's first Ministry, Mr. Parker's, and the present Government of Mr. Cowper. At the end there is a short abstract showing the number during each administration, as well as the total number. (*Witness handed in the same. Vide Appendices A B. C. D. and E.*)
3. Could you inform the Committee how many writs of supersedeas have been issued since the commencement of Responsible Government? There appear to have been twenty.
4. During the different administrations? Yes.
5. Can you distinguish those of one administration from those of another? Yes: there were eight during Mr. Parker's, and there have been twelve during Mr. Cowper's.
6. *By Mr. Piddington*: Present Government? Yes.
7. *By the Chairman*: Have you the names? Yes; they are specified in this list. These were not all removals from the Commission: when gentlemen resign, writs of supersedeas are issued, in order that their names may be struck off the list of magistrates.
8. None during Mr. Donaldson's administration? No.
9. Can you distinguish the resignations from the others? Yes. During Mr. Parker's Government one gentleman declined to serve, and a writ of supersedeas was issued; the other writs were in consequence of resignations.
10. They were the whole during Mr. Parker's administration? Yes; there were seven writs on resignations, and one in consequence of a gentleman having declined to serve. During Mr. Cowper's administration nine writs have been issued for gentlemen who have resigned, and three for others removed for various reasons.
11. Who were the three that were removed? One was Mr. Bowman.
12. Of Mudgee? Mudgee, or the Hunter River. Another was Mr. Fisher, in consequence of his insolvency; and the other Mr. Bayly—the writ in his case has just issued.
13. Perhaps you would supplement your evidence by giving a list of the gentlemen who have been actually superseded—removed in consequence of complaints against them? The accompanying list, shew the writs of supersedeas issued. (*Witness handed in the me. Vide Appendices F. and G.*)

W. Elyard,
Esq.

2 Nov., 1858.

APPENDIX A.

MAGISTRATES appointed during administration of MR. DONALDSON, from the 28th April to 25th August, 1856.*

Huthwaite George Donstan, Commissioner of Crown Lands, Gwydir ...	12 June, 1856.
Weaver Charles Thomas, Police Magistrate, Gundagai	17 July, "
Jardine John	16 " "
Total, 3.	

APPENDIX B.

MAGISTRATES appointed during first administration of MR. COWPER, from 26th of August to 2nd October, 1856.

Carmichael Henry, Seaham	16 September, 1856.
Hook John, Dungog	16 " "
M'Kay George, Dungog	16 " "
Keon George Plunkett, Eden	26 " "
Total, 4.	

APPENDIX C.

MAGISTRATES appointed during administration of MR. PARKER, from the 3rd of October, 1856, to 6th September, 1857.

Murphy Washington, Beechworth, Victoria, 5 November, 1856.	
Finniss Boyle, Travers	South Australia, 29 November, 1856.
O'Halloran Thomas, Shulldham ...	" " "
Newland Richard Francis	" " "
Warburton Peter Egerton	" " "

Bonney

* Mr. Donaldson's appointment as Colonial Secretary is dated 6th June, 1856, but as Member of the Executive Council 28th April, 1856.

Bonney Charles	South Australia, 29 November, 1856.
Macdonald James William	" " "
Mann Charles	" " "
Jones Heighway	" " "
Scott Edward Bate	" " "
Watson Andrew	" " "
Besnard Nicholas Richard, Kangiaroo	15 December, 1856.
Biddulph John Lindon, Erie	" "
Brownrigg Marcus Freeman, Carrington	" "
Campbell William Douglass, Burrowa	" "
Chisholm James Kinghorne, Gledswood	" "
Connolly Nathaniel, junior, Carcoar	" "
Cooper Joseph, Gammon Plains	" "
Davidson Walker Rannie, Kirkeconnell	" "
Day Henry, Windsor	" "
De Mestre André, Terrara	" "
Johnstone Robert, Dingo Creek	" "
Joy Edward, Newtown	" "
Irving Clark, Sydney	" "
Kemp Robert Augustus Haddon, Macleay River	" "
Laidlaw Thomas, Yass	" "
Macarthur Alexander, Sydney	" "
Mackenzie Kenneth, Bandanoon	" "
Radford John Robert, Yarrowford	" "
Rowe George Taylor, Liverpool	" "
Wyndham Alward, Dalwood	" "
Moriarty Abram Orpen, New England	21 February, 1857.
Darvall Frederick Orme	20 March, 1857.
Bridson Hugh, Sub-Commissioner, Sofala	17 April, 1857.
Forster Thomas, " Tambaroora	" "
Johnson Whittingdale, " Stoney Creek	" "
Lynch Robert, Assistant Commissioner Crown Lands, Murrumbidgee	" "
Total, 37. Carried forward.	

APPENDIX D.

NEW MAGISTRATE appointed in General Commission of Peace, issued 1st July, 1857.
(Administration of MR. PARKER.)

Archer William T., Fitz Roy River.
 Barker Bryce T., Nanango, Burnett District.
 Bell David, Walcha, New England.
 Bell William, Campbelltown.
 Berry David, Coolungatta, Shoalhaven.
 Berry William, Coolungatta, Shoalhaven.
 Black John, Scone.
 Black Thomas, Fox Ground, Shoalhaven.
 Bloomfield Henry Wilson, Toowoee.
 Bonar Andrew, Sydney.
 Bowman William, Skillatar, Muswellbrook.
 Breillat Thomas Chaplin, Newtown.
 Brennan Joseph J., Garryowen.
 Broughton William, Maringo.
 Brown William Anthony, Sheriff, Moreton Bay.
 Buchanan Benjamin, Sydney.
 Bunn John W., St. Omer's, Braidwood.
 Byrnes William, Parramatta.
 Cadell Thomas, Murray River.
 Campbell George, Jerrula, Cowra.
 Campbell George Stoddart, Molong.
 Caswell Lieutenant, Carrington, Port Stephens.
 Compigne Alfred William, Logan River.
 Connolly Nathaniel, senr., Parramatta.
 Cooper Thomas, Glenmore Road, Sydney.
 Cousins Richard Young, Kelso, Bathurst.
 Coxen Charles, Dandine, Dalby.
 Cox Archibald Bell, Burrundulla, Mudgee.
 Cox Charles, Clarendon, Richmond.
 Croft John, Darling Point, Sydney.
 Cross William, Lansdowne, Manning River.
 Desailly George Peter, Deniliquin.
 Dight Samuel Billingsley, Clifford, Singleton.
 Elliott Thomas N., Towong, near Tarcutta.
 Elyard Alfred, Berrallan, Shoalhaven.
 Fairfax Alfred, Paddington.
 Finch William, Shepherd's Creek, Molong.
 Fitz Henry Bates, Darling Downs.

Fletcher

Fletcher Dugald, Euston, Darling Downs.
 Fletcher George Rutter, Tapis, Lower Darling.
 Fleet Henry, Taree.
 Flood Edward, Sydney.
 Foster Brooks, Jondaryan, Dalby.
 Francis Grosvenor, Peel.
 Galbraith Alexander, Burrandowan.
 Gibson Thomas Jamison, Tirrana, Goulburn.
 Goldfinch John Howard, Tienga, Bundarah River.
 Graham James Edwin, Sydney.
 Gray Samuel William, Omega Retreat, Jeringong.
 Gregory Henry Churchman, Palm Tree Creek, Leichhardt District.
 Gwynne Francis Anthony, Murgah, Moulamien.
 Hall Matthew Henry, Dartbrook, Scone.
 Haly Charles Robert, Tabinga, Logan River.
 Hargrave Edward, Hernani, New England.
 Harnett Maurice, Rosebrook, Maneroo.
 Hart Thomas Frederick, Woodstock, Kiama.
 Hassall James Mileham, Bathurst.
 Haylock Thomas Busick, Penrith.
 Hely Edward, Lake Macquarie.
 Hughes Charles, Kabram, Albury.
 Hume Andrew Hamilton, Humewood, Yass.
 Huon William, Albury.
 Hutchinson F. R., Widgee Widgee, Wide Bay.
 Jamieson Hugh, Mildura, Lower Murray River.
 Jeffreys Henry, Murrumbidgee.
 Jenkins George, Tamworth.
 Kendal Thomas, Kiama.
 King Richard, Gwydir.
 Knox Honorable Edward, Woolloomooloo.
 Lackey John, Dog Trap Road, Parramatta.
 Lamb John, Sydney.
 Lance Edward, Barwin River.
 Lane James Barret, Rose Hill, Orange.
 Lang Gideon, Sydney.
 Lee Thomas, Bathurst.
 Lethbridge Christopher, Grantham, Gatton.
 Lethbridge George Langworthy, Singleton.
 Lette John Maximus, Yarramalong.
 Loughnan Henry Nicholas, Wantabadgeria, Murrumbidgee.
 Lyons Samuel, Sydney.
 Macpherson Ewen, Parramatta (2).
 Marks John, Kiama.
 Marshall Robert James, Daisy Bank, Wollongong.
 McDouall Hastings, Waratah, Newcastle.
 McNamara Honorable John, Sydney.
 McPhillamy John, Mount Tamoo, Bathurst.
 McQuade William, Windsor.
 Merewether Honorable Francis Lewis Shaw, Sydney.
 Metcalf Michael, Sydney.
 Middleton Charles Robert, Hinton.
 Montefiore Honorable Jacob Levi, Sydney.
 Morrice John, Berrima.
 Moses Moses, Sydney.
 Mossman Archibald, Armidale, New England.
 Nott Randolph, Sydney.
 Osborne William, Garden Vale, Wollongong.
 Palmer Arthur Hunter, Armidale, New England.
 Park Alexander, Gresford, Paterson.
 Patterson John, Illalong, Binalong.
 Piper William, Bathurst.
 Raff George, Brisbane, Moreton Bay.
 Ranclaud Charles Boscawen, Newcastle.
 Rankin William Boswell, Bathurst.
 Raine Edmund William Worsley, Orange.
 Ray Tom, Glebe, Sydney.
 Reddall Thomas Alexander, Kiama.
 Rees George, Sydney.
 Reynolds Charles, Tocal, Paterson.
 Robb James, Riversdale, Kiama.
 Robison Hugh, Molong.
 Roper John, Albury.
 Ross John, Tenterfield.
 Rouse George, Gunterwang, Mudgee.
 Salway Herbert, St. Leonards, New England.
 Sandeman Gordon, Sydney.
 Scott John, Palm Tree Creek, Leichhardt District.

Scott Thomas Laidlaw, Cundletown, Manning River.
 Scott Walter, Illalong, Hinton.
 Skinner Thomas, Darling Point, Sydney.
 Smith Thomas Whistler, Sydney.
 Taylor William, Murrumbidgee.
 Tebbutt Thomas, Windsor.
 Thompson Andrew, Dapto.
 Ward William John, Numba, Shoalhaven.
 Wason W. H., Ulladulla.
 White George Boyle, Singleton.
 White James, Edinglassie, Muswellbrook.
 Williams John, Sydney.
 Wilshire Joseph Wood, Garden Hill, Wollongong.
 Wilson Felix, Newtown.
 Wiseman W. H., Commissioner of Crown Lands, Leichhardt District.
 Wyndham George, the younger, Dalwood, Hunter River.
 Yaldwyn William Henry, Taroom.
 Young Walter B, Tarcutta.

Appointed since the 1st July, 1857.

Caswell William Stewart, Police Magistrate, Moruya ... 24 July, 1857.
 Smith James, Police Magistrate, Scone
 Rose Cyrus Spencer, Police Magistrate, Wee Waa..... 24 August, 1857.

	137
Brought forward	37
Total.....	174

APPENDIX E.

MAGISTRATES appointed during present Administration of MR. COWPER, commencing on the 1th of September, 1857.

Newcombe Charles Edwin, Police Magistrate, Queanbeyan.....	} 11 September, 1857.
Smith Charles Edward, Police Magistrate, Carcoar.....	
Allan William, Manning River	
Andrews Joseph, Manning River	
Beames Robert, Muswellbrook	
Bleack John, Camden	
Brewster John Dubbo	
Buchanan William, Bendemeer, New England ...	
Capelain Samuel Le, Lower Darling	
Close Edward Charles, junr., Morpeth.....	
Cox Alfred, Parramatta	} 12 November, 1857.
Croker John, Cundletown.....	
Croaker Charles George, Manning River.....	
Dawson John, Bega	
Delaney John, Fish River.....	
Dodds Alexander, Maitland	
Douglass John, Talgai	
Edwards John, Woolloomoon, Nundle	
Fearon Christopher, Parramatta	
Finch Edward John, Molong	
Hannell James, Newcastle	
Haslingden Edward, Cooma.....	
Hebden George, Bombala.....	
Jacob Archibald Hamilton, Raymond Terrace.....	
Jamison William Henry, Penrith	
Johnstone David, Glamaire	
Johnston James Bligh, Portland Head	
Kenyon Joseph, junr., Woodlands, Prospect Creek.....	
Ker Campbell, Kempsey	
Lindeman Henry J., Gresford.....	
Machattie Thomas M., Wellingrove.....	
Marley Edward Fischer, Brindley Park, Merriwa	
Martin Honorable James, Sydney	
Martyn William, Belle Field	
M'Intyre Donald, Kyuga	
M'Phillamy Robert, Bathurst	
M'Rae Christopher, Parramatta	
O'Sullivan Silvester, Cudgeligo, Lachlan.....	
Palmer Edward Fielding, Maryborough	
Panton Frederick Goulburn, Macleay River	
Paterson Andrew Boyle, Binalong	
Portus John, Morpeth	
Robertson John, Yarrundi, Scone.....	

Robertson

Robertson James Brand Ritchie, Moor Park House, Morpeth	
Rotton Henry, Blackdown	
Sheridan Richard Bingham, Moreton Bay	
Spencer Charles, Macleay River	
Tom Henry, Bulligal	
Watt David, Glenco	
Waugh Robert, Manning River	12 November, 1857.
West Thomas Henry, Cudgelong, Cowra	
Whalan Charles, Fish River	
Wildash Charles Cobb, Arkstone Forest	
Wilshire James Robert, Sydney	
Windeyer John, Raymond Terrace	
Wynter Delamore, Manning River	
Cadell Francis, Murray River	12 December, 1857.
Baylis Henry, Police Magistrate, Wagga Wagga	
Murray Patrick John, Police Magistrate, Eden	1 January, 1858.
Allman John James, Morpeth	
Antill William Redfern, Picton	
Arnold William Munnings, Stradbroke, Paterson	
Bell James, Bringelly, Penrith	
Borthwick John, Maitland	
Brown John, Sydney	
Burnett William, Raymond Terrace	
Clifford Patrick Jeremiah Joseph, Greenland, Maneroo	
Dale William, Rose Dale, Orange	
Dalley William Bede, Sydney	
Dickson James, Newtown, Sydney	
Doyle Alfred John, Midlorn, Maitland	
Doyle Francis Matthew, Maitland	
Dunlop David, Mulla Villa, Wollombi	
Egan John Piper, Sydney	
Eldred William Henry, Sydney	
Glasson Richard, Guyong, Orange	
Hickey Allan, Osterley	
Hill Edward Smith, Sydney	
Hill George Snell, Dungog	
Johnston John, Clydesdale, Singleton	
Kettle John Icke, Newtown, Sydney	
King Arthur Septimus, Tamworth	
Lawless Clement, Boombigan, Gayndah	
Leary Joseph, Campbell Town	
Lenahan Andrew, Sydney	
Lloyd Charles William, Burburgate, Namoi	19 February, 1858.
Lowe William, Clarence Town	
Lucas John, Redfern, Sydney	
Lupton John, Wagga Wagga	
Maister William, Tilbuster, Armidale	
McCartney Michael, Maitland	
McDougall Cyrus Alexander, Glenarvon	
McIntyre Donald, Blairmore, Scone	
Middleton Osman Edward, Phoenix Park, Morpeth	
Mitchell Archibald, Newtown, Sydney	
Morison Thomas Coutts, Deniliquin	
Murphy William, Wagga Wagga	
Neale John Thomas, Sydney	
Nowlan John, Hunter's Hill, Maitland	
Oatley James, Sydney	
Peden David, Newtown, Sydney	
Powell Edward, Richmond	
Prince Henry, Sydney	
Raper Edward, Newtown, Sydney	
Richardson John, Sydney	
Rygate Robert, Hartley	
Scott Alexander Walker, Ash Island, Newcastle	
Smith George, Sydney	
Stuart Alexander, Sydney	
Tom William, senior, Spring Dale, Orange	
Watt Alexander, Esrom, Bathurst	
Williamson James, Sydney	
David Barker, Richmond River	
Henry Barnes, Richmond River	
William Richard Blackman, Mudgee	
Thomas Cullen, Singleton	
James Squire Farnell, Ryde	16 April, 1858.
Charles Henry Humphries, Liverpool Plains	
Arthur Jeffreys, Canterbury	
Charles Kemp, Sydney	
Thomas Laman, Stroud	

John Connell Laycock, Botany.....	
George Thomas Loder, Singleton.....	
Francis Norman Lucas, M. D., Ipswich	
Donald Norris M'Dougall, Texas, Severn River	
Bruce M'Dougall, Ermington, Clarence River.....	
Donald Macpherson, Stroud	
Thomas Nicholls, Stroud	16 April, 1858.
William John Nunn, Brisbane Water	
Thomas Parnell, Namoi River	
James Alexander Portus, Morpeth	
James Rigney, Singleton	
Alfred Cayley Thomas, Dykehead, Gayndah	
Henry Vinden, Maitland	
Bowker Richard Ryther Steer, Newcastle	17 May, 1858.
Macarthur Sir William, Knight, Camden	
Aldcorn James, Mayfield, Shoalhaven	
Armitage Henry, Sydney ...	
Baddeley Charles Henry, Eden	
Barclay George, Bombala	
Bligh John O'Connell, Native Police	
Bloomfield Edwin Cordeaux, Port Curtis.....	
Brodie Alexander, Murrurundi	
Brown Alfred Henry, Port Curtis	
Brown Charles Fenwick Elphinstone, Melbourne	
Buckland James Warwick, Darling Downs	
Bull John Edward Newell, Castlemaine, Victoria	
Burdekin Bossley, Peel River, Tamworth	
Challinor Henry, Ipswich.....	
Chapman Thomas, Kiama.....	
Chauvel Charles Henry Edward, Tabulam	
Clarke Charles James, Port Curtis	
Connolly William, Goulburn	
Cowper William, Goomburra	
Cribb Benjamin, Ipswich.....	
Cruickshank Alexander, Murrumbidgee	
Cumberland Robert Bakewell, Ashfield	
Dalrymple George Elphinstone, Dalby	
De Lauret Augustus Peter Clement Guerry, Goulburn	
Dickson David, Newtown	
Dickson John, Mudgee.....	
Dumaresq Algernon Edward, Glen Innes	
Durham William, Wambo, Singleton	
Gaden William Henry, Canoona, Port Curtis.....	
Giles James, Gurrundi, Goulburn	
Gibson George Lorimer, Longford, Bendemeer	
Gray George, Murray River.....	
Hale Thomas, Belambi, Wollongong	30 August, 1858.
Hays Francis Somers, Richmond River	
Hickey Edwin, Osterley	
Hirst William Henry, Warra Warra	
Hogg Thomas, Ashfield.....	
Hogg Frederick Metcalfe, Bathurst.....	
Howe Ephraim, Dapto, Illawarra	
Howe James, Liverpool Plains.....	
Howe John, Liverpool Plains	
Hanford Albert William, Goulburn.....	
Hungerford Thomas, Beramba	
Hunter William, Darling Downs	
Kennedy William Francis, Terryboo	
King Harding Gifford, Bega, Eden	
Larnach John, Rose Bank, Singleton	
Lee George, The Lachlan.....	
Levy Lewis Wolfe, West Maitland	
Living John, Port Curtis	
Loder Andrew, Namoi, Liverpool Plains.....	
Macdonald Robert Stair Graham, Brocklesby, Murray River.....	
Macdougall Alexander, Lorn, West Maitland	
Mackay Alexander, Kerr, Shoalhaven... ..	
M'Colm Thomas, Manore	
Meston Robert, New England	
Mitchell Francis, Sydney.....	
Moriarty Merion Marshall, Sydney	
Morris William, Tamworth	
Ramsay David, junr., The Lachlan	
Rose Henry, Mount Gilead, Campbelltown	
Smith Thomas Hawkins, Tabulam	
Strathdee Robert, Coranga	
Turner Henry Alexander, Gurrunda, Goulburn	

Vevers Richard, Liverpool Plains.....	}	30 August, 1858.
Waugh Robert, Goulburn.....		
Wilson Robert Kerr, Dalby		
Woodriffe Daniel James, Parramatta		
Wright William, Hunter s Hill	}	9 September, 1858.
Coxen Henry William, Darling Downs		
Lumsdaine Henry, Rockhampton.....	}	12 October, 1858.
Gouldesbury Francis Elphinstone		
Wood Arthur Francis	}	20 October, 1858.
Vyner Arthur, Police Magistrate, Rockhampton, &c		
Fitzsimmons Richard Higginson		28 October, 1858.
TOTAL.....		210

Appointed during Ministry of Mr. Donaldson	3
Ditto first ditto Mr. Cowper	4
Ditto ditto Mr. Parker	174
Ditto ditto Mr. Cowper	210
Total.....	391

APPENDIX F.

MAGISTRATES superseded during administration of Mr. PARKER.

Darvall Frederick Orme, (Resigned)	20 November, 1856.
Nicholson John, Sutton Forest, (Resigned).....	4 December, "
Little Francis, Invermein, (Resigned).....	21 January, 1857.
Markham Thomas John, Armidale, (Resigned)	10 February, "
Ferrett John, Lower Condamine, (Resigned)	19 " "
Denny David, Edward River, (Resigned)	3 June, "
Crawford Thomas, Maitland, (Resigned)	18 July, "
Tebbutt Thomas, Windsor, (Declined to serve)	" "

APPENDIX G.

MAGISTRATES superseded during present administration of Mr. COWPER.

Ellis Knox, (Resigned)	24 November, 1857.
Bowman John Woodward, (Removed).....	10 December, "
Plunkett John Hubert, (Resigned)	17 February, 1858.
Manning James Alexander Louis, Twofold Bay, (Resigned) ..	25 " "
Fisher Henry, Sydney, (Removed, being Insolvent)	27 April, "
Arkins John, Sydney, (Resigned)	11 June, "
Bell Charles William, Bombala, (Resigned)	15 " "
Tuckerman Stephen, Portland Head, (Resigned)	12 July, "
Curtis Samuel, Wellington, (Resigned)	15 " "
Bayly Charles Luke, Liverpool, (Removed).....	28 October, "
Johnstone Robert Gudgeon, Port Macquarie, (Resigned) ..	" "
M'Arthur John Francis, Goulburn, (Resigned)	" "

SEPARATE APPENDIX.

A.

Wingecarribbee, Berrima,
6 June, 1858.

Sir,

I have the honor to address you, as the Chairman of the Committee appointed for inquiring into the state of the Magistracy of this Colony, under the conviction, that any observations or suggestions likely to conduce to the efficiency of that body would be acceptable.

From an experience of many years as a magistrate of the Colony I have no hesitation in saying that nothing would so much tend to ensure an impartial administration of justice as the separation of the executive from the judicial functions of magistrates.

At present, as you are aware, magistrates hunt out bad characters and then try, and perhaps condemn them; in other cases the complainant makes his case good to a neighbouring magistrate, who, after issuing his summons or warrant, attends court to see his friend righted, with all the points of the case, on one side at least, at his fingers ends, and his mind made up long before he takes his seat on the Bench as to what is to be done to the offending party—at what a disadvantage the defendant will plead his cause under such circumstances is plain enough to be seen. This may appear an exaggerated case; but I can safely say it is not so, and indeed it is scarcely possible for a magistrate, under the present state of the law, to avoid, to a certain extent, being prejudiced, one way or the other; because, as all cases must be initiated by a magistrate he must hear one man's story before he grants his summons, and very often, unwittingly, makes the complainant's case his own. It is a common occurrence for magistrates to make a point of attending Court to adjudicate in cases initiated before themselves, when to ensure justice the contrary practice ought to prevail. The evils attending such a system do not require illustrating further; they must be sufficiently apparent to all. To remove them, as far as possible, I would propose that Clerks of Benches should be empowered to initiate all summons cases, and where the Crown prosecutes, even to grant warrants. There would be no more danger in granting such powers to these gentlemen than there is in granting them to ignorant justices; particularly if they received such a scale of remuneration as would ensure the acceptance of this office by men of good position, which could easily be managed without entailing any additional expense on the country, by giving them paid salaries of, say £300 per annum, and causing all fees, except those received by them as Commissioners of the Supreme Court, to be paid into the Treasury. This would be about equivalent to what they now receive in small and varying sums, as may be seen by a return lately made to Parliament; but I would in no case allow Clerks of Benches to act as agents for the Curator of Intestate Estates. This comparatively large fixed salary, with perhaps the title of Secretary instead of Clerk, would, I think, secure efficient men, and as they would always be at the Police Offices the public would not, as now, have to ride, in country districts, from house to house, long distances, to obtain a summons.

This alteration in the law would at once raise the position of magistrates immensely, and tend, more than anything I know of, to secure a due administration of justice; it would also, to a very great extent, do away with the necessity of, and relieve the country from the expense of Police Magistrates, who are, I think, in every way objectionable, for reasons which are not necessary to be particularized in this place.

The next proposition which I have to make is, to take the control of the country police entirely out of the hands of the magistrates, although I think that complaints should still be made to, and punishments inflicted by them in their judicial capacity.

To sum up, my idea is that magistrates should be as strictly *judicial* officers as the Judges themselves, and relieved from all executive duties whatever. Until this is done I do not believe the country will enjoy an impartial administration of justice, at least in the country districts.

I have not hastily arrived at these conclusions, but have for some time given the matter considerable attention, with a view to devise some remedy for the evils which now so glaringly exist, and should be glad to give you any information or assistance in my power.

I have, &c.,

H. M. OXLEY.

The Honorable the Chairman
of Committee for inquiring into the
State of the Magistracy of the Colony.

B.

B.

Mulla Villa, Wollombi,
22 May, 1858.

Sir,

As it appears from the newspaper report that you have undertaken the arduous and very necessary duty of a revision of the Magistracy of the Colony, I do myself the honor of addressing you on the subject.

Assuming that education and station ought to be tests of the qualification of Justices of the Peace, I think it will be admitted that since the time Sir Charles Fitz Roy assumed the reins of Government a large number of persons have been placed in the Commission who had no such qualifications; and hence the continual complaints of the manner in which justice is administered throughout the rural districts, and the enormous expense entailed on the community by persons being sent for trial against whom there was no legal evidence, independent of the injustice to individuals charged with the commission of the offence.

In order to meet this portion of the case, I would respectfully suggest that returns be called for, during the last three or five years, of all committals, and by what magistrates, and from what district, and in what manner the case was disposed of, either at Assizes or Sessions. If cases have been sent for trial, and that the Attorney General has not thought proper, from want of evidence, to prosecute, I think it would be such evidence as would warrant a *supersedeas* in an unpaid J. P., and good ground for the dismissal of a paid magistrate; and, if the newspaper reports are to be admitted as authority, there are very many such cases.

My opinion is, that magistrates should alone be appointed on the recommendation of the Judges of the Supreme Court. Those gentlemen are sufficiently acquainted with justices attending the various Assizes, that they could get accurate information of the status of those persons who might be recommended for the Commission. I am confirmed in this opinion by an observation made to me by His Honor the Chief Justice, that several gentlemen had presented themselves before him to take the prescribed oaths who could not read them accurately. Could such persons have received an education that would qualify them to read, with advantage, an Act of Parliament or of Council?

I think the time has arrived when property should form a portion of the qualification; and one reason is, that if a magistrate should commit a party without proper legal evidence, that he should be accountable in a court of law. Now, several cases have come under my own observation where parties were committed for trial against whom there was not a shadow of evidence. Doubtless a court of law would have given heavy damages, but the J. P.'s were little better than paupers.

The Government having intimated their wishes that M. P.'s should recommend for the Commission, has, in my humble judgment, been attended with evil consequences with respect to votes at elections. I will instance two cases to my knowledge, and could name others:—One party was promised by a candidate that his name would be placed in the Commission—he was unquestionably respectable; and another, who had been a constable, a poundkeeper, and a publican, had a similar promise made—and both names appeared in the Commission. My opinion is, that no person who had ever held a publican's license should be placed in the Commission. Drunkenness is the curse of the Colony; and could it be expected that any person who had kept such a house would see that vice in all its deformity, or use the means which the law has placed in his power to strenuously resist its progress?

I was applied to as P. M. to recommend a party to be appointed a J. P., which I declined. Having been informed that a petition was going the rounds, praying for the appointment of a justice, I felt it my duty to bring it under the notice of His Excellency Sir Geo. Gipps; and that noble-minded gentleman replied, that no person who had ever held a publican's license would be placed in the Commission. I think no higher authority could be given on the subject.

In a conversation with one of the first gentlemen in the Colony, some years ago, he observed, "There was a time when to be a magistrate was an honor, but from the class of persons Sir C. Fitz Roy had placed in the Commission, it had ceased to be so, and that gentlemen would not now attend the Bench to meet persons they never met elsewhere." I have had conversations with several magistrates at the Midland Circuit Court also, and all agree that many appointments that have been made are "too bad."

If any queries are issued by your Committee, and that you think proper to have one sent to me, I shall have much pleasure in forwarding replies; or, if otherwise I can give you any further information, it is entirely at your disposal.

I offer no apology for this trespass, being both, as we believe, employed in what appears advantageous to the community.

I have, &c.,

DAVID DUNLOP, J. P.

The Honorable

T. A. Murray, Esq., M. P.

C.

Shoalhaven, 24 June, 1858

Sir,

Having for some years felt and taken a deep interest in the state of the Magistracy and their administration of justice, and feeling the same interest still, I request leave to trouble you, as Chairman of the Committee now inquiring into the subject, with a few remarks. I shall be as concise as possible, leaving myself a wide margin for explanation, should you require it.

The

The selection of magistrates is without any system sufficient to guarantee to the public either that competent or even *fit and proper* persons shall be appointed.

Education, social position, moral worth, integrity, experience, are not considered necessary qualifications—*nor any one of them*—for the office. This humiliating fact was most painfully illustrated by the late Government, in some of their Wollongong and Kiama appointments: the dignity of those Benches has been lowered, the intelligence of the district has been insulted, and the administration of justice brought into contempt.

The power to make magistrates is merely an instrument in the hands of Government to gratify the vanity of *relatives*, and the friends of their parliamentary supporters, without any reference to their fitness or characters, and utterly regardless of the public interest in the administration of justice.

And yet I do not blame Government, but I most certainly do those who recommend persons *knowing them not to possess even one qualification for the office*. The system is altogether wrong, and therefore the state of the magistracy is decidedly most unsatisfactory, and consequently the administration of justice is equally so.

Although in this district gentlemen have the Commission whose social position may entitle them to it, yet the administration of justice is most unsatisfactory and *perilous to liberty and life*: witness the late case of Terence M'Mahon, committed for *rape* without even a shade of a shadow of evidence against him; although, as a matter of course, the Attorney General declined to prosecute, this man and his wife, after years of struggling, have been *literally ruined, his very bed sold, and everything*.

There is the utmost confidence, and justly, in Dr. Mackenzie, Mr. Thomson, and Dr. Aldcorn, but the two latter are absent, and bench arrangements made without the concurrence of the former are so inconvenient to him that the administration of justice remains with the three juniors, who too frequently bow to Mr. Alfred Klyard, whose decisions, as in M'Mahon's case, cause great dissatisfaction and discontent.

There are other circumstances which render the state of the magistracy here most unsatisfactory.

The Clerk of the Bench is brother-in-law of one of the magistrates, and appears to presume upon that relationship—or his presumption is natural to him—to interfere, unbidden and unquestioned, in the cases before the court, often stepping behind magistrates to *whisper* to his brother-in-law, for or against either the plaintiff or defendant, and, being so related, the other magistrates do not prevent it; this gives great offence, and has occasioned angry and unseemly altercation—otherwise he is a very efficient officer, and would be valuable elsewhere, where he would learn to know and keep his proper place, &c.

I would now suggest a remedy.

1. The appointment of magistrates *should not depend* upon political influence. Police jurisdiction is the first link of the law's chain—it is the alpha of the law, as the hangman is the omega.

2. A new Commission should be issued—the old one revised by *the Judges*; all recommendations should be made *to the Judges*, and if approved of, recommended *by the Chief Justice* to the Governor General, without the advice of the Privy Council.

3. The criminal jurisdiction and offences should be entirely separated from the civil: the Crown or nominee magistrates to settle the former, and the district councillors, who should be *ex officio* magistrates, the latter—*each assisted by a jury of 2 or 4*.

The pleading of attorneys in country courts does *not* facilitate the administration of justice, but often the contrary; they are frequently employed, not because they are required, but merely to heap costs. This would be remedied by each person, win or lose, being obliged to pay his own law costs.

I have, &c.,

GEORGE UNDERWOOD ALLEY.

Terence A. Murray, Esq., M.P.

D.

Supreme Court,
5 July, 1858.

Sir,

I am desirous of correcting, or at least of considerably qualifying, the evidence given by me before the Committee of which you are Chairman, respecting the succession of the Attorney General for the time being to the office of Chief Justice. I cannot call to mind the particular question which led to my statement; but it was to the effect, that "as a general rule" such was the course of succession. Further consideration and inquiry lead me to doubt the accuracy of that statement. The list of exceptional instances enclosed, (if in fact *exceptions*,) tends at least to shew that the rule—if as stated,—is as often, or nearly as often, departed from as adhered to.

I am, &c.,

ALFRED STEPHEN.

T. A. Murray, Esq., M.P.

If not irregular, the appending of this to the Report will oblige me.

[Enclosure

[*Enclosure to the foregoing.*]

1. When the Lord Chancellor's place became vacant in the times of Lords King, Cowper, Talbot, Hardwicke, Eldon, Lyndhurst, and Cottenham, they (and not the Attorneys General of the respective days) obtained the place of Lord Chancellor.
2. Puisne Judge Bathurst was made Lord Chancellor, and not the Attorney General of his day.
3. Plomer (Vice-Chancellor) became Master of the Rolls, and not the Attorney General of the time.
4. Pepys, Solicitor General, was made Master of the Rolls in '34; though Campbell, the Attorney General (it is said) demanded the post.
5. When the office of Lords Justices was created, Vice-Chancellors Knight, Bruce, and Turner were appointed, and not the Attorney and Solicitor Generals.
6. When Lord Cottenham resigned, Sir Thomas Wilde was appointed Lord Chancellor, and not Jervis, the Attorney General.
7. Lord Mansfield retired from the office of Chief Justice of the Queen's Bench, and was succeeded by Kenyon, Master of the Rolls.
8. When Lord Ellenborough retired from the office of Chief Justice of the Queen's Bench, he was succeeded by Puisne Judge Abbott, not by the Attorney General.
9. When Lord Denman retired from the Chiefship of the Queen's Bench, Lord Campbell obtained the place, and not Cockburn, the Attorney General.
10. Chief Justices of the Common Pleas Gibbes, Mansfield, and Dallas, were respectively succeeded by Puisne Judges Mansfield, Dallas, and Best. Chief Justice Best was succeeded by Tindal, the Solicitor General, and not by Scarlet, the Attorney General. Willes and Wilmot were both Puisne Judges before they became respectively Chief Justices. Powis was a Puisne Judge before he became a Chief Justice of the K. B.; so were Lord Raymond, Sir W. Lee, and others.
11. Chief Barons Macdonald, Thompson, Richards, and Alexander, were respectively succeeded by Puisne Baron Thompson, Puisne Baron Dallas, Alexander (Master in Chancery), and Lord Lyndhurst; and not by the Attorney Generals of the day.
12. Sir Vicary Gibbs, Attorney General, although the first lawyer at the English bar, was a Puisne Judge before he became a Chief Justice; and Garrow, almost the ablest advocate that ever practised in Westminster Hall, was in effect compelled to take the place of a Puisne Baron, though Attorney General. Sir William Horne, after being Attorney General, accepted the post of Master in Chancery.

1858.

Legislative Assembly.

NEW SOUTH WALES.

CASES IN WHICH THE ATTORNEY GENERAL DECLINED TO PROSECUTE.

(RETURN OF.)

Ordered by the Legislative Assembly to be Printed, 13 July, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly,
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 of all Commitments for trial by Justices, within
“ the three years ending December 31st, 1857, in which the
“ Attorney General declined to prosecute, specifying the names
“ of the committing Magistrates.”

(*Mr. Murray.*)

RETURN of all Commitments for trial by Justices, within the three years ending 31 December, 1857, in which the Attorney General has declined to prosecute.

No.	DATE OF COMMITTAL.	NAME OF PRISONER.	OFFENCE.	BENCH.	NAMES OF COMMITTING MAGISTRATES.
	1855.				
1	4 January	James Forster	Stealing	Gladstone	M. C. O'Connell, J.P.
2	15 "	Wm. Cunningham	Accessory after the fact—robbery of mail	Hartley	Thos. Cadell, junr., and Thos. Brown, J.P's.
3	16 "	Joseph Marshall	Attempt at pocket picking	Sydney	J. S. Dowling, P.M.
4	16 "	Thos. Crothers	Stealing timber	Wollombi	Thos. Wiseman and Thos. Lindsay, J.P's.
5	3 February	Michael Haydon	Perjury	Sydney	R. Scott Ross, J.P.
6	17 "	Peter Lynch	Horse stealing	Windsor	William Bowman, J.P.
7	5 March	Julia Taylor and Mary Silk	Larceny	Camden	James Macarthur, J.P.
8	13 "	Peter Golding	Obtaining money under false pretences	Singleton	J. Gaggin, J.P.
9	19 "	Thos. Jackman	Attempt to commit unnatural offence	Nundle	C. M. A. King and Chas. H. Fawcett, J.P's.
10	26 "	John Redhead	Manslaughter	Sydney	Rowand Ronald, J.P.
11	27 "	Samuel Mead	Horse stealing	Eden	John Lloyd and Henry Wren, J.P's.
12	31 "	Wm. Rouse and Matw. Thomson	Cattle stealing	Shoalhaven	James Thomson, J.P.
13	31 "	Peter Norris Drew	Stealing money	Port Macquarie	Edwd. D. Day, P.M.
14	20 April	George Mills	Uttering a £1 note altered to a £5.	Water Police Office, Sydney	S. North, W.P.M.
15	1 May	Wm. Dickinson	Conspiring to prevent C. Lands fetching just price.	Eden	A. W. Manning, C.C.L.
16	15 "	Emanuel Williams	Unnatural offence	Water Police Office, Sydney	S. North, W.P.M.
17	17 "	Walter Powers	Attempt to commit do.	Ipswich	Chas. Geo. Gray, P.M., and Joshua B. Bell, J.P.
18	9 June	Joseph Wilkes	Murder of wife and two sons	Casino	Alexr. Mackellar and Wm. Wilson, J.P's.
19	25 "	J. M. Robinson	Libel	Tamworth	H. Chester Master, P.M., and P. G. King and J. M. Gill, J.P's.
20	26 "	Patrick Tierney	Horse stealing	Armidale	H. B. Fellowes, P.M.
21	11 July	Daniel Brasnahan	Unlawfully possessing himself of property	Berrima	H. M. Oxley, W. J. Cordeaux, and Chas. S. Nicholson, J.P's.
22	12 "	Wm. Holden	Horse stealing	Braidwood	Robert Maddrell, J.P.
23	12 "	David Taylor	Do.	Do.	Do.
24	13 "	George Jones	Perjury	Paterson	Gilbert Cory, J.P.
25	18 "	Joseph Browne	Perjury	Nundle	R. L. Jenkins, J.P.
26	19 "	Henry Regan	Stealing a watch	Carcoar	Edward J. North, J.P.
27	20 "	David Scott	Larceny	Binalong	E. Beckham, J. D. Macansh, and J. N. Ryan, J.P's.
28	28 "	Jas. and Thos. Cardwell	Horse stealing	Sydney	Messrs. Dowling & Burnell disagreed—Burnell committed.
29	31 "	John Maher	Libel	Maitland	J. H. Crummer, P.M.
30	4 August	Fredk. H. Dicker	Perjury	Sydney	Chas. Kemp, J.P.
31	17 "	John Davis	Receiving a stolen horse	Port Macquarie	Edwd. D. Day, P.M.
32	17 "	Do.	Horse stealing	Do.	Do. and John Croker, J.P.
33	18 "	Patk. M'Encroe	Stealing a bullock	Dalby	Joshua B. Bell, J.P.
34	1 September	Henry Small	Stealing a cow	Camden	E. Palmer, J.P.
35	3 "	Michl. Leahy	Perjury	Sydney	Chas. Kemp, J.P.
36	12 "	John Thomas	Housebreaking	Berrima	H. M. Oxley and Edmd. Burke, J.P's.
37	14 "	Chas. Roberts	Cattle stealing	Penrith	(R. C. Lethbridge, John Single, Jas. M'Carthy, and R. P. Jamison, J.P's.
38	18 "	Joseph Wilkes	Perjury	Casino	C. G. T. Chauvel and Alexr. Mackellar, J. P's.
39	25 "	Thomas Hall	Bigamy	Sydney	Thos. Broughton, J.P.
40	28 "	Hector Angus	Horse stealing	Orange	J. T. Lane and Andrew Kerr, J.P's.
41	29 "	Philip Henry M'Grane	Poisoning a child with spirits	Morpeth	John S. Parker, Coroner, Maitland.
42	10 October	David Ramsay	Perjury	Rylstone	Chas. A. Sinclair, J.P.
43	12 "	Thos. Burns	Stealing blankets	Drayton	Fredk. W. Isaac and John Watts, J.P's.
44	12 "	Do.	Obtaining blankets under false pretences	Do.	Do. Do.

No.	DATE OF COMMITTAL.	NAME OF PRISONER.	OFFENCE.	BENCH.	NAMES OF COMMITTING MAGISTRATES.
	1855.				
45	15 October	Alexr. H. Richardson	Presenting a gun	Sydney	Geo. Rattray and R. S. Ross, J.P's.
46	22 "	Alexr. F. D. Greville	Fraudulently concealing part of Insolvent Estate	Do.	R. Scott Ross and H. C. Burnell, J.P's.
47	30 "	John Eachcock	Bigamy	Do.	J. S. Dowling, P.M.
48	12 November	James M'Pherson	Obstructing Public Road	Hartley	Thomas Brown, P.M.
49	13 "	Basil Demar alias Frenchy	Perjury	Armidale	Wm. Pickering and C. W. Marsh, J.P's.
50	20 "	Patrick M'Mahon	Horse stealing	Dubbo	J. A. Robertson, P. M., and Alexr. Cruickshank, J.P.
51	21 December	Peter and James M'Cann	Attempting to pass base coin	Sydney	Charles Kemp, J.P.
52	24 "	George Thorn	Felony	Tamworth	H. Chester Master, P. M.
	1856.				
53	2 February	Jas. Eldridge	Indecent assault upon a child	Camden	J. N. Oxley, J.P.
54	5 "	Edward Keys	Horse stealing	Wellingrove	J. T. Baker, Wm. Rawson, and Gilbt. W. Elliot, J.P's.
55	6 "	Robt. and Mary Ann Horsley	Conspiring to obtain miscarriage	Berrima	John and Chas. S. Nicholson, J.P's.
56	8 "	Thos. Jones	Rape	Sydney	George Allen, J.P.
57	11 "	Robert Smail	Do.	Water Police Office, Sydney	S. North, W.P.M.
58	14 "	John M'Naugh	Cattle stealing	M'Leay River	Wm. H. Thornton and W. H. Kemp, J.P's.
59	16 "	Jas. M'Duff	Rape	Maitland	J. H. Crummer, P. M.
60	27 "	Sarah Horn alias Nelson	Bigamy	Parramatta	David Forbes P.M.
61	17 March	Samuel Dinner	Highway Robbery	Sofala	Wm. Johnson, P.M.
62	27 "	John Sullivan	Do.	Orange	L. Arthur Templar and Andrew Kerr, J.P's.
63	7 April	John Bourke	Stealing	Wombo	John Ker Wilson, J.P.
64	8 "	John Meehan	Manslaughter	Sydney	John M'Levie, P.M.
65	6 May	Robert Vivers	Libel	Wellingrove	O. Bloxsome, junior, and Wm. Rawson, J.P's.
66	6 "	Thos. Steel	Perjury	East Maitland	J. H. Crummer, and P. Green, J.P's.
67	8 "	Thos. Green	Do.	Do.	J. H. Crummer, P.M.
68	4 June	Daniel Henry	Do.	Do.	Do. do.
69	16 "	Pang alias Que (Chinaman)	Escaping from Custody	Gayndah	Arthur E. Halloran, P.M.
70	1 July	William Love	Perjury	Sydney	George Allen, J.P.
71	5 "	Henry Day Swaine	Horse stealing	Carcoar	James Dalyell, J.P.
72	10 "	James Musk	Abduction	Paterson	Edwd. G. Cory, J. P.
73	18 August	Titus Patmore	Violent Assault	Sydney	J. S. Dowling, P.M.
74	11 September	Thomas Morphy	Malicious Libel	Braidwood	W. E. King, P.M.
75	5 October	Michael Cusack	Murder of Henderson alias Campbell	Maitland	J. H. Crummer, P.M.
76	14 "	John Usher	Stealing Money	Murrumbidgee	Philip W. Wright, J.P.
77	6 November	Catherine Kelly	Perjury	Sydney	J. S. Dowling, P.M.
78	12 "	Jas. Theobald	Escape of Prisoner	Gladstone	M. C. O'Connell and John Murray, J.P's.
79	12 "	William Barton	Robbery	Mudgee	Richard Harris, J.P.
80	17 "	Patrick Kelly	Perjury	Sydney	J. S. Dowling, P.M.
81	17 "	Fredk. A. Pickerton	Slander	Maitland	Wm. E. King, P.M.
82	17 "	John H. Carey	Larceny	Louisa Creek	T. Digby Miller, P.M.
83	21 "	Charles Palmer and Wm. Stewart (Pal- mer discharged—Stewart prosecuted)	Stealing Jewellery	Armidale	J. Buchanan, J.P.
84	27 "	Bridget Thornton	Perjury	Sydney	E. H. Hargraves, J.P.
85	3 December	Henry Tebbutt	Do.	Mudgee	Richd. Harris, Jas. Thos. Bell, and Chas. B. Lowe, J.P's.
86	8 "	Thomas Moore	Stealing a Horse-break	West Maitland	J. H. Crummer and Bourne Russell, J.P's.
87	29 "	James Finsley	Stealing Money	Newcastle	Charles Bolton, J.P.

RETURN—continued.

No.	DATE OF COMMITTAL.	NAME OF PRISONER.	OFFENCE.	BENCH.	NAMES OF COMMITTING MAGISTRATES.
88	1856. 29 December ..	Ebenezer and S. Brown and Patk. Kelly and Chas. Armstrong (Browns discharged—Kelly and Armstrong prosecuted)	Accessory to Manslaughter	Kiama ..	Robert Menzies, Coroner.
89	1857. 7 January	Cornelius Nightingale	Embezzlement	Sydney	J. S. Dowling, P.M.
90	21 "	Daniel O'Brien	Assault with intent to rape	Water Police Office, Sydney..	S. North, W.P.M., J. McLean, and H. C. Burnell, J.P's.
91	2 February....	John E. Parker	Stealing money	Penrith	R. C. Lethbridge, J.P.
92	4 "	Elinor Clara Nicholson and Thomas Nicholson (wife discharged, husband prosecuted)	Stealing a gig, &c.	Bathurst	E. M. Batty, J.P.
93	11 "	John Hardman	Perjury	Orange	L. Arthur Templar, J.P.
94	17 "	John Peno	Assault and robbery	Wollombi	Helenus Scott, P.M.
95	17 "	Wm. Poidevan	Horse stealing	Wagga Wagga	John G. Church, J.P.
96	24 "	Pierce Tracey	Manslaughter	Yass	J. M. Blake, Coroner, J.P.
97	23 March	Brian Kenny	Indecent assault	Maitland	J. H. Crummer and Bourne Russell, J.P's.
98	18 April	Edward J. White	Slander	Bathurst	W. H. Palmer, P.M., G. F. Wise, R. Machattie, J. West, Tertius, and J. M. Marsh, J.P's.
99	18 "	Do. do.	Libel or Slander	Do.	W. H. Palmer, P.M., R. Machattie, and J. M. Marsh, J.P's.
100	27 "	Billy Mitchell, Smith, Perkin, and Lamb (Mitchell discharged, Smith, Perkin, and Lamb prosecuted)	Cattle stealing	Orange	L. A. Templar and Andrew Kerr, J.P's.
101	6 May	George Templeton	Endeavouring to obtain money under false pretences	Sydney	D. F. Scott, J.P.
102	19 "	Edward Rawlings	Perjury	Do.	David Forbes, P.M.
103	29 "	George Moran	Manslaughter	Parramatta	Chas. B. Lyons, Coroner.
104	1 June	Fredk. Smith	Do.	Sydney	J. S. Parker, Coroner.
105	2 "	Wm. C. Dwyer	Maliciously stabbing a horse not his property	Maitland	J. H. Crummer, G. F. Davison, and Bourne Russell, J.P's.
106	9 "	John Horwood	Rape	Raymond Terrace	A. Windeyer and P. Sadlier, J.P's.
107	31 July	Henry Warran	Assault on the high seas	Water Police Office, Sydney..	S. North, W.P.M., and J. McLean, J.P.
108	6 August	Wm. Blackburn	Allowing prisoner to escape	Warralda	R. B. Ottley and A. A. Adams.
109	13 "	Maurice O'Connor	Perjury	Sydney	David Forbes, P.M.
110	17 September ..	E. Diplock, W. Payne, and Mary Waters	Robbery from a dray	Braidwood	W. E. King, P.M.
111	23 "	Thomas Wareham	Larceny	Mudgee	J. T. Bell, J.P.—W. W. Lowe differing.
112	28 "	Hy. Brennan and Owen McEwan	Horse stealing	Sofala	William Johnson.
113	14 October	Edward Greenwood	Libel	Grafton	A. L. McDougall, T. H. Bundock, and Chas. G. Tindal, J.P's.
114	16 "	Iwan F. Casarowicz	Do.	Sydney	David Forbes, P.M.
115	16 "	John Degotardi	Do.	Do.	Do. do.
116	20 "	Archibald Meston	Horse stealing	Stoney Creek	Robt. J. Barton.
117	23 "	Daniel Monogue	Housebreaking	Raymond Terrace	A. Windeyer and P. Sadlier, J.P's.
118	24 November ..	Wm. Berry	Horse stealing	Goulburn	P. Plunkett, F. Maud, and John Cropper, J.P's.
119	5 December ..	John Jones	Stealing money from the person	Do.	P. Plunkett, P.M.
120	26 November ..	Robert Wisdom	Libel	Sydney	David Forbes, P.M.
121	1 December ..	Edward Rourke	Cattle stealing	Hartley	Thomas Brown, P. M.
122	4 "	Jas. Smith	Obtaining money under false pretences	Maitland	A. Dodds and G. F. Davidson.
123	8 "	Thomas Connell	Horse stealing	Braidwood	W. E. King, P.M.
124	31 "	Jabez Bunting	Perjury	Sydney	W. A. Purfoy, Chief Commissioner Insolvent Court.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PEARCE *v.* BAYLY.

(PROCEEDINGS IN THE CASE BEFORE MAGISTRATES AT LIVERPOOL.)

Ordered by the Legislative Assembly to be Printed, 22 July, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 13 July, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid on the Table of this House,—

“A copy of the Proceedings in the case of Pearce *v.* Bayly,
“tried before the Bench of Magistrates at Liverpool, in
“November, 1857.”

(*Mr. Murray.*)

PEARCE v. BAYLY.

S. MOORE, Esq., J.P., to THE ATTORNEY GENERAL.

Police Office, Liverpool,
8 December, 1857.

SIR,

I have the honor to acknowledge the receipt of your communication of the 7th instant, requesting that a copy of the proceedings of the case of assault of "Pearce v. Bayly" should be transmitted to your office.

I herewith transmit a copy of the case.

I have, &c.,
SAM. MOORE.

THE HONORABLE
THE ATTORNEY GENERAL,
Sydney.

A. No. 1.

Complaint on 9 Geo. 4, c. 31, for an Assault and Battery.

NEW SOUTH WALES,
LIVERPOOL,
TO WIT.

BE IT REMEMBERED, that on the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, at Liverpool, in the Colony of New South Wales, Thomas Pearce, of the said Town of Liverpool, personally cometh before me, Kinnear Robertson, Esquire, one of Her Majesty's Justices of the Peace in and for the said Colony, and upon his oath complaineth to and informeth me that Charles Luke Bayly, Esquire, of the said Town of Liverpool, Justice of the Peace, did on the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, at Liverpool, in the Colony aforesaid, unlawfully assault and beat the said Thomas Pearce, by spitting in his face, contrary to the Statute in such case made and provided, and against the peace of our Lady the Queen; and thereupon the said Thomas Pearce prays that I, the said Justice, will proceed in the premises according to law.

THOS. PEARCE.

Sworn before me, at the Police Office, in the
Town of Liverpool, this 20th day of
November, A.D. 1857,
KINNENAR ROBERTSON, J. P.

[Summons granted for 23rd November, 1857.]

Liverpool, 23 November, 1857.

Present:—

SAMUEL MOORE, Esq., J.P. | KINNENAR ROBERTSON, Esq., J.P.
WILLIAM HANNIBAL LANE, Esq., J.P.

Charles Luke Bayly, Esq., J.P., is called on to answer the charge of an assault committed by him on the person of Mr. Thomas Pearce. A medical certificate having been produced, stating his inability, from indisposition, to attend this day, the case is postponed until Friday, 4th December, 1857.

SAML. MOORE, J.P.
W. H. LANE, J.P.
KINNENAR ROBERTSON, J.P.

CERTIFICATE.

I hereby certify that I have this day visited Charles Bayly, Esq., professionally, and find him so much indisposed from a severe attack of diarrhoea as to be unable to leave the house or transact any business whatever.

A. M. HOSKINGS, M.D.,
and Surgeon.

Liverpool, 23 November, 1857.

Liverpool

*Liverpool Police Office,
4 December, 1857.*

Before

SAMUEL MOORE, Esq., J.P.

WILLIAM HANNIBAL LANE, Esq., J.P.

Charles Luke Bayly charged with assaulting and beating one Thomas Pearce, on the 20th day of November last.—Pleads guilty.

Thomas Pearce, of Liverpool, in the Colony of New South Wales, butcher, being duly sworn, on oath states:—

I have heard the information now read in Court; it is true; Mr. Bayly was in a state of intoxication at the time; when I left the place he followed me and spit in my face again; when I went to leave the place altogether, Mr. Bayly shut the door and would not let me out, until Mr. Andrews ordered him to leave the place.

By Mr. Bayly: I state you were intoxicated; I know you were because of your manner, because you could not walk straight; this occurred at the bar of Andrews' Hotel; when you left the bar I saw you walking round Mr. Andrews' sitting-room; you followed me into the bar; you were standing in the street at Andrews' gate, going into the parlour.

By the Bench: I was perfectly sober at the time; Mr. Bayly staggered when he walked across the room; this took place about half-past two o'clock in the afternoon.

THOS. PEARCE.

Sworn at the Police Office, Liverpool, this }
4th day of December, 1857, before }

SAM. MOORE, J.P.

W. H. LANE, J.P.

John Andrews, in the Colony of New South Wales, publican, being duly sworn, on oath states:—

By the Bench: I recollect the 20th of last month; Mr. Thomas Pearce was at my house in the afternoon somewhere about 3 or 4 o'clock in the afternoon; I saw Mr. Bayly spit in Mr. Thomas Pearce's face several times without any provocation being given by Mr. Thomas Pearce; this occurred in the tap room; not any other persons present; Mr. Pearce got over the railing which divides the tap room from the parlour and Mr. Bayly followed him into the private room attached to the bar, and attempted or did close the door in fact to prevent Mr. Pearce going out; I was in the room; Mr. Pearce took a poker up to defend himself; I before insisted that the door should be opened; I then opened the door; I saw Mr. Bayly again spit in Mr. Pearce's face; Mr. Pearce afterwards went out; Mr. Bayly was not quite sober, he had a little drink; the plaintiff first entered the bar followed shortly afterwards by the defendant; I did not supply the defendant with any drink during the time that Mr. Pearce was there; I do not recollect Mr. Bayly calling for a glass of brandy; I have not the recollection of serving it.

By Mr. Bayly: I do not recollect serving him with any thing at all; by your manner I considered you to be slightly intoxicated.

JOHN W. ANDREWS.

Sworn at the Police Office, Liverpool, this }
4th day of December, 1857, before }

SAM. MOORE, J.P.

W. H. LANE, J.P.

The Bench find the defendant Charles Luke Bayly guilty of the offence of assaulting Thomas Pearce, and fine him in the sum of five pounds, and in default of payment of the sum of five pounds to be imprisoned in Her Majesty's Gaol for the space of one calendar month, and to find sureties to keep the peace towards all Her Majesty's subjects, and especially towards Thomas Pearce, for six calendar months, himself in £50 and two sureties of £25 each.

SAML. MOORE, J.P.
W. H. LANE, J.P.

1858.

Legislative Assembly.

NEW SOUTH WALES.

CHARLES L. BAYLY, Esq., J.P.

(CORRESPONDENCE RELATIVE TO CONDUCT OF AS A MAGISTRATE.)

Ordered by the Legislative Assembly to be Printed, 27 August, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 30 July, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House :—

“ A Copy of the Report of the Commission appointed by the
 “ Government to inquire into the conduct of Charles Luke
 “ Bayly, Esq., J.P., with a view to having the said Report
 “ referred to the Select Committee on the state of the Magis-
 “ tracy.”

(*Mr. Forster.*)

CHARLES L. BAYLY, Esq., J.P.

Liverpool, 1 October, 1857.

SIR,

We have the honor to request your attention to the following facts which, on public grounds, have induced us to make this report, and to decline co-operating with Mr. Charles Luke Bayly as magistrates.

The first instance in which he deviated from that line of conduct which ought to distinguish the bearing of a magistrate and a gentleman, was in gambling in a public house, in Liverpool, in tossing for half-crowns; he was seen in the act by a gentleman, who related the circumstance to the Revd Mr. Priddle, our Incumbent.

The second case arose out of a gambling transaction at Mudgee, where, having lost money, Mr. Bayly tendered blank paper as notes, and on discovery he was forcibly ejected from the room in which the transaction took place, and recently, since his return to Liverpool, he went to the residence of the Revd. Mr. Priddle in a state of intoxication and insulted him in the grossest manner, by calling him a "liar."

These circumstances have induced us, as well as Mr. Rowe (at present in Melbourne,) not to attend the Bench during the period Mr. Bayly is a resident in this district; and we do conceive, as the above recited facts are known to the community, it would tend to weaken confidence in the integrity of the members who compose the magistracy of this district should they co-operate with him in their public capacity.

We leave this with confidence in your hands, and should you deem it necessary to have the matter investigated, we are prepared to adduce our authorities for the facts we have brought under your notice.

We have, &c.

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

SAM. MOORE.
W. H. LANE.

*Attorney General's Office,
Sydney, 6 October, 1857.*

GENTLEMEN,

In reference to the letter addressed by you on the 1st instant to the Colonial Secretary, in which you make certain charges against Mr. C. L. Bayly, J.P., I beg to inform you that I have sent a copy of that letter to Mr. Bayly, with a request that he will submit such statement as he may deem necessary before I take any steps in the matter.

I have, &c.,

MESSRS. MOORE AND LANE,
Justices of the Peace,
Liverpool.

JAMES MARTIN,
Attorney General.

*Attorney General's Office,
Sydney, 6 October, 1857.*

SIR,

I beg to enclose, for your perusal, a copy of a communication addressed by Messrs. Moore and Lane, two Justices of the Peace in the Liverpool District, to the Colonial Secretary, and by him forwarded to me. Before taking any steps in reference to the complaint made against you in that letter, I shall be glad to receive any statement which you may deem it necessary to make upon the subject.

I have, &c.,

C. L. BAYLY, Esq., J.P.,
Liverpool.

JAMES MARTIN,
Attorney General.

*Attorney General's Office,
Sydney, 7 November, 1857.*

SIR,

In transmitting to you herewith a copy of a communication from Messrs. Moore and Lane, Justices of the Peace, preferring charges of gambling and drunkenness against Mr. Charles L. Bayly, J.P., with the latter gentleman's answer thereto, I am directed by the Attorney General to request that you will have the goodness to proceed to
Liverpool

Liverpool at an early opportunity to investigate the matter, and examine the parties, and such witnesses as they may call, giving reasonable notice to Mr. Bayly and his accusers of the day fixed for the inquiry; and I am also desired to request you to furnish your report thereon as early as possible at this office. The Government will pay your travelling expenses. It may be proper to mention, also, that the evidence will, of course, not be upon oath.

I have, &c.,

DAVID FORBES, Esq., P.M.,
Sydney.

W. E. PLUNKETT,
Secretary to Law Department.

Central Police Office,
Sydney, 10 November, 1857.

SIR,

I have the honor to acknowledge the receipt of your letter of the 7th instant, requesting me to inquire into and report upon certain charges preferred by Messrs. Moore and Lane, Justices of the Peace, of Liverpool, against Mr. Charles L. Bayly, J.P., of the same place; and in attention thereto, I beg to state that I yesterday forwarded a copy of your communication in a letter to Messrs. Moore and Lane, Justices of the Peace, and also to Mr. C. L. Bayly, apprising those gentlemen that I should be at the Court House, Liverpool, on Friday next, and requesting them to meet me there at 11½ a.m., with such witnesses as they wished to have examined. As soon as I have held this inquiry I will, without delay, forward my report to you.

I have, &c.,

THE HONORABLE
THE ATTORNEY GENERAL.

D. FORBES, J.P.

Moore Bank,
16 November, 1857.

SIR,

I have the honor to address you in reference to the investigation which took place at Liverpool on Friday, 13th instant.

Mr. Bayly in his defence brought forward Messrs. Taylor, Beresford, and Russell, to prove that he was *sober* on the evening he had the interview with the Rev. Mr. Priddle, and on which occasion the Rev. gentleman stated he (Mr. B.) was intoxicated, and had applied the word "liar" to him: in the minutes taken by Mr. Forbes they positively assert that Mr. Bayly was sober.

Yesterday, in the vestry, after Divine Service, I had an interview with Mr. Priddle, and detailed to him what had been stated by the three individuals above named, when he most emphatically said that Mr. Bayly was *drunk* on the occasion referred to, and added, that Mr. B. waited on him the following morning to apologise for his conduct on the previous evening,—this was said in the presence of one of the churchwardens, Mr. Pearce.

My motive in putting you in possession of this feature in the case is to prove that Mr. Lane and myself had grounds for our report, and also that Mr. Priddle adheres to the statement he made to Mr. Rowe and myself.

I have, &c.,

THE HONORABLE
THE ATTORNEY GENERAL,
Sydney.

SAM. MOORE.

Attorney General's Office,
Sydney, 23 November, 1857.

SIR,

In acknowledging the receipt of your communication of the 16th instant, and adverting to the previous correspondence relative to certain charges preferred against Mr. C. L. Bayly, J.P., I am directed to inform you and Mr. Lane, that Mr. Forbes' report and the evidence taken on the inquiry have been received, and the Attorney General desires me to say he does not see sufficient ground either to make any recommendation to the Governor General or to direct a further inquiry. I am also desired to state that, in the opinion of the Attorney General, it is very much to be regretted that the Rev. Mr. Priddle did not attend in support of the complaint which the Rev. gentleman made to yourself and to Mr. Rowe. A clearly proved charge of intoxication under the circumstances alleged against Mr. Bayly would, the Attorney General considers, justify his removal from the Commission of the Peace; but, notwithstanding the disinclination of his brother magistrates to sit on the Bench with him, the Attorney General does not consider that he would be warranted in recommending such removal in the present instance.

I have, &c.,

SAMUEL MOORE, Esq., J.P.,
Liverpool.

W. E. PLUNKETT,
Secretary to Law Department.

Parsonage,

*Parsonage, Liverpool,
24 November, 1857.*

SIR,

I have just been informed that an investigation held at Liverpool, before the Police Magistrate of Sydney, on the conduct of Mr. C. L. Bayly, has terminated in his acquittal of charges of drunkenness and gambling, that had been made with a view to his removal from the magistracy.

I am sorry to be aware of the truth of the former of these charges, but in the relation in which I stand as clergyman of the parish towards him and his family, I felt that I ought not to put myself forward as a witness, and as he had promised amendment, and his family entreated me not to appear at the investigation, I felt that unless *officially* called upon I ought not to volunteer my evidence. I very much regret to find that the course I adopted has greatly distressed some of the most respectable of my parishioners, and I am deeply grieved to add, that instead of the reformation Mr. Bayly promised, he has shamefully offended since the termination of the inquiry, and I hear has been summoned to the Liverpool Bench to answer a charge of common assault. Under these circumstances, I feel that my silence may be injuriously misunderstood, and that I am not entitled to rely upon his promises of amendment.

I am now compelled to bring charges against Mr. Bayly of drunkenness, of insulting language, and of conduct unbecoming a magistrate. On two occasions he came to the Parsonage in a state of filthy intoxication, and on one called me a "liar," and accused me of general hypocrisy in the discharge of my duty as a clergyman.

I have, &c.

CHAS. F. D. PRIDDLE.

THE HONORABLE
CHARLES COWPER, Esq.

*Attorney General's Office,
Sydney, 27 November, 1857.*

SIR,

In acknowledging the receipt of your letter of the 25th instant, and its enclosure, addressed to the Honorable Charles Cowper, and subsequently forwarded under B.C. to this office, respecting Mr. C. L. Bayly's conduct, I am now directed to state that previously to the receipt of your communication, &c, referred to above, the Attorney General desired me to write to Captain Moore, intimating that he had determined not to take any further steps in reference to the charges preferred against Mr. Bayly, of which the enclosed is a copy, and therefore I am again instructed to say that the Attorney General regrets he cannot now direct further inquiry.

I have, &c.

THE REV. CHAS. F. D. PRIDDLE,
Parsonage, Liverpool.

W. E. PLUNKETT,
Secretary to Law Department.

*Police Office, Sydney,
14 November, 1857.*

SIR,

Referring to your letter of the 7th instant, transmitting a communication from Messrs. Moore and Lane, Justices of the Peace, preferring certain charges against Mr. C. L. Bayly, J.P., and requesting me to investigate the same, I have now the honor to forward herewith enclosed the depositions taken by me yesterday at Liverpool in the investigation referred to, and to report thereon as follows.

2. The charges are, first, that on Monday evening, the 15th of September last, Mr. Bayly went to the private residence of the Rev. Mr. Priddle in a state of intoxication, and insulted that gentleman, by calling him a liar; secondly, that about thirteen months ago Mr. Bayly was seen betting in a public-house, in Liverpool, half-crowns and shillings, with persons who were tossing halfpence; and, thirdly, that about eighteen months ago, Mr. Bayly tried to put off some pieces of newspaper as bank notes in a gambling transaction in a public-house at Mudgee.

3. In support of the first charge, Messrs. Moore and Rowe, Justices of the Peace, have narrated from recollection the substance of statements made to each of them by the Rev. Mr. Priddle, on two occasions—Mr. Priddle declining to appear, because he had forgiven Mr. Bayly, and considered what had passed an insult only to himself. The second charge is supported on the sole testimony of a butcher named Pierce, who states that he was one of the parties engaged in tossing on the occasions referred to; and the third charge is preferred in consequence of a statement made to Mr. Rowe by a Mr. Hassal, of Mudgee.

4. In answer to the first charge, Mr. Bayly has produced three respectable witnesses—Mr. Beresford, postmaster; Mr. Taylor, teacher of the Denominational School; and Mr. Russell, a clerk in a store at Collingwood, all of whom are well acquainted with Mr. Bayly, saw and conversed with him on business a few minutes after he left Mr. Priddle on the evening in question, and most positively deny that Mr. Bayly was in the slightest degree under the influence of liquor on that evening. Mr. Bayly denies the truth of the other charges, and has called no witnesses in respect of them.

5.

5. In my opinion, none of the charges are proved, nor is there at present any evidence to justify the accusations brought against Mr. Bayly by Messrs. Moore and Lane. There is, however, this difficulty surrounding the case, which I think it right to mention, that these justices, and several others, believing in the truth of the reports against Mr. Bayly's character, have refused to meet that gentleman on the Bench.

I have, &c.,

THE HONORABLE
THE ATTORNEY GENERAL,
Sydney.

DAVID FORBES, J.P.,
Police Magistrate.

Court House, Liverpool, 13 November, 1857.

David Forbes, J.P., attended to inquire into certain charges preferred by Messrs. Moore and Lane, J.P.'s, against Mr. Bayly, J.P.,—the above parties present.

Captain Moore states:—Having called on the Rev. Mr. Priddle at the parsonage, either while the last Liverpool races were going on or immediately after—that is about two months ago—after some conversation Mr. Priddle said to me, "Mr. Bayly came to my house last night in a state of intoxication, and after a few words of conversation he threw his arms round my neck, and said 'Mr. Priddle, I have come to you for the purpose of speaking on various serious matters; I am a great sinner, and I want you to save my soul.'" Mr. Priddle replied, "You have come at a very inconvenient hour, as there are now about seventy or eighty persons waiting for me in the Sunday School room, and if you will come to-morrow morning, any time after ten o'clock, I shall be happy to see you;" and he either said, we will talk the matter over, or words to that effect; I cannot recollect the precise words. Mr. Bayly yet urged Mr. Priddle to hear what he had to say, and he again combated it, saying that he had persons waiting, and it was past the hour he should be with them. Mr. Bayly then said to this: "What does it matter if there were a million of persons waiting; is it not of more moment that you should save one soul, and disappear from his neck, and Mr. Bayly then put his hand on Mr. Priddle's thigh, which he, Mr. Priddle, remarked, he considered very indelicate. Mr. Priddle then told Mr. Bayly that he could not remain longer, that he must attend to his appointment. Mr. Bayly became annoyed, and said in a passion, to Mr. Priddle, "I have hitherto, Sir, attended with satisfaction to your doctrine, but I now find, Sir, that you are a liar." A copy of the charges I transmitted to the Colonial Secretary I read to Mr. Priddle at his house; subsequent to this, Mr. Priddle told me that he had an interview with Mr. Bayly, and that the latter had requested him not to make any report of the circumstance and of the transaction I now related, as it would injure his character, and might be the means of his being deprived of the Commission of the Peace. Mr. Priddle told me that he did say to Mr. Bayly that he forgave him; at the same time he said, "I told Mr. Bayly that the transaction was in the hands of a party who would make a report of it to the Government;" and he also added, "my opinion is, Mr. Bayly, that you are not fit to be a magistrate." On last Wednesday, after I had received the communication informing me that the inquiry would take place here to-day, I sent for Mr. Priddle and gave him your letter, telling him he would be required here to-day, as a witness. After perusing the letters he returned them to me, saying that he would not attend; I asked him his reasons; he said, because he had forgiven Mr. Bayly.

Examined by Mr. Bayly's Counsel:—The above statement was made to me by Mr. Priddle either while the races were going on or immediately after; I cannot say how long it was after that Mr. Priddle had the second conversation with Mr. Bayly, when Mr. Priddle told me he had forgiven Mr. Bayly; my impression is, my report had gone in; Mr. Priddle volunteered the whole of these statements; Mr. Priddle first said did you hear what took place in my house last night? I said no; this conversation took place in Mr. Priddle's drawing-room; I was alone with Mr. Priddle; Mr. Priddle himself introduced the conversation about Mr. Bayly; I have a good memory; I did not make any memorandum; what I have now stated is in substance and meaning the same I got from Mr. Priddle, but I will not say that they are the precise words used.

SAM. MOORE.

Mr. George Taylor Rowe, J.P., states:—Since Mr. Bayly's return from Mudjee and since my return from Melbourne, I saw Mr. Priddle at his own house, and he told me that Mr. Bayly came there to his (Mr. Priddle's) house one evening when he had a parochial meeting, and wished to see him; he went to the parlour and sat down with him; he (Mr. Bayly) said he was very anxious to have a conversation with Mr. Priddle; that he knew he had a great deal to answer for, and he was anxious for Mr. Priddle's advice, and that he put both his arms round his neck, and Mr. Priddle said he moved back and released his arms from him, and then Mr. Bayly fell with his head in his lap, and he saw by that that Mr. Bayly was laboring under the influence of liquor; and he recommended Mr. Bayly to call on some other occasion, that he had a meeting that evening at which there were fifty persons waiting to receive a lecture from him, and that he was then half-an-hour behind his time; Mr. Bayly then said, "Let them wait—is it not as well for you to try and save the soul of one sinner as to lecture to sixty?" And Mr. Priddle then said, "I cannot talk longer with you now, but if you will call again at another time I shall be most happy to have two or three

"three hours conversation with you." Mr. Bayly said then,—“What you say now and what you preach on a Sunday are only lies, and you are a liar,” or words to that effect. I asked him about this; I said first to Mr. Priddle, there has been some disturbance with Mr. Bayly, and then he told me what I have related; prior to my hearing this, and before Captain Moore made the official communication, I told Captain Moore that I would not sit on the Bench with Mr. Bayly; this was said in reply to Captain Moore saying to me Mr. Bayly is about returning to the district,—do you intend to sit on the Bench with him? I came to this determination because I heard that Mr. Bayly, while he was out of the district, had been concerned in a gambling transaction, which I thought was very discreditable to him (if true) as a magistrate and a gentleman; I was on the Bench on Wednesday last; I recollect Captain Moore telling Mr. Priddle, on handing him the official documents which he had received, that his (Mr. Priddle's) presence would be required here to-day; Mr. Priddle replied that he considered Mr. Bayly's conduct an insult to himself, and that he having apologized, he had forgiven him; Mr. Priddle said he would not attend; Captain Moore said, you gave me the information first and I shall therefore repeat everything you have said.

Cross-examined:—Mr. Priddle did not say the communication was made in confidence; he did not use the term confidence. I said on the Bench I should repeat what he had stated to me, and he said, “Oh! of course, you may please yourself about that.” When I said there was a disturbance with Mr. Bayly, I meant that I had heard from one or two parties that Mr. Bayly had called Mr. Priddle a liar. The word “lie” was most distinctly used by Mr. Priddle, and also the word “liar.” I am quite certain of that; and Mr. Priddle said he did not know how he stood in the room, he was so hurt. I think what I have stated is as near as possible what Mr. Priddle related to me,—I think almost word for word. The words “lie” and “liar” were most certainly used. Of course I now shall decline to sit with Mr. Bayly on the Bench.

GEO. T. ROWE.

Mr. W. Hannibal Lane, J.P., states:—On account of hearing the several transactions in which Mr. Bayly has been engaged, namely, the gambling transaction and tossing in a public-house in Liverpool, I decline to sit with him as a magistrate. I know nothing of my own knowledge but what I have heard from Captain Moore and Mr. Rowe. I heard also that one of the navvies on the train said he had only to give Mr. Bayly a nobbler and he would decide the case for him. Captain Moore is my author for this also. This may be twelve months ago.

W. H. LANE.

Mr. Thomas Pierce, of Liverpool, butcher, states:—I know there was a public-house here called the Royal Oak, kept by a man named Hawthorn; I have seen gambling there; I have gambled there; I have seen Mr. Bayly there, gambling; it might be thirteen or fourteen months ago; the house has been shut up twelve months; I saw people tossing half-pence for money, and Mr. Bayly betting; I cannot say to what amount it might be—shillings or half-crowns—but it was not very heavy; I have seen a young man named Melville there when Mr. Bayly was there tossing, but I do not recollect seeing Melville gamble; I have seen Mr. Bayly there betting, two or three times.

Cross-examined:—It is not the first time I have seen a magistrate bet. I don't recollect if there were any races coming on about that time. Mr. Bayly I have seen myself tossing half-pence there one time; I have seen him put down money and take it up. I cannot say how long that was ago—it was not eighteen months ago. After that the transactions were only betting. I did not inform Captain Moore at all of these transactions. I told a gentleman who, I believe, told Captain Moore, and, in consequence, I got notice to be here to-day.

THOS. PEARCE.

Mr. George Taylor Rowe, J.P., states:—About six or seven months ago, Mr. Hassall, of the Macquarie, told me that he, Mr. Hassall, was present in a room at Mudgee where a disturbance took place, where Mr. Bayly received blows for passing pieces of newspaper in lieu of pound notes, during the evening, when gambling was taking place. He did not say how long ago. I did not ask him—it was a mere conversation. I have heard since that Mr. Rossiter, of West Maitland, kept the public-house at Mudgee where this occurred, and was present on the occasion.

GEO. T. ROWE.

DEFENCE.

Mr. Bayly declines making any statement further than what he has already stated in his letter to the Attorney General.*

* See letter attached, p. 7.

Mr. James Thomas Taylor, teacher of Church of England School, of Liverpool, states:—I know the Rev. Mr. Priddle and also Mr. Bayly. I recollect a parochial meeting on a Monday, about the time of the last Liverpool races. It was, I believe, the day before the races. I met Mr. Bayly near the church gate; it was near eight o'clock, and before the meeting ought to have commenced. At the time I saw Mr. Bayly I spoke to Mr. Bayly on that

that occasion; I bid him good night, and asked him how he did. He had just returned from Mudgee. Mr. Bayly spoke to me; he said, I believe, he had had some angry words with Mr. Priddle; he spoke to me chiefly about a situation I was about being appointed to at Mudgee. I have known Mr. Bayly for some years. When I spoke to Mr. Bayly on that occasion he was sober; he appeared excited. I attributed that to the long journey he had taken. I would detect anything different in his manner, and if he were intoxicated.

J. T. TAYLOR.

Frederick Russell, in the employ of Mr. Mochatta, of Collingwood, states:—I know Mr. Bayly, and Mr. Taylor, the last witness. I accompanied Mr. Taylor to the parochial meeting held by Mr. Priddle on Monday, about the time of the races. I was present at a conversation they had on that occasion. Mr. Bayly was sober. I have known Mr. Bayly upwards of twelve months. Mr. Bayly and Mr. Taylor were talking together about a quarter of an hour. I was not there the whole time. I am quite certain Mr. Bayly was sober; I should have noticed if he had not been sober. It was immediately before the meeting.

FREDERIC RUSSELL.

Mr. Henry Bury Beresford states:—I know Mr. Bayly. The Liverpool races were held about the 16th, 17th, and 18th of September last. I recollect Monday preceding the first day of the races. I saw Mr. Bayly between 8 and 9 o'clock on that evening, at the Post Office; he was sober; he transacted some business with me. I have known Mr. Bayly about two years. I have often transacted business with him. I can positively say that Mr. Bayly was not drunk on the occasion which I have referred to, but he was nervous and excited, and he is of an excitable disposition.

H. B. BERESFORD.

Liverpool, 8 October, 1857.

SIR,

I beg to acknowledge the receipt of your letter of the 6th instant, enclosing a communication, addressed by Messrs. Moore and Lane, two Justices of the Peace in the Liverpool District, to the Colonial Secretary, and by him forwarded to you.

Please to accept my thanks for your courteous request to hear my statement before taking any proceedings in reference to their complaint. Before I make any statement, I most respectfully wish to draw your attention to the well-known fact of Captain Moore's animosity towards me, and also the judicial affair in the Supreme Court, about twelve months since.

To the first accusation of my having deviated from the conduct of a gentleman and a magistrate, in gambling in a public-house for half-crowns, I positively deny it—not only as to that particular coin, but with any other kind of money. Of course, I cannot deny any statement that Mr. Priddle may have had made to him.

To the second charge of gambling at Mudgee, I admit that circumstances did occur that might give rise to such a report; but I totally deny the accusation, and am ready to prove that I was the victim in that nefarious transaction. Permit me again to draw your attention to the *animus* shewn by Messrs. Moore and Lane in making this charge after a lapse of three years. Nevertheless, I have no wish to shrink from it, as my conduct was that of a gentleman, although, as a magistrate, I fully recognise my indiscretion.

The third accusation, viz., that I called the Rev. Mr. Priddle "a liar," I utterly deny. That I visited that gentleman on my return from Mudgee, and that some warm expressions were used by me in reply to some uncalled-for observations by the Reverend gentleman, I do not deny; but by no implication can they be interpreted into my calling him a liar. I therefore most indignantly repudiate the charge. I also deny that I was intoxicated, although I admit I laboured under excited feelings, caused by circumstances not necessary to allude to now; and finally, in regard to the moral effect that my officiating as a magistrate might have on the community, I beg to refer with some pride and satisfaction, to the *testimonial* presented to me by 153 inhabitants of this district, on my quitting it for Mudgee, on the 16th of October last. Feeling perfectly convinced that I shall receive justice at your hands, I await the proceeding with a calm conscience, knowing that these base and infamous calumnies emanate from the inveterate malignancy of my old enemy, Captain Samuel Moore, my brother magistrate.

I have, &c.,

C^l L. BAYLY.

THE HONORABLE
THE ATTORNEY GENERAL,
&c., &c., &c.

1858.

Legislative Assembly.

NEW SOUTH WALES.

EDMUND B. UHR, Esq. J.P.

(COMPLAINING OF THE CONDUCT OF A. E. HALLORAN, ESQ., J.P.)

Ordered by the Legislative Assembly to be Printed, 27 July, 1858.

To the Honorable the Members of the Legislative Assembly of New South Wales, in
Parliament assembled.

The humble Petition of E. B. Uhr, Esq., J.P.,

RESPECTFULLY SHEWETH :—

That your Petitioner has been a Magistrate of the Territory for the period of thirteen years.

That during this period your Petitioner has constantly attended the Courts of Petty Sessions at Ipswich, Moreton Bay, and Maryborough, Wide Bay. That at the latter place your Petitioner has been actively engaged for about nine years in Magisterial duties upon the local Bench, during four years of which he was compelled to act constantly (without remuneration) as Police Magistrate, as far as his authority went.

That your Petitioner, without previous knowledge or solicitation on his part, was recommended to the Government for the office in question by a Petition signed by the greater number of residents in the Town and District.

That on the 28th December, 1857, your Petitioner whilst sitting on the Bench at Maryborough, and in the performance of his duty as a Magistrate, was grossly insulted by A. E. Halloran, Esq., Commissioner of Crown Lands for the District of Wide Bay and Burnett.

That the circumstances to which your Petitioner refers were as follows :—

Namely—Your Petitioner being alone with Mr. Halloran upon the Bench, and having put a necessary question to a witness, Mr. Halloran said it had nothing to do with the case, and on your Petitioner insisting that the question should be answered, Mr. Halloran said, "Ah! I heard the matter had already been decided out of Court." Your Petitioner then asked whether Mr. Halloran intended the allusion to apply to him (your Petitioner)—Mr. Halloran replied that he was not bound to say.

When the hearing of the case had been concluded, Mr. Halloran pronounced his opinion that the defendant should be fined only twenty shillings. Your Petitioner then again inquired whether Mr. Halloran intended the allusion previously made by him with regard to the case having been prejudged to apply to your Petitioner; Mr. Halloran again replied that he was not bound to say. But upon Petitioner pressing the question, Mr. Halloran then said, "I heard before leaving home, from a servant of mine, that you had told Constable Doran that Constable Harewood should be dismissed."

Your Petitioner then replied in the following terms,—“Mr. Halloran, when I come into a Court of Justice it is for the purpose of doing my duty conscientiously, and to the best of my ability. Allow me now to tell you, sir, that you have received your information

"tion from a most polluted source. I will not sit in judgment with you in this case, neither will I sit with you in your magisterial capacity again."

That your Petitioner addressed a formal complaint to the Executive Government against Mr. Halloran, on the subject of the insult above specified, which complaint your Petitioner has been since informed was referred to Mr. Halloran for explanation.

That Mr. Halloran's explanation has been forwarded to your Petitioner: that the said explanation amounts to a mere evasion of the charge, couched in language which, in fact, is rather an aggravation of the original insult.

That, nevertheless, the said explanation has been taken as conclusive by the Government, which has declined either to express any disapproval of Mr. Halloran's conduct, or to institute any further inquiry.

That, in consequence of the above circumstances, two resident Magistrates of the district in question, namely, W. H. Walsh, Esq., and P. D. Anderson, Esq., have declined to sit on the Bench with Mr. Halloran, and the latter has signified his intention of resigning the Commission of the Peace.

That your Petitioner submits that the interests of justice require that the utmost decorum of language and behaviour, and respect for each others feelings and position, should be maintained by Magistrates upon the Bench, and in their mutual intercourse, but particularly by paid officers of the Government; whereas, if such language as was used by Mr. Halloran on the occasion referred to, be passed over without notice, it is obvious that no respectable or independent man would consent to be associated upon the Bench with Government officers.

That your Petitioner having been refused redress by the Executive Government, appeals to your Honorable House, and prays that your Honorable House will recommend such steps to be taken as the justice of the case requires.

And your Petitioner, as in duty bound, will ever pray.

EDMUND B. UHR.

1858.

Legislative Assembly.

NEW SOUTH WALES.

DR. HARRIS.

(CORRESPONDENCE IN REFERENCE TO HIS CONDUCT AS A MAGISTRATE
OF THE TERRITORY.)

Ordered by the Legislative Assembly to be Printed, 9 November, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 22 October, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ Depositions taken in the Police Court of Mudgee in the cases
“ of—

- “ 1. Turvey *v.* Caplin.
- “ 2. Caplin *v.* Inder.
- “ 3. Inder *v.* Harris.
- “ 4. Regina *v.* Turvey.
- “ 5. Also receipt from *Turvey to Inder.*
- “ 6. Receipt from Mills (for Harris) to Caplin.
- “ 7. Letter of the Attorney General to Bench of Mudgee
“ respecting the above-mentioned cases.
- “ 8. The Letters of Dr. Harris to the Colonial Secretary
“ respecting the above-mentioned cases.
- “ 9. Affidavit of J. W. Devereaux verifying certain facts.
- “ 10. All other papers and communications relating to
“ these cases;—
“ with a view to the said documents, when produced,
“ being referred to the Select Committee now inquiring
“ into ‘The State of the Magistracy.’ ”

(*Mr. Plunkett.*)

SCHEDULE.

No.	Page.
1. Bench of Magistrates, Mudjee, to the Colonial Secretary, bringing under the notice of the Government the conduct of Dr. Harris, a Magistrate, in the case of a claim to a horse, preferred by William Caplin, and forwarding Depositions, &c., relating to the same. 2 March, 1858	3
2. Affidavit of J. W. Devereaux, verifying certain facts. 15 March, 1858	10
3. Under Secretary to Mr. Harris, requesting him to furnish any observations he may desire to offer on the transaction. 25 March, 1858	10
4. Mr. Harris to Colonial Secretary, in reply. 2 April, 1858	11
5. Do. do. do.	11
6. Under Secretary to Mr. Harris, in continuation. 28 April, 1858	12
7. Under Secretary to the Bench, Mudjee, do. do.	13
8. Mr. Justice Therry to the Colonial Secretary, suggesting certain proceedings to be taken in the case. 28 October, 1858	13
9. Under Secretary to Mr. Harris. 5 November, 1858	14
10. Under Secretary to Captain Browne, late Police Magistrate at Mudjee. 5 November, 1858	15
11. Under Secretary to Police Magistrate, Bathurst. 5 November, 1858	15

DR. HARRIS.

(CORRESPONDENCE IN REFERENCE TO HIS CONDUCT AS A MAGISTRATE OF THE TERRITORY.)

No. 1.

THE BENCH OF MAGISTRATES, MUDGEE, to THE COLONIAL SECRETARY.

Mudgee, 2 March, 1858.

SIR,

We do ourselves the honor to bring under the notice of the Government the conduct of Doctor Richard Harris, J.P., one of the Magistrates attending this Bench.

The circumstances attending this case have already been laid before the Honorable the Attorney General for his advice, and we deem it advisable to transmit the whole of the documents for the consideration of the Government, together with the Honorable the Attorney General's opinion, without further comment of our own.

We have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY-

W. BROWNE, P.M.
J. T. BELL, J.P.

30 May, 1856.

This is to certify that I have sold to George Inder one bay colt, branded W C near shoulder, bald face, one hind foot white.

Witness—
BENJ. LEACH.

FREDERICK ^{his} × TURVEY.
mark

INFORMATION (General Purposes.)

New South Wales, }
Mudgee—to wit. }

Be it remembered, that on this seventeenth day of December, in the year of Our Lord one thousand eight hundred and fifty-seven, in the town of Mudgee, in the Colony of New South Wales, George Inder, of Guntawang, stockman, appears personally before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of Our Lady the Queen in and for the district of Mudgee and Territory of New South Wales, and on oath informs me, that on the seventeenth day of December, in the year of Our Lord one thousand eight hundred and fifty-seven, instant, he saw in the possession of Richard Harris, of Oakfield, in the County of Phillip and Colony of New South Wales, a bay horse, branded W.C. on the near shoulder and GI on the off shoulder, and that the said horse is the property of him, the said George Inder, and was stolen from him within the last twelve months, at Mudgee aforesaid, contrary to the Act of the Governor and Legislative Council of the said Colony in such case made and provided: Whereupon the said George Inder prays that I, the said Justice, will proceed in the premises according to law.

GEORGE INDER.

Sworn at the Police Office of Mudgee, }
in the said Colony, on the day first }
above written, before me—

ARCHD. BELL COX, J. P.

Mudgee, }
New South Wales, }
to wit. }

RICHARD HARRIS, Esq., J.P., appears on summons to answer the complaint of George Inder, for having in his possession a bay horse, branded WC near shoulder, and GI off shoulder; the said horse being the property of said George Inder.

George Inder, being duly sworn, states:—About the 17th instant I was at Mr. Harris'; I saw a bay horse belonging to me there, branded WC near shoulder and GI off shoulder, bald face, and near hind foot white; I demanded the horse from Dr. Harris; I lost the horse from Mr. Wallace's yard about two or three months ago; I purchased the horse from Frederick Turvey—the receipt I now produce; I never disposed of the horse in any way.

Cross-examined:—I swear the horse was stolen from Mr. Wallace's yard; Caplin claimed him as his property, and demanded him from me; I did not demand from Caplin any money for bringing the horse in, or for the use of the paddock; I was not present when he

he took the horse away; I did not see the horse put into a box at Wallace's; I swear I did not go in and demand the halter from off the horse; the horse was taken away without my knowledge; I was summoned the same day for having the horse in my possession, being a stolen one; I was summoned before I took any steps against Caplin; the following morning I went to Captain Browne; I was brought before the Court on the summons; I knew the horse to have been the property of Caplin; I cannot swear if Caplin ever sold the horse; Caplin never gave me an order to deliver up the horse to Turvey; the horse was running at Guntawang; I never received an order from Caplin not to give up the horse; I gave £8 for the chance of the horse to Turvey; I value him at £40.

GEORGE INDER.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J. P.
ARCHD. BELL COX, J. P.
MAT. BETTS, J. P.
D. R. MACDONALD, J. P.

Frederick Turvey, being duly sworn, states:—I sold a bay colt with a bald face to George Inder; it is two years next May; he was rising four years old, and branded WC near shoulder, and GI off shoulder; I offered Inder £5 to get the horse in; he said it was too wet; I purchased the horse from Caplin, giving him a mare and a set of trace harness; the mare was branded FT on the off shoulder, and either a C or G on the near shoulder; the colt was running at Guntawang when I bought him, and Caplin was to pay for getting him in; I afterwards heard he was in the yard at Guntawang; Caplin told me to go for him; he gave me an order to receive the colt, and also one pound to pay to Inder; I paid the one pound, but I do not know what I did with the order; I was living at Caplin's at the time; I had the colt in my possession about eight days before he got away; Caplin lost the mare before I received the colt.

Cross-examined:—Caplin did not pay me for breaking the colt in; there had been some money transactions between us; I owed Caplin £5, and gave him security; there was no person present when the receipt was drawn out; the security I gave him was the receipt for the colt; when a hut I was building for Caplin was finished, I repaid him the £5 I borrowed from him; I consider the mare and harness worth £30.

his
FREDERICK × TURVEY.
mark.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J. P.
ARCHD. BELL COX, J. P.
MAT. BETTS, J. P.
D. R. MACDONALD, J. P.

Thomas Gilmore, being duly sworn, states:—I was in Frederick Turvey's employment about two years ago; we were living in Caplin's house; Turvey had a bay colt in his possession, which he got after I left; I believe he exchanged with Caplin, giving a mare for him; I afterwards saw Caplin looking for the mare; I know nothing about the exchange of the horses, but I never heard Caplin say it was his property; Caplin offered me £1 to look for the mare.

Cross-examined:—I was not with Turvey when he broke in the colt; Turvey was working the mare two or three days; Turvey owned the mare at the time; I was not with Turvey when he was breaking in the colt; Turvey might have exchanged the mare for the colt previous to drawing in slabs without my knowledge, but he had not delivered up the mare after we drew in the slabs, and after I had left Turvey; Caplin offered me a pound to look after the mare, which was lost; he said he could not find her.

his
THOMAS × GILMORE.
mark.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J. P.
ARCHD. BELL COX, J. P.
MAT. BETTS, J. P.

Robert Hunt, being duly sworn, states:—About two years ago Turvey had a bay colt, bald face, and white foot; I heard Caplin and Turvey talking about the colt; I do not know the particulars about what they were talking; I used to water the colt often; I believe he was Turvey's property; I heard Caplin and Turvey talking about the exchange when the mare was lost; both Turvey and myself looked after her; I do not know that Caplin looked after her; I heard Turvey ask Caplin one day about the receipt before they came to Court.

his
ROBERT × HUNT.
mark.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J. P.
ARCHD. BELL COX, J. P.
MAT. BETTS, J. P.
DR. R. MACDONALD, J. P.

John Joseph Mills, being duly sworn, states:—I was present about two months ago when Inder put up some horses at Wallace's Inn, Mudgee; I remember Caplin stopping the sale of a horse branded W C—the horse in dispute; Caplin spoke to the auctioneer to stop the sale of the horse—he claimed it as his property; Inder was present, and asked who was to pay for the grass and the driving in of the horse; I advised Caplin to pay him for driving in the horse; he borrowed a sovereign from Mr. Heley, which I saw him tender to Inder; Inder refused it then, as I believe; Mr. Bell advised him not to take it; I asked Caplin if he was perfectly sure the horse was his—he said it was, he bred him, and he had never parted with him; I asked him, when he got the horse, if he would sell him—that I would give him £22 for him, when the dispute was ended; just before sun-down Caplin, Mr. Hayes, and Richards, came to me and asked if I would help them down with the horse; when Caplin claimed the horse Inder stated that it was his property, and on Caplin saying he would have him, Inder said, "Mind you do not take my halter with him"; Caplin took the horse out of Wallace's stable, and delivered him up to me, when I paid him for it; I did not notice Inder at the stable, but he was in the verandah when the horse was passing by; he might have seen him.

Cross-examined:—When Caplin first claimed the horse Inder stated that he had bought the chance of the horse; I heard Inder say to Caplin, who was to pay him for the trouble of getting in, and bringing the horse into Mudgee; I bought the horse for Dr. Harris; I think at the time he was worth about £22 or £23; I heard he had been handled; when I bought the horse for £22 I considered that it was about his value, considering the risk run in roping him.

JNO. JOS. MILLS.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. R. MACDONALD, J.P.

Evan Richards, being duly sworn, states:—I recollect being at Wallace's Inn in October last; I also recollect Caplin stopping the sale of a horse branded WC; I was present at a conversation of Caplin and Inder; Caplin claimed the horse, and I heard Inder say who was to pay for the driving and the grass of the horse; it was after Caplin claimed the horse; the horse followed a mare I purchased into the stable; she was driven by Hayes and Fitzsimmons; Inder was in the yard; he told me to ride the mare, and the horse would follow; he saw us bringing the horse into the stable; when we were taking the horse away, Inder was present at the corner of the verandah; he saw the horse going away; he warned Caplin, in the yard, not to take horse away, after he saw Mr. Bell; he did not make any objection when the horse was going away; I think Inder said he had purchased the chance of the horse; he produced a receipt at the time; I was present when Caplin took the horse away; there was no person present to give Caplin possession; I think Hayes led the horse.

EVAN RICHARDS.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. R. MACDONALD, J.P.

Thomas Hayes, being duly sworn, states:—I was present at Wallace's yard when a horse was offered for sale, branded WC—Caplin's brand; Caplin stopped the sale; George Inder was going to sell the horse; Caplin claimed the horse as his property, and told Mr. Cox not to sell him; Inder said who was to pay him for bringing the horse into Mudgee; Caplin borrowed a pound from Mr. Heley, and was going to pay him, when Mr. Bell drove up; Inder then said he would see him again; I took the horse out of the yard; Inder was in the stable yard, and told me not to take the halter away; he told me two or three times not to take his halter; Inder was in the stable, or at the door with the horse; Harry, the groom, took the halter and gave it to Inder; Inder saw the horse going to Mills'; when Caplin claimed the horse he stopped the sale of it; if he had been mine I would have required £40 for him; when Caplin stopped the sale, Inder said he had bought the chance of him for £10; when Mr. Caplin had the horse taken to the stable he followed a mare, and I assisted to drive him; Inder was not there at the time, but he came to the stable afterwards; all that Inder wanted was the halter, and so much for driving; he warned Caplin in the yard two or three times not to take him away; he did not put any obstacle in the way to our taking the horse after he had claimed the halter, and asked for compensation for driving.

THOMAS HAYES.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. R. MACDONALD, J.P.

John Fitzsimmons, being duly sworn, states:—I was in Mr. Wallace's yard about two months ago, when a horse was put up for sale by George Inder; the horse was claimed by William Caplin; Inder first refused to let the horse go, but afterwards said who was to pay him

him for his trouble, and that Caplin was not to take the halter; Inder did not afterwards refuse to let the horse go; sues the party who informed Caplin that the horse was in the yard.

JOHN FITZSIMMONS.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. R. MACDONALD, J.P.

William Caplin, being duly sworn, states:—I know the horse in dispute—he was bred by me; I never sold the horse to Frederick Turvey, nor did I exchange him for another; I once had a mare of Turvey's in my possession; I had her in security for £10 I lent him; Turvey wanted me to exchange the colt for the mare; I refused; I gave authority to Turvey to get the colt from George Inder to break in the horse for me; after the horse was lost from Mudgee I sent a letter to Inder by Swords, the blacksmith, the purport of which was not to deliver the horse except to my order.

Cross-examined:—I sold the horse to John Mills for £23, for Dr. Harris; it is a little better than two months ago; I do not recollect the exact date.

By the Bench:—I sent £1 to Inder by Turvey when he brought the horse from Guntawang; I never offered Gillmore £1 to get the mare for me when lost.

WILLIAM CAPLIN.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. R. MACDONALD, J.P.

Margaret Caplin, being duly sworn, states:—I recollect George Inder living at our house about two years ago, at the time the horse in question was lost; I warned him not to give the horse up to any person without a written order; I afterwards wrote a letter to that effect, and sent it to John Swords to deliver for George Inder.

Cross-examined:—Turvey once wanted to get the horse from my husband in exchange for a mare, but my husband refused; my husband had the mare from Turvey in security for £5; Gillmore has been in our house, but I do not know if my husband saw him there.

MARGARET CAPLIN.

Sworn before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. R. MACDONALD, J.P.

DOCTOR HARRIS begs to state to the Bench, previous to any decision being given, that when he purchased the horse he was under the impression that he purchased the horse from John Joseph Mills, and that it was only within the last two days that he heard that the horse was obtained from Caplin by Mills, solely on his, Dr. Harris', account.

Before us, at Mudgee, this 30th December, 1857—

ROBERT LOWE, J.P.
ARCHD. BELL COX, J.P.
MAT. BETTS, J.P.
D. K. MACDONALD, J.P.

Remanded for three weeks, for the opinion of the Hon. the Attorney General.

ROBT. LOWE, J.P.
ARCHD. BELL COX, J.P.

True Copy.

ARCHD. BELL COX, J.P.

WILLIAM CAPLIN appears on summons charged with illegally detaining a receipt, the property of Frederick Turvey.

Frederick Turvey, being duly sworn, deposeth:—The deposition now read is true and correct.

Sworn before us, at Mudgee, this 14th day of May, 1856—

WILLIAM W. LOWE, J.P.
RICHD. HARRIS, J.P.

Case dismissed. The Court consider they have no jurisdiction.

WILLIAM W. LOWE, J.P.
RICHD. HARRIS, J.P.

Mudgee,
New South Wales,
to wit.

Frederick Turvey, being duly sworn, deposeth:—About the month of October, 1855, I purchased from William Caplin, of Mudgee, a bay colt; I paid for the same a mare and trace harness; the colt was running at Guntawang; I received a receipt from Caplin, and an order to get the colt; the colt was given up to me, and I had him in my possession for one

one week, and then turned him out again; I was afterwards indebted to Caplin in the sum of five pounds, which he advanced to me as I was putting up a building for him, and, as security for the five pounds, I allowed him to retain possession of the receipt he originally gave me for the colt; I have completed my work with him, and the debt of five pounds is discharged; Caplin now refuses to return my receipt to me, and has sent word to the groom at Guntawang to refuse to let me have the colt; I have, therefore, suffered great loss by Caplin illegally detaining the receipt, and pray that he may be summoned to answer the charge.

his
FREDERICK X TURVEY.
mark.

Sworn before me, at Mudgee, this 12th of May, 1856—
D. R. MACDONALD, J.P.

Mudgee,
New South Wales,
To Wit.

FREDERICK TURVEY is charged with obtaining money under false pretences.

George Inder, being duly sworn, states:—I am stockman in the employ of Mr. Rouse of Guntawang; about five years ago I branded a colt for William Caplin—a bay colt, bald face, one hind foot white; I branded him WC near shoulder; the colt was afterwards running at the Warralle; last May twelve months defendant gave me £1 for getting the horse in; after getting the horse in defendant and his wife took him away; three or four months afterwards defendant lost the horse out of Mudgee, and I purchased the chance of him, thinking he would come back on the run if he was not stolen; I gave eight pounds for the chance, and produce the receipt before the Court; about two months ago I got the horse in and brought him into Mudgee—it was the same horse I bought from Frederick Turvey; when I brought the horse into Mudgee for sale he was claimed by William Caplin when put up for sale; Mr. Rouse offered me £35 for him in Mudgee; Caplin went and took the horse out of the yard; I did not see Caplin take the horse out of the yard, but he told me that he had sold him to Dr. Harris for £20; when I bought the horse from defendant he told me that he had swapped a mare for the horse with Caplin.

By Defendant's Attorney:—When I gave the horse up to defendant, in 1856, I did so upon his stating that he had an order from Caplin to receive him; Mr. Rouse was present; I knew defendant and Caplin; they were not strangers to me; I saw Caplin afterwards, and told him the defendant had the colt.

By the Bench:—At the same time to my knowledge the defendant had the colt in Mudgee, breaking him in; Caplin knew well defendant had it.

By Defendant's Attorney:—It was the same colt that I purchased that defendant was breaking in at Mudgee when I saw Caplin.

GEORGEINDER.

Sworn before us, at Mudgee, this 17th December, 1857—

W. BROWNE, P.M.

ARCHD. BELL COX, J.P.

William Caplin, being duly sworn, states:—I reside in Mudgee; I remember a bay horse being put up for sale at Mudgee about two months ago; George Inder put the horse up; bay horse, branded WC near shoulder, on the off shoulder GI, white down the face, and there might be a little white on the legs; I claimed the horse from George Inder for myself; I bred the horse at Guntawang at Mr. Rouse's; I never sold the horse to any person; I never exchanged the horse with any one; I sent the defendant to Guntawang for the horse; he was to break him in for me, but no bargain was made as to what I was to pay him; it is the same horse that defendant was to break in for me that I afterwards claimed from George Inder; I have since sold the horse to John Mills; Dr. Harris has got the horse now, I believe.

By Defendant's Attorney:—About two years ago defendant was putting up a hut for me; I gave defendant £1 to give to Inder to get the horse, and to bring him into Mudgee; the horse has not been in my possession since; I recollect defendant having a mare branded FT on one shoulder, and another brand on the other shoulder; I never offered any reward to any person to bring the mare into Mudgee; I never offered £1 to any one about her; I never offered it to Thomas Gillmore; I have been in this Court before on account of the FT mare Mr. Broadribb has been examining me on; it was about the receipt for that mare; defendant brought me before the Court; it was after defendant brought the horse from Guntawang; I never had any conversation with Mr. Gillmore about defendant giving me an old mare for a young colt; the horse I took out of Wallace's yard is rising seven years old.

By the Bench:—I sent a message to George Inder at Guntawang not to let any person have the colt unless I came for it myself; the colt had been branded, but was not broken in to harness.

By the Court:—No receipt ever passed between defendant and myself; defendant, I believe, stated he had a receipt, but there never was any; I never purchased any harness from defendant, but when he went away from my place he left behind an old trace harness, which was no good; the harness is now at my place, and it has never been used since defendant left it; I did not give defendant anything for bringing the horse from Guntawang, but I was to pay him for breaking him in; and afterwards, if I did not require the horse, I was to let defendant have the use of him for three months.

WILLIAM CAPLIN.

Sworn before us at Mudgee, this 17th December, 1857—

W. BROWNE, P.M.

ARCHD. BELL COX, J.P.

Thomas

Thomas Gillmore, being duly sworn, states:—I reside in Mudgee; I know defendant; about two years ago I was on the Barwin with him, and came with him into Mudgee; I know William Caplin; I recollect a bay mare defendant brought in with him from the Barwin—she was branded F T off shoulder, and a single G or C on near shoulder; I saw Caplin with the mare, but I never heard him say he got the mare; he was looking after the mare in the bush; he afterwards told me the mare was lost, and he would give me a pound to go and get her; I have seen defendant with a bay colt; he told me he got it from Guntawang; he said he had given Caplin the mare he brought from the Barwin for the colt.

By Prosecutor's Attorney:—I saw Caplin looking after the mare several times; he told me he was looking after her; it is about two years ago since defendant told me that Caplin had exchanged the colt for the mare; it was the time the colt was being broken in, and in defendant's possession.

By the Bench:—It was just after this time I left defendant's service, and have not been in it since.

his
THOMAS X GILMORE.
mark

Sworn before us, at Mudgee, this 17th December, 1857—

W. BROWNE, P. M.

ARCHD. BELL COX, J. P.

Robert Hunt, being duly sworn, states:—I am in the employ of the defendant; I was in Mudgee with him about two years ago; I recollect a bay colt in defendant's possession; I have frequently taken him to water; I have heard defendant say that he got the colt from Caplin in exchange for a mare; I heard a conversation between defendant and Caplin, at Caplin's own house, about the exchange; the conversation took place after the colt was lost by defendant; defendant and myself had been looking for the colt a couple of days; defendant had no other colt but the one he had from Caplin.

By the Bench:—When the colt was lost he was hobbled out and had a halter on him.

By Prosecutor's Attorney:—I have not had any conversation about what I was to say coming into Court; but I spoke to Thomas Gillmore about it.

his
ROBERT X HUNT.
mark

Sworn before us, at Mudgee, this 17th December, 1857—

W. BROWNE, P. M.

ARCHD. BELL COX, J. P.

Case dismissed.

W. BROWNE, P. M.

Mudgee,
New South Wales,
To Wit.

BE it remembered, that on the 26th day of October, A.D., 1857, George Inder, of Guntawang, came personally before me, William Browne, Esq., Police Magistrate for the District of Mudgee, and upon oath states,—that on the 30th day of May, 1856, Frederick Turvey obtained the sum of eight pounds from me under false pretences; the said Frederick Turvey having falsely represented to me that he had a bay colt running at Guntawang, branded WC near shoulder, and which he sold to me for the sum mentioned, and which said horse has since been claimed by William Caplin.

Deponent prays a warrant may be issued for his apprehension.

GEORGE INDER.

Sworn before me, at Mudgee, this 26th October, 1857—

W. BROWNE, P. M.

£22 : 0 : 0

Mudgee, 27th October, 1857.

Received from John Joseph Mills the sum of Twenty-two pounds sterling, for a bay horse, blaze down face, branded WC on the near shoulder and GI on the off shoulder, my property.

Received payment,

WILLIAM CAPLIN.

Witness,—

THOMAS HAYES.

INFORMATION (General Purposes.)

New South Wales,
to wit.

BE it remembered, that on this eighth day of October, in the year of Our Lord one thousand eight hundred and fifty-seven, in the town of Mudgee, in the Colony of New South Wales, William Caplin, of Mudgee, appears personally before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of Our Lady the Queen in and for the town of Mudgee and Territory of New South Wales, and on oath informs me that on the seventh day of October, in the year of Our Lord one thousand eight hundred and fifty-seven, I observed in Mr. Wallace's yard, town of Mudgee, a bay horse, branded with my brand on the near shoulder, W.C., which horse was running at Guntawang, and was my property; the said

said horse was offered for sale by George Inder, and claimed by him, and was also branded with George Inder's brand—G.I. off shoulder—contrary to the Act of the Governor and Legislative Council of the said Colony, in such case made provided: Whereupon the said William Caplin prays that I, the said Justice, will proceed in the premises according to law.

WILLIAM CAPLIN.

Sworn at the town of Mudgee, in the said Colony, }
on the day first above written, before me, }
W. BROWNE, P. M.

Mudgee,
New South Wales, }
to wit.

GEORGE INDER is charged in having had in his possession a horse, the property of William Caplin, of Mudgee.

William Caplin, being duly sworn, states:—I recollect the 7th instant; I was in Mr. Wallace's yard; I saw a horse in possession of defendant—a bay horse, branded with my brand on the near shoulder, WC; the said horse was also branded GI off shoulder; I claimed the horse, when defendant demanded payment from me for bringing the horse from Guntawang; I offered him payment; he did not take it; he gave no reason; he did not refuse to give me the horse; he gave him up to me and demanded the halter; I then sold the horse; I swear positively the horse was my property; it is more than twelve months since I lost the horse; the brand GI, to the best of my belief, is fresh, not more than three months old.

WILLIAM CAPLIN.

Sworn before us, at Mudgee, this 14th day of October, 1857—

RICHD. HARRIS, J. P.
W. BROWNE, P. M.

Benjamin Leach, being duly sworn, states:—The receipt now produced is in my handwriting, and I witnessed the sale of the horse, or rather the chance of the horse, between Frederick Turvey and George Inder. The receipt is dated the 30th May, 1856.

BENJ. LEACH.

Sworn before us, at Mudgee, this 14th October, 1857—

RICHARD HARRIS, J. P.
W. BROWNE, P. M.

The Court award the horse to be the property of William Caplin.

RICHARD HARRIS, J. P.
W. BROWNE, P. M.

Letter from the Bench of Magistrates, Mudgee, to the Attorney General.

Police Office, Mudgee,
16 January, 1858.

Sir,

We have the honor to enclose depositions taken in the case "*Inder versus Richard Harris, J. P.*," on which a difference of opinion exists on the Bench.

We have to request you will be pleased to advise us of the proper way to proceed in the matter.

We wish to draw your attention to the fact that Richard Harris, J. P., has been one of the Magistrates adjudicating twice in this case; that he purchased this horse, and one week after the purchase sat on the Bench with the P. M., and awarded the horse to be the property of William Caplin, from whom he had previously bought him.

The reason the P. M. was not on the Bench was, that he was subpoenaed by Richard Harris, J. P., as a witness, and afterwards not called. The circumstance of the receipt differing twenty days as to date of actual transaction, and the amount also differing £1 as sworn by Caplin, leads us to believe a great deal of false swearing has taken place in the matter; and we should be glad to have your opinion, in order to carry out the ends of justice.

The Attorney General,
Sydney.

We have, &c.,

A. B. COX, J. P.
R. LOWE, J. P.

Attorney General's Office,
Sydney, 25 February, 1858.

Gentlemen,

In acknowledging the receipt of your letter of the 16th ultimo, covering depositions of the case named in the margin, as well as other papers relating to the same matter, now returned, I am directed to state that it appears to the Attorney General that the case against Dr. Harris ought to be dismissed. There is nothing to shew that he stole the horse, or received it knowing it to have been stolen, or had it in his possession under circumstances which he has not been able to account for to the satisfaction of the Justices. But, although the Attorney General is of this opinion, he at the same time thinks that if Dr. Harris purchased the horse, either by himself or an agent, from Caplin on the 7th October, and afterwards sat and adjudicated upon a charge brought by Caplin against Inder, respect-

*G. Inder v.
Richard Harris,
J.P., for having
in his possession
a certain horse.*

ing the same horse, and then joined in directing the horse to be delivered to Caplin, his conduct has been highly irregular and improper. It is, in the opinion of the Attorney General, in part of the duty of a Justice of the Peace to decide finally upon the question of ownership in such a case as the present, and the direction to give the horse to Caplin was entirely extra-judicial, and of no binding effect. It is open to Inder, notwithstanding such direction, to sue Dr. Harris or any one else who may have the horse, and if he can shew his title he will of course recover. If, however, the Justices had the power to decide the question of ownership, Dr. Harris' conduct in acting in his own case (if he did so act) is, the Attorney General considers, quite inexcusable; and, should it be formally brought before the Government, and substantiated, it will, he thinks, be the duty of the Executive to take further proceedings in the matter.

I have, &c.,
W. E. PLUNKETT,
Secretary to Law Department.

The Bench of Magistrates,
Mudgee.

No. 2.

In the Colony of New South Wales, } COURT OF PETTY SESSIONS.
Mudgee, to wit.

Between WILLIAM CAPLIN, *Complainant*,
and
GEORGE INDER, *Defendant*.

ON the fifteenth day of March, in the year one thousand eight hundred and fifty-eight, JOHN WALTER DEVEREUX, of Mudgee, in the County of Wellington and Colony of New South Wales, Solicitor, being duly sworn, maketh oath and saith:—

I was present at the Court House in the town of Mudgee on the 14th day of October, in the year 1857, when Richard Harris, of Oakfield (near Mudgee) in the County of Phillip and said Colony, Esquire, one of Her Majesty's Justices of the Peace for the said Colony, sat upon the Bench of Magistracy in the said Court House, Mudgee, assembled thereat in Petty Sessions (he, the said Richard Harris, and William Winfred Browne, Esq., Police Magistrate, being then the only presiding Magistrates), and adjudicated in the above cause of disputed property in a horse, and awarded the said horse so in dispute to be the property of the above complainant, William Caplin—he, the said Richard Harris, having previous to the said 14th day of October, as appeared by the evidence of the said Richard Harris, William Caplin, and John Joseph Mills, at a subsequent trial that took place concerning the ownership of the said horse in the said Court at Mudgee, on oath given, purchased the said horse from the said William Caplin, and then having at the time of the adjudication and award abovementioned the said horse in his possession, and he the said Richard Harris knowing at the time he purchased the said horse that the said horse was in dispute as aforesaid; and I was present at and heard the evidence of the said Richard Harris, William Caplin, and John Joseph Mills, aforesaid.

JOHN W. DEVEREUX.

Sworn by the deponent on the day first herein written, }
at Mudgee, before me.

W. BROWNE,
A Commissioner of Affidavits.

No. 3.

THE UNDER SECRETARY to R. HARRIS, Esq.

Colonial Secretary's Office,
Sydney, 25 March, 1858.

SIR,

I am directed to inform you that the Bench of Magistrates, Mudgee, have complained that having purchased a horse from one Caplin, you afterwards sat and adjudicated upon a charge brought by Caplin against one Inder respecting the same horse, and joined in directing the horse to be delivered to Caplin; and to request that you will favor the Colonial Secretary with any observations you may desire to make relative to the transaction above alluded to.

I have, &c.,
W. ELYARD.

RICHARD HARRIS, Esq., J. P.,
Mudgee.

No. 4

R. HARRIS, ESQ., to THE COLONIAL SECRETARY.

Oakfield, Mudjee,
2 April, 1858.

SIR,

I have the honor to acknowledge the receipt of a communication from your Office, bearing date 25th ultimo, referring to a complaint made by the Bench of Magistrates "that I had purchased a horse from one Caplin, and afterwards adjudicated upon a charge brought by Caplin against one Inder respecting the said horse, and joined in directing the horse to be delivered to Caplin."

In reply, I beg leave to state that you have been greatly misled in supposing that the complaint in question originated, or even conveyed the sentiments of the majority of the Magistrates of this District. Inquiry will show that it has emanated from two only—Messrs. Browne and A. Cox.

I never purchased a horse from Caplin, as the receipt which I received with the horse in question from John J. Mills, from whom I did purchase the horse, will shew, and which receipt I produced to the Bench, who still retain it.

On the morning on which the case referred to was heard, I had had a serious difference with Captain Browne, late P.M., and when the case was called on he proceeded to adjudicate on the case, without the slightest reference to me. He did not even ask my opinion on the case, but delivered his own decision. After his having done so, I merely asked who was to have the horse, stating that he was then in my possession. Captain Browne said, "Of course the horse is Caplin's."

Without consideration I signed the depositions along with others, and for this inadvertency, malicious persons are endeavoring to degrade me, by having me struck out of the Commission of the Peace.

I have been kept in perfect ignorance of the nature of the complaint made against me, having heard nothing of it but what the letter from your office conveys. I have applied for copies at the Police Office, and been refused. The letters in question do not appear on the records of the Court. Of the four Magistrates who sat on the case, two of them have never seen it or joined in censuring me, and if the third has signed it, it has been after repeated refusals.

The determination to prevent "that fellow from sitting again on the Bench, and that no means shall be left untried to deprive him of his Commission," has been openly discussed by Messrs. Browne and A. Cox.

If the Magistrates of the district are called upon to express their individual opinion of my conduct as a Magistrate or a gentleman since I came to reside in this neighbourhood, I entertain no fear of the result.

I have, &c.,

RICHD. HARRIS.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 5.

R. HARRIS, ESQ., to THE COLONIAL SECRETARY.

Oakfield, Mudjee,
2 April, 1858.

SIR,

I beg leave to forward, for your information, the following narrative, which could not be well combined with my reply to your communication of the 25th ultimo.

On the morning on which the inquiry was made about Caplin's horse, while sitting on the Bench a Mr. Thomas came into the Court, having his face and hands much cut and disfigured, and applied to me for a summons for Captain Browne, who had not only assaulted him himself but had set a fierce mastiff dog on him, who had torn him in the way he appeared.

On taking his information, it appeared that the assault was committed in a public house that morning, between one and two o'clock. Captain Browne was, of course, very indignant at the idea of being summoned before his own Court, and after having placed every

every obstacle in my way he could, at last he stood up in the Court and declared he would not allow me to issue the summons, or have the time of the Court taken up with such matters. (There was at the time no other business before the Court)

He declared before witness that "that fellow should not again sit on the Bench, and "that he would find means to strike me out of the Commission."

From this time his persecution of me commenced, and having found a willing assistant in Mr. Archd. Cox, my inadvertancy in signing those depositions was fixed on as the first point of attack.

A warrant had been issued by him against one Turvey, for stealing this horse and selling him to Inder. When Turvey was arrested, Caplin, who ought to have been the prosecutor, was excluded from the Court, and after all the evidence was taken he was called in and examined as a witness, without having any opportunity afforded him of even hearing what had been sworn to by Turvey's witnesses; and as he did not contradict what he never heard, Turvey was discharged, and the former decision reversed.

Captain Browne then issued a summons to me for having this horse of Inder's illegally in my possession. When the case was called, the majority of the Bench declined to hear it, and on Captain Browne still persisting they left the Court. He and Mr. A. Cox then proceeded with the case, and, although I remonstrated at the unseemliness of Captain Browne rescinding his former decision, he still persisted, until one of his friends remonstrated with him; he then postponed the case. For daring to address the Bench he told one of his friends he could scarcely refrain from committing me to the lock-up. When again called there were four Magistrates sitting—Messrs. R. Lowe, Dr. Macdonald, M. Betts, and A. Cox. The last was more like a prosecuting council than a Judge. Everything that his ingenuity could twist to my disadvantage he did fully; and when he could not find facts he supplied insinuations. Messrs. Lowe and Macdonald wished to dismiss the case, Turvey having failed to produce a particle of evidence that he ever was legally possessed of the horse, and that Inder knew that the horse was Caplin's when he bought it from Turvey.

Messrs. Betts and Cox wished for the Attorney General's opinion on the subject.

The depositions lay on the table for three weeks, Mr. Lowe refusing to sign or be made a catspaw of in such squabbles; Mr. Betts and Dr. Macdonald were never asked to sign, and never saw the accompanying letter. When Mr. A. Cox returned to Mudgee he was determined the matter should not drop, and *I believe* induced Mr. Lowe to sign it.

Messrs. Betts and Macdonald both declared to me that they had no intention of censuring my conduct in the matter; Mr. R. Lowe I have had no opportunity of speaking to.

I have been kindly asked by some of my brother Magistrates—who deeply sympathize with me—to write to them, asking their opinions of my conduct as a Magistrate and a gentleman since I came into this district; but, trusting to a conscience void of offence, it is not my intention to trouble them, except my enemies should seem to prevail.

I have, &c.,

THE HONORABLE

RICHD. HARRIS.

THE COLONIAL SECRETARY.

No. 6.

THE UNDER SECRETARY to R. HARRIS, ESQ.

Colonial Secretary's Office,

Sydney, 28 April, 1858.

SIR,

In acknowledging the receipt of your letter of the 2nd instant, reporting on a complaint preferred against you by the Bench of Magistrates, Mudgee, of your having purchased a horse from one Caplin, and afterwards adjudicated upon a charge brought by Caplin against one Inder respecting the said horse, and joined in directing the horse to be delivered to Caplin, I am directed to inform you that the Government, having considered your explanation, see no reason to believe that you acted corruptly or with any improper motive; and that as you distinctly deny the imputation, the case does not appear to be one calling for action on the part of the Government.

I have, &c.,

RICHARD HARRIS, ESQ, J.P.

W. ELYARD.

Mudgee.

No. 7.

DR. HARRIS.

13

No. 7.

THE UNDER SECRETARY to THE BENCH OF MAGISTRATES, MUDGEES.

*Colonial Secretary's Office,**Sydney, 28 April, 1858*

GENTLEMEN,

Referring to your letter of the 2nd ultimo, complaining of Richard Harris, Esq., J.P., having purchased a horse from one Caplin, and afterwards adjudicated upon a charge brought by Caplin against one Inder respecting the said horse, and joined in directing the horse to be delivered to Caplin; I am directed to inform you, that the Government, having considered the explanation that has been obtained from Dr. Harris on the subject, see no reason to believe that he acted corruptly, or with any improper motive; and that as he distinctly denies the imputations, the case does not appear to be one calling for action on the part of the Government.

I have, &c.,

W. ELYARD.

THE BENCH OF MAGISTRATES,
Mudgee.

No. 8.

MEMO.

In consequence of certain observations made in the Legislative Assembly on the 22nd of October, the Colonial Secretary requested Mr. Justice Therry to furnish to the Government his Notes upon the trial of Inder v. Harris, in reply to which request the Judge addressed the following letter to him:—

*Supreme Court,**28 October, 1858.*

Sir,

The magisterial part borne by Dr. Harris respecting a disputed claim to a horse by Inder v. Caplin, came before me, but incidentally in the action of Inder v. Harris. All that was requisite for Inder to prove at the trial before me was, that the horse was his property, and that it was in the possession of Harris, who refused to give him up.

These points were established to the satisfaction of the jury, and Inder obtained a verdict. The circumstances that transpired referable to the points of your inquiry are these:—The horse was sold by Caplin, one of the claimants to the horse, on or about the 7th of October, at Mudgee, to John Mills for £22. Caplin deposed that at the time he sold the horse to Mills he sold it to him as Dr. Harris' agent, and that Mills told him on the day of the sale he had bought the horse for Harris. Mills confirmed this statement, and stated that he (Mills) paid for the horse, that he delivered the horse to Harris, and Harris repaid him. These statements tended to establish a purchase by the agency of Mills per Harris from Caplin, in whose favor in a week afterwards, the 14th of October, Dr. Harris along with the Police Magistrate, adjudicated in a disputed claim between Caplin v. Inder.

"The Court award the horse to be the property of Wm. Caplin."

"ROBERT HARRIS, J.P."

"WM. BROWN, J.P."

At this time the horse was in Harris' possession, and if Mills was *bona fide* his agent, Harris was virtually the owner of the horse from the 7th instant, the date of the sale to Mills by Caplin.

Among the papers sent from your office I observe one (Harris' letter of the 2nd April, 1858, which was not however used in evidence at the trial,) in which Dr. Harris states he signed this paper inadvertently, and that he stated at the time of the adjudication the horse was then in his possession; and, moreover, he states subsequently that he was not aware at the time of the sale to Mills it was a purchase solely on his account. It is due further to Dr. Harris to state, that his counsel (Holroyd) placed him as a witness in the box to be examined by the plaintiff's counsel, Mr. Dalley, but no questions were put to him by either counsel. For the interests of his client it was, no doubt, immaterial to Mr. Dalley whether the conduct of the Magistrates had been meritorious or otherwise.

It is worthy of remark, however, that as no questions were put to him I had no means of knowing whether he was ready to deny or admit the agency of Mills, or to state the circumstances under which he became possessed of the horse, and the precise time he got possession of him. Perhaps the most unfavorable fact in the case, or at least one principally requiring satisfactory explanation, is the receipt dated the 27th of October, and for this reason:—The sale to Mills, as the agent of Harris, was on the 7th, and Harris admits that at the time of the adjudication—on the 14th of October—the horse was in his possession. If it was not *then* his by purchase, the question suggests itself how did the horse happen then to be in his possession at all? If the receipt was prepared with the view of showing that the sale to Mills by Caplin did not take place until the 27th of October, it would, no doubt, have the effect of showing that Mills only became owner of the horse by purchase at that date, and that Harris purchased subsequently from him; but if this were the real transaction, there was no reason or necessity why Dr. Harris should excuse himself for having inadvertently signed the depositions, and adjudicated on the 14th instant, for then

then he had no property in the horse, yet it was in his possession. Without further inquiry, however, the circumstances, in my opinion, do not appear with sufficient fulness and clearness to justify so strong a measure as the removal of Dr. Harris from the Commission of the Peace. I venture to suggest some questions, the answers to which by Mills and Dr. Harris would more satisfactorily reveal the true character of the case than it has been hitherto disclosed, either in the proceedings before the Magistrates, or at the trial at Bathurst.

Questions suggested to be put to Mills.

1. In what manner or words did Harris authorize you to buy the horse from Caplin?
2. On what day did you give possession of the horse to Harris, and was payment made by him to you on the day you gave him possession? And, further, was payment by yourself to Caplin made on the 27th of October, as the receipt for the horse purports, or previously?
3. In what way did Harris come to know that Caplin had a horse to sell in Mudgee on the 7th of October?—and what passed between you and him on that day, or on any previous or subsequent days respecting the horse?
4. Did Harris, in directing you to purchase the horse, reserve a price—that is, if the horse did not go beyond a certain price you were to buy it for him; and if so, what was the reserved price?

I further venture to suggest, that the Police Magistrate, Captain Browne, should be asked if at the time of the adjudication Dr. Harris apprized him that he (Dr. Harris) had the horse in his possession?

Questions to be proposed to Dr. Harris.

1. Had you any, and, if any, what communication with Mills, as to the purchase of Caplin's horse, on or about the 7th of October, 1857?
2. Did you authorize him, directly or indirectly, to purchase him for you?
3. On what day and date did you get possession of the horse, and pay for him?
4. If the horse was in your possession, as it is admitted by your letter of the 2nd of April, 1858, to have been, on the day of the adjudication—the 14th October—how did it so happen to be in your possession if the horse was not then yours?

As Dr. Harris was not examined at the trial, I think it reasonable he should be afforded an opportunity of making any further exculpatory or explanatory statement he may think proper respecting the *adjudication, the possession of the horse, and the receipt of the 27th of October.*

I have, &c.,

R. THERRY.

The Honorable
The Colonial Secretary,
&c., &c., &c.

No. 9.

THE UNDER SECRETARY to R. HARRIS, ESQ.

*Colonial Secretary's Office,
Sydney, 5 November, 1858.*

SIR,

The attention of the Government having been again called to the circumstances under which you adjudicated in the case of a disputed claim to a horse between William Caplin and George Inder, heard before the Mudgee Bench on the 14th October, 1857, I am directed by the Colonial Secretary to inform you, with reference to my letter of the 28th April last, that it is considered necessary to obtain a further explanation from you, and to afford you an opportunity of showing whether the censures which have been passed upon you with reference to this case are deserved; and to request that you will favor him with answers to the following questions, viz:—

- 1st. Had you any, and, if any, what communication with Mills as to the purchase of Caplin's horse on or about 7th October, 1857?
- 2nd. Did you authorize him, directly or indirectly, to purchase him for you?
- 3rd. On what day and date did you get possession of the horse and pay for him?
- 4th. If the horse was in your possession, as it is admitted by your letter of the 2nd April, 1858, to have been, on the day of the adjudication—the 14th October—how did it so happen to be in your possession if the horse was not then yours?
2. I am directed at the same time to request that you will submit any further exculpatory or explanatory statement you may think proper respecting the adjudication, the possession of the horse, and the receipt of 27th October.

I have, &c.,

W. ELYARD.

RICHARD HARRIS, ESQ., J.P.

No. 10.

THE UNDER SECRETARY to W. BROWN, Esq.

*Colonial Secretary's Office,
Sydney, 5 November, 1858.*

SIR,

Referring to the correspondence that took place while you were Police Magistrate at Mudgee respecting a complaint preferred against Richard Harris, Esq., J.P., relative to a horse purchased by him from one Caplin, and to the proceedings before yourself and that gentleman on the 14th October, 1857, in the case *Inder v. Caplin*, when he joined with you in awarding the horse to Caplin as his property, I am directed to inquire whether at the time of such adjudication Dr. Harris apprised you that he had the horse in his possession.

I have, &c.,

WILLIAM BROWN, Esq.,
Police Magistrate,
Louisa Creek.

W. ELYARD.

No. 11.

THE UNDER SECRETARY to THE POLICE MAGISTRATE, BATHURST.

*Colonial Secretary's Office,
Sydney, 5 November, 1858.*

SIR,

In a case of a disputed claim to a horse between William Caplin and George Inder, which was heard before the Mudgee Court on the 14th October, 1857, Dr. Harris, a Magistrate of the Territory, and the then Police Magistrate, Mr. Brown, adjudicated, and it has since been made a charge against Dr. Harris that the horse was at that time his own property, having been purchased for him at Mudgee, by John Mills, for £22, on or about the 7th of the same month. It has been stated by Dr. Harris that the horse was in his possession at the time of the adjudication, and that he was not aware at the time of the sale to Mills it was a purchase solely on his account. The receipt given by Caplin to Mills also bears date the 27th October.

This case has already, as you are aware, formed the subject of inquiry, but the attention of the Government having been again drawn to the course taken by Dr. Harris on the occasion referred to, it is the wish of the Colonial Secretary—as you are acquainted in some degree with the case, and are in no respect connected with the parties—that you should assist the Government in arriving at a satisfactory decision in the matter. I am, therefore, desired to request that you will obtain the attendance of Mills before you, in order to put to him the questions contained in the enclosed paper; and that in returning this document with the answers of Mills, you will favor Mr. Cowper with your opinion of the transaction. The point on which clear information is most required is: did Dr. Harris, through the agency of Mills, purchase the horse on or about the 7th October, and on the 14th award it to Caplin, from whom it was so bought, there being a disputed claim to the horse between Caplin and Inder.

I have, &c.,

THE POLICE MAGISTRATE,
Bathurst.

W. ELYARD.

Questions to be put to John Joseph Mills.

1st. In what manner or words did Harris authorize you to buy the horse from Caplin?

2nd. On what day did you give possession of the horse to Harris, and was payment made by him to you on the day you gave him possession; and, further, was payment by yourself to Caplin made on the 27th of October, as the receipt for the horse purports, or previously?

3rd. In what way did Harris come to know that Caplin had a horse to sell in Mudgee on the 7th of October, and what passed between you and him on that day, or on any previous or subsequent days, respecting the horse?

4th. Did Harris, in directing you to purchase the horse, reserve a price; that is, if the horse did not go beyond a certain price you were to buy it for him; and, if so, what was the reserved price?

1858.

Legislative Assembly.

NEW SOUTH WALES.

MR. C. W. BUCKNELL.

(PRAYING INQUIRY AND REDRESS.)

Ordered by the Legislative Assembly to be Printed, 1 October, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of Charles Wentworth Bucknell, of Mungyer, in the Gwydir District, grazier,—

HUMBLY SHEWETH,—

That your Petitioner was one of the earliest settlers in the Gwydir District, where he has been a licensed occupant of Crown Lands for the last fifteen years.

That on the sixth day of October, 1857, two persons, whom recent circumstances have discovered to be Police Detectives, presented themselves at your Petitioner's station, as men seeking employment, and that your Petitioner hired them at an agreed rate of wages for general work on his stations.

That these Police Detectives, named respectively Edward Lloyd Lewis and John Abergail, remained in your Petitioner's employment about ten weeks, say from the 6th October to the 15th December, 1857, about which latter date they were paid their wages, and discharged.

That on the morning of the 18th June, 1858, after an interval of six months from the discharge of said Detectives as hired servants, your Petitioner and his brother, Francis Newenham Bucknell, being then at the station of Mungyer, were arrested on a warrant issued by Mr. David Forbes, Police Magistrate of this City, at the instance of Mr. Arthur Hunter Palmer, the general superintendent for Mr. Henry Dangar, and were taken by said Detective Lewis and two Policemen, in handcuffs, a distance of seventy-five miles to the Lock-up at Wee Waa, and there confined.

That, on the 22nd June, 1858, your Petitioner with his brother aforesaid, were brought before the Police Magistrate, then sitting at Wee Waa, to answer a charge preferred by the said A. H. Palmer, and supported by said Detective Lewis, for stealing, on the 16th October, 1857, a bullock, alleged to be branded HD conjoined, and alleged to be the property of the said Henry Dangar.

That the case, after a second hearing on the 25th June, was adjourned for a further hearing to the 20th July, 1858, when it was brought before a Bench of Magistrates, consisting of the Police Magistrate, Mr. Andrew Doyle, and Mr. Thomas Dangar,—the last named Magistrate being a nephew of the gentleman whose bullock was alleged to be stolen.

That during the course of the last mentioned hearing of the case, the Police Magistrate, Mr. A. C. S. Rose, conducted himself in a grossly partial, unfair, and inequitable manner, permitting himself to be influenced by the language and personal demeanour of the prosecutor—the said A. H. Palmer—then present, to the injury of your said Petitioner and his brother, and in such wise as to interfere with the due course of justice; and, in particular, that the said A. C. S. Rose, acting as Clerk of the Bench as well as Police Magistrate, refused

refused to take down, although urgently requested by your Petitioner, (who was without legal assistance), certain material evidence elicited from Detective Lewis, which bore on your Petitioner's defence; and further, that your Petitioner, under pressure of such unfair proceedings, handed protests, in writing, to the said A. C. S. Rose on two several occasions, which protests your Petitioner believes to be in the office of the Honorable the Attorney General.

That your Petitioner and his brother, after a most unfair hearing, were committed by the Magistrates aforesaid to take their trial on a charge of felony, at the Maitland Assizes, on the 13th instant.

That your Petitioner and his brother were tried before Mr. Justice Dickinson on the 16th instant; that at the close of the case for the Crown, without being called upon for their defence, His Honor directed an acquittal, on the ground that there was no evidence of ownership in the said Henry Dangar; and that your Petitioner and his brother were acquitted accordingly.

That your Petitioner humbly represents to your Honorable House, that he has been put to an expense of one thousand pounds (involving the necessity of collecting and bringing down no less than fourteen witnesses, many of them from a distance of three hundred miles and upwards,) to prove—not the innocence of your Petitioner and his brother, for their defence was not called for—but to prove that the Crown had no case, as decided by His Honor the Judge on the point of law;—which decision on the point of law, altogether irrespective of evidence on the facts, your Petitioner humbly represents to your Honorable House, it was incumbent on Her Majesty's Attorney General, acting as the Grand Jury of the Colony, to have arrived at, at such time, and in such wise, as would have saved your Petitioner and his brother the expense and disgrace of a criminal trial, and the country the expense of an untenable Crown prosecution.

That your Petitioner humbly represents to your Honorable House that the sending of Police Detectives to your Petitioner's station—the false assumption by these Detectives of the character of working men in search of employment—the employment in the capacity of hired servants which said Detectives by such false pretences obtained—the subsequent appearance of these Detectives against your Petitioner and brother as their accusers on a charge of felony eight months after the alleged commission of the crime,—all these concurrent circumstances indicate either the presumption of a special conspiracy against your Petitioner and brother, or the existence of a system of paid police espionage of a demoralizing and dangerous character, intolerable in a British community, and which upon public grounds your Petitioner humbly represents calls for immediate inquiry.

Wherefore your Petitioner humbly solicits your Honorable House for inquiry into the facts and allegations in this Petition contained, and for such redress therein as your Honorable House in its wisdom may deem to be just and reasonable.

And your Petitioner, as in duty bound, will ever pray.

CHARLES WENTWORTH BUCKNELL.

Sydney, 24 September, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PROCEEDINGS IN THE CASE OF MESSRS. BUCKNELL.

Ordered by the Legislative Assembly to be Printed, 25 November, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 15 October, 1858, praying that His Excellency the Governor General would be pleased to cause be laid upon the Table of this House,—

- “ (1.) A Return of all Proceedings in the case of the Queen *v.* Charles Wentworth Bucknell and Francis Newnham Bucknell, committed upon 21 July, 1858, by Court of Petty Sessions, Wee Waa, upon a charge of Felony.
- “ (2.) Proceedings in the case of the Queen *v.* Edward Lloyd Lewis and John Abigail, charged with perjury before the Court of Petty Sessions at Maitland, upon 18 September, 1858.
- “ (3.) Copies of all Correspondence between the Executive Government and the Benches of Magistrates aforesaid, respectively, or any person or persons upon either of the subjects above specified.”

MEMO :—There does not appear to have been any correspondence between the Executive Government and the Benches of Magistrates aforesaid.

(*Mr. Forster.*)

PROCEEDINGS IN THE CASE OF MESSRS. BUCKNELL.

A. C. S. ROSE, ESQ., J. P. to THE ATTORNEY GENERAL.

Police Office, Wee Waa,
23 July, 1858.

SIR,

C. W. Bucknell,
and
F. N. Bucknell.
Cattle Stealing.

I do myself the honor to apprise you that I have transmitted, in a separate registered packet, the depositions taken in the case noted in the margin, together with the recognizances of bail, and the witnesses' recognizances; also, a portion of a cheque book and a memorandum book, which were produced in defence by the accused, and were impounded by the Bench, that they might be preserved in their integrity for production at the trial.

Enclosing Medical Certificate

I enclose herewith a medical certificate of the illness of a material witness for the prosecution—John Abigail, a detective constable—who was prevented by this cause from giving his evidence before the Magistrates here.

I have written to the Inspector General, requesting him to bind over this man to appear at the trial.

It is impossible for me to make any further remarks on this case at the present moment, but it will be necessary for me to communicate with you again by the next post, which leaves this place on the 28th instant.

I have, &c.,

THE HONORABLE

THE ATTORNEY GENERAL,
Sydney.

ALFRED C. S. ROSE, J. P.

New South Wales, }
to wit.Police Office, Wee Waa,
24 July, 1858.

Before A. C. S. Rose, P. M.

Charles Wentworth Bucknell and Francis Newnham Bucknell—Cattle Stealing.

John Worthington Lloyd, being duly sworn, saith:—I was present at the examination of the witness Edward Lloyd Lewis, in the case of the Messrs. Bucknell, on the 20th of July last, and I am sure he stated that it was not until after his return from Gulligal that he was received into the confidence of the Messrs. Bucknell, and that it was at this time that the HD beast was killed.

JOHN WORTHINGTON LLOYD.

Taken and sworn before me, at Wee Waa, }
this 24th day of July, 1858. }
A. C. S. ROSE, J. P.

Adrian Wentworth Bucknell, being duly sworn, saith:—I was present at the examination of the witness Lewis, in the case of the Messrs. Bucknell, on the 20th July last, and I am sure he stated that he and his mate were absent from Mungyer for eight or ten days immediately after their arrival, as I understood. He stated that he was afterwards sent to Gulligal, and it was after his return that he was admitted into the confidence of the Messrs. Bucknell, and allowed to enter their yard while they were killing, and was considered a "right-un." It was then he said that the beast was killed which he described as branded HD, and states to have been killed on or about the 16th day of October, 1857.

A. W. BUCKNELL.

Taken and sworn before me, at Wee Waa, }
this 24th day of July, 1858. }
A. C. S. ROSE, J. P.

George Hopper, Chief Constable, being duly sworn, saith, on examination by Charles Wentworth Bucknell:—I was present at the examination of the witness Lewis, in the case of the Messrs. Bucknell, on the 20th of July last, and I remember that he stated it to have been after his return from Gulligal that the HD bullock was killed; he stated this positively at first, and afterwards, when examined by Charles Bucknell, he stated it was so to the best of his belief.

GEORGE HOPPER.

Taken and sworn before me, at Wee Waa, }
this 24th day of July, 1858, }
A. C. S. ROSE, J. P.

The

The three foregoing depositions of John Worthington Lloyd, Adrian Wentworth Bucknell, and George Hopper, were taken at the earnest request of the accused, and after they were committed for trial.

A. C. S. ROSE, J. P.

INFORMATION FOR LARCENY.

New South Wales, }
City of Sydney, to wit. }

THE information and complaint of Arthur Hunter Palmer, of New England, in the Colony of New South Wales, taken this 29th day of May, in the year of our Lord one thousand eight hundred and fifty-eight, at Sydney aforesaid, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace, who upon his oath saith, that from information which he has received, and verily believes to be true, on the 16th day of October, A. D. 1857, at Munguire, in the Colony aforesaid, a bullock, branded HD on the near rump, the property of Henry Dangar, was feloniously stolen, taken, and carried away, and that he, the said Arthur Hunter Palmer, hath just cause to suspect, and doth suspect and verily believe, that Charles William Bucknell and Frank Bucknell, of Munguire, in the Colony aforesaid, did then and there feloniously steal, take, and carry away the same; and thereupon he, this informant, prays that I, the said Justice, may issue my warrant to apprehend the said Charles William and Frank Bucknell, in order that they may be dealt with according to law, and that justice may be done in the premises.

A. H. PALMER.

Sworn before me, at the Police Office, Sydney, this }
29th day of May, in the year of our Lord }
one thousand eight hundred and fifty-eight. }

D. FORBES,

Justice of the Peace.

New South Wales, }
to wit. }

Police Office, Wee Waa,
22 June, 1858.

Present, A. C. S. Rose, P. M.

Regina v. Charles Wentworth Bucknell and Francis Newnham Bucknell.

Charles Hopper, Chief Constable of Wee Waa, being duly sworn, saith:—On the 18th of June I apprehended the prisoners at Mungyer, on warrant issued by the Police Magistrate of Sydney, in which they are charged with cattle stealing.

GEORGE HOPPER.

Taken and sworn before me, at Wee Waa, }
this 22nd day of June, 1858. }

ALFRED C. S. ROSE, P. M.

Edward Lloyd Lewis, Detective Constable of Sydney, being duly sworn, saith:—On or about the 16th day of October last year, I saw the prisoner Frank Bucknell drive in some cattle, amongst which was one bullock branded HD on the near rump—the bullock was a full grown one, and the brand was from six to eight inches long; the same day, in the evening, I saw Charles Bucknell shoot the bullock; the hide was taken off, and Frank Bucknell and one of his gins dragged it away towards his hut; I saw him then cut the brand out, and a piece of the hide near the neck, but whether this had a brand on it I cannot say; he then threw both these parts into the fire; when this was done I was not aware that the HD above-mentioned was Mr. Henry Dangar's brand; I ascertained that it was some six weeks after this, when I went to Bunna Bunna; Frank Bucknell stated that it was one of Mr. Lang's bullocks which his brother Charles had purchased; I know Mr. Lang's brands, and I can swear he never had such a brand as HD amongst them; the man who was with me at the time when this beast was killed is now sick in Sydney hospital; his name is John Abigail; he is a detective constable; he saw the whole transaction; there were also two lads at the yard.

EDWARD LLOYD LEWIS,

D. Constable.

Taken and sworn before me at Wee Waa, }
this 22nd day of June, 1858. }

ALFRED C. S. ROSE, J. P.

By the Bench: There was a number of blacks around the yard, and we considered that if we attempted to get the brand we should have been killed; I went to Mungyer in September last, together with Abigail, another detective constable; we were there about a month; I do not remember any instance of another man's cattle being killed by the prisoners at Mungyer except the one aforementioned; we were never allowed near the yard excepting when most of the people were away; the prisoners were in the habit of taking numbers of calves away from their mothers, which calves were then branded by them, although the cows were the property of other people; I have seen the prisoner Charles Bucknell repeatedly brand calves belonging to Mr. Robert Fitzgerald, to Mr. Pearse, to Mr. David Ryan, to Mr. Bagot, to Mr. Henry Dangar, and to Mr. Lance.

EDWARD LLOYD LEWIS.

Taken and sworn before me, at Wee Waa, }
this 22nd day of June, 1858. }

ALFRED C. S. ROSE, J. P.

Henry

Henry Wyndham Palmer, being duly sworn, saith:—I am Superintendent of Bunna Bunna Station, the property of Mr. Henry Dangar; the distinguishing brand on the cattle is HD; no one at Bunna Bunna but myself has any right to sell any of these cattle; I never at any time sold any with this brand to the Messrs. Bucknell, of Mungyer; I think it unlikely that any of their cattle bear this brand, or I should have seen or heard of it.

HENRY W. PALMER.

Taken and sworn before me, at Wee Waa, }
this 22nd day of June, 1858. }

ALFRED C. S. ROSE, P. M.

The prisoners are remanded until the 30th day of June next.

ALFRED C. S. ROSE, J. P.

New South Wales, }
to wit. }

Police Office, Wee Waa,
25 June, 1858.

Present A. C. S. Rose, P. M.

Regina v. Charles Wentworth Bucknell and Francis Newnham Bucknell.

Michael Geale, being duly sworn, saith:—I am now driving a bullock team for a man named Playford; to the best of my remembrance I was at Mungyer in the month of October last; I was in the service of the Messrs. Bucknell; I know the man now present, we called him "Ned" at Mungyer; I very well remember that he was in the yard with us at Mungyer one evening when we were killing a bullock; it must have been some time about the middle of October; Ned pulled at the rope of the gallows together with me; some one let the rope go, and the beast came down; I did not notice at all what brands were on the bullock; I have been in the killing yard at Mungyer half-a-dozen times when the Messrs. Bucknell have been killing; I did not always notice the brands, but I did so twice or thrice, and the beasts they killed were in these instances branded with their own brands; I never saw a bullock branded HD killed in the yard at Mungyer; that is Henry Dangar's brand; it is placed on the near or off rump of his cattle, but on which I do not know; I don't know of any other HD brand about Mungyer; I don't know what became of the hide of the beast above mentioned after it was killed; I never saw any brand cut out of a hide; the hides were always, as far as I know, taken away and salted; the beast killed on this particular evening, when the gallows rope slipped, was a good sized bullock; the color, I believe, was red, but I did not notice the brand.

M. GEALE.

Taken and sworn before me, at Wee Waa, }
this 25th day of June, 1858. }

ALFRED C. S. ROSE, J. P.

Case adjourned to the 20th day of July next.—Prisoners admitted to Bail.

A. C. S. ROSE, J. P.

New South Wales, }
to wit. }

Police Office, Wee Waa,
20 July, 1858.

Before Andrew Doyle, Esq., J. P., A. C. S. Rose, Esq., P. M., and T. G. Dangar, Esq., J. P.

Charles Wentworth Bucknell and Francis Newnham Bucknell—Cattle Stealing.

Arthur Hunter Palmer, being duly sworn, saith:—I am sole manager of the stations of Mr. Henry Dangar in various parts of the Colony. The distinguishing brand of Mr. Henry Dangar's cattle is HD on the near rump; some few are branded HD on the off rump, and some on the neck; I never sold any cattle with any one of these brands to the Messrs. Bucknell of Mungyer, and to the best of my knowledge and belief no one attached to any of Mr. Dangar's stations ever sold any of them to these persons; I should most likely have received some account of the transaction if there had been such a one; I have been managing for Mr. Henry Dangar for eighteen years; for the last two years and a half I have been sole manager; I do not know the accused, excepting by repute; I am aware that last year two detective constables were sent up to their station at Mungyer by the Inspector General of Police, at the instigation of Mr. Robert Fitzgerald and Mr. David Ryan; I believe the reports of the Messrs. Bucknell having been in the habit of stealing cattle to be well founded; we have never sold any HD cattle to Mr. Gideon Lang; I am not aware that there is any other HD brand in this part of the country; I am aware of only one instance of any of the HD cattle being bought out of a pound, and that was by Mr. George Loder; I never heard of any person having cattle who purchased others with another persons brand and who did not put his own brand on them, except when the whole brand was sold; I have heard that a man on the Castlereagh River has claimed cattle branded HD.

A. H. PALMER.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858. }

AND. DOYLE, J. P.

THOMAS G. DANGAR, J. P.

A. C. S. ROSE, J. P.

By the prisoner Charles Wentworth Bucknell:—I have heard of many persons who bear the name of cattle stealers; I cannot positively on my oath say whether the Messrs. Bucknell did or did not purchase any HD cattle at the Hanging Rock or Rocky River; but I believe they did not, for I can account for every beast sent to the latter place; I never sent any to, or sold any at the former place; the party who purchased the HD cattle at the

the Rocky River is named George Western; he is a storekeeper and butcher, and purchases cattle to kill; I have the weights and descriptions of all the cattle sold to him; I know that there are HD bullocks in teams now on the roads of the Colony; I have repeatedly sold cattle for the Maitland and Sydney markets; it may be possible that some of these cattle have become poor on the purchaser's hands, and that he has sold them again; cattle of Mr. Dangar's have been sent down by you and sold, and most improperly, for I never gave you authority to sell any HD cattle, and I do not believe any one else authorised to do so gave it; I have received from you partial payment for some cattle sold by you down the country.

A. H. PALMER.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

Henry Wyndham Palmer, Superintendent of Bunna Bunna Station, being duly sworn, saith:—I have twice received remittances of money from the Messrs. Bucknell, of Mungyer, for HD cattle sold by them down the country; the first time, I believe, was in March, 1857, and the second was about the beginning of October, 1857; in the first instance five head were taken down at my request; Mr. Arthur Palmer, then general manager of Mr. Henry Dangar's stations, directed me, about the middle of October, 1857, not to allow the Bucknells to send any more HD cattle down to market; I never had an opportunity of speaking to the Bucknells since that, but I wrote to them a prohibition against taking down the HD cattle; the cattle, it was stated by them, had been sent down and sold; nothing was ever said to me about any beast branded HD having been kept by them for their own use on the station. In October, 1857, I received partial payment for nineteen head of HD cattle taken down by the Bucknells; had they retained any HD beast for their own use I should most certainly have remonstrated with them; they would clearly have had no right to do anything of the kind without my authority. I know of only two bullocks branded HD, the property of Mr. Henry Dangar, having been sold to bullock-drivers on this river; I do not know where these bullocks are now; it is two years since I saw them last.

HENRY W. PALMER.

Taken and sworn before us, at Wee Waa, }
this 20th day of June, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By the Bench:—I have twice received reports of the accused having killed the HD cattle feloniously; I had reason to believe these reports; they were brought to me by black-fellows; these men know well the brands on Mr. Dangar's cattle; I have often heard it stated in various places that the accused are cattle-stealers, but I could never get sufficient evidence against them on which to take legal proceedings.

HENRY W. PALMER.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE.
THOS. G. DANGAR.
ALFRED C. S. ROSE.

Edward Lloyd Lewis, detective constable, being duly sworn, saith:—I can positively swear that the bullock branded HD, killed at Mungyer by the accused, on or about the 16th day of October, 1857, was not a working bullock; the accused never allow a stranger to go to their stockyard when they are killing any beast; a person named Brown, who purchased one of their stations, was not allowed in the yard when they were killing; Charles Bucknell said he would not let him, and he also said in my presence that he would allow no bloody stranger in his yard when he was killing; the accused allowed me in the killing-yard first about the middle of October; I was in it twice before that; the accused killed twice a-week, and on one occasion three times; there were about thirty persons on the station, including blacks; on the two occasions when I was there before the HD bullock was killed by the accused, two beasts were slaughtered, branded with a Jim Crow hat and WB on the near rump, as far as I can remember; the mark on the neck of the HD beast, if there was any, must have been very indistinct or I should have noticed it; at any rate Frank Bucknell cut it out and threw it into the fire; neither Abigail, the other detective constable, nor I could have obtained possession of the brands thus cut out, or of the hide from which they were cut, if we had wished; I received no wages from the Bucknells, but I had my rations and tobacco, and they gave me a pair of boots just before I left; they shewed confidence in me when I had been there some time.

EDWARD LLOYD LEWIS.

Taken and sworn before me, at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By Charles Wentworth Bucknell:—To the best of my belief the HD beast was killed after I returned to Mungyer from Gulligal; Frank Bucknell and Hippi, a blackfellow, drove the cattle into your yard, amongst which was the HD bullock killed by you; I gave you eight pounds (£8) to take care of for me when at Mungyer; I required no receipt from you for it; I was about eight or nine days absent from Mungyer on my trip to Gulligal.

EDWARD LLOYD LEWIS.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858. }

AND. DOYLE, J. P.

THOS. G. DANGAR, J. P.

A. C. S. ROSE, J. P.

Arthur Hunter Palmer, being duly sworn, saith:—The detective constables have not been offered any reward for the conviction of the Bucknells either by me or by Mr. Henry Dangar, and, I believe, by no other person; they were sent up, I understood, by the Government, and are paid out of the public revenue, their horses only being found by private individuals; I did not receive intelligence of the accused having killed an HD beast until May, when I was in Sydney; it was from Detective Lewis' statement that I laid an information against the accused, on which a warrant was issued by Mr. Forbes, Police Magistrate at Sydney.

A. H. PALMER.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858. }

AND. DOYLE, J. P.

THOS. G. DANGAR, J. P.

A. C. S. ROSE, J. P.

By the Bench:—On the 15th of October, 1857, I received from the Messrs. Bucknell, through Mr. H. W. Palmer, Superintendent of Bunna Bunna, the sum of £53 6s. (fifty-three pounds and six shillings,) for HD cattle, sent down to market and sold by them. These cattle, of course, were taken down by the Bucknells for sale. I should most certainly have considered it a felony had they retained one of these cattle, and killed it, even had they afterwards offered payment for it. I received money twice from the Bucknells through H. W. Palmer, for HD cattle sent down by them to market.

A. H. PALMER.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858. }

AND. DOYLE, J. P.

THOS. G. DANGAR, J. P.

A. C. S. ROSE, J. P.

Further examined by the Bench:—After the receipt of the first remittance from Bucknells' for cattle of Mr. Dangar's sold by them, I wrote or spoke to the Superintendent of Bunna Bunna, Mr. H. W. Palmer, directing him not to allow any of the HD cattle in future to be sent down by the Bucknells for sale.

A. H. PALMER.

Taken and sworn before us, at Wee Waa, }
the 20th day of July, 1858. }

AND. DOYLE, J. P.

THOS. G. DANGAR, J. P.

A. C. S. ROSE, J. P.

Case adjourned until to-morrow, the 21st day of July.

STATEMENT OF THE ACCUSED.

New South Wales, }
Wee Waa; to wit. }

Francis Newnham Bucknell stands charged before the undersigned, three of Her Majesty's Justices of the Peace, in and for the Colony aforesaid, this twentieth day of July, in the year of our Lord one thousand eight hundred and fifty-eight, for that he, the said Francis Newnham Bucknell, on or about the 16th day of October, A.D., 1857, at Mungyer, in the said Colony, did feloniously steal, take, and carry away a bullock branded HD on the near rump, the property of Henry Dangar; and the said charge being read to the said Francis Newnham Bucknell, and the witnesses for the prosecution, Arthur Hunter Palmer, Henry Wyndham Palmer, George Hopper, Michael Geale, and Edward Lloyd Lewis, being severally examined in his presence, the said Francis Newnham Bucknell is now addressed by us as follows:—"Having heard the evidence, do you wish to say anything in answer to the 'charge? You are not obliged to say anything unless you desire to do so; but whatever 'you say will be taken down in writing, and may be given in evidence against you upon 'your trial.' Whereupon the said Francis Newnham Bucknell saith as follows:—On the 15th or 16th of October last year, I brought some cattle from the water-course, among which was a bullock branded HE on the the near rump and 74 on the near shoulder; the cattle branded HE with 74 belonged to a person named Egar, who is now in New Zealand; these cattle were branded altogether at Mungyer, about seven or eight years since; they had other brands on them, with the exception of a few calves running with their mothers; there

PROCEEDINGS IN THE CASE OF MESSRS. BUCKNELL.

7

there were about thirty altogether at that time; my brother purchased the entire brand about two years and a quarter since; there are five or six left now; Charles Martin and George White, and I think Michael Geale, were in the yard when we killed this beast; I believe that Ned and his mate Jack were somewhere about the yard.

FRANK N. BUCKNELL.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE, J.P.
THOS. G. DANGAR, J.P.
A. C. S. ROSE, J.P.

George White, being duly sworn, saith:—I am a farmer and drover; I drive cattle to market for the Messrs. Bucknell; I had cattle running on their run at Mungyer for some years; between three and four years since Charles Bucknell purchased the HE brand of cattle; they were branded HE on the near rump and 74 on the near neck; they formerly belonged to a person named Henry Egar; I was at the killing yard at Mungyer on the 15th of October last year, when a bullock of this brand was killed; the hide was taken from the yard by Frank Bucknell and pegged out; I was stock-keeping for the Messrs. Bucknell for five or six years.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858.

his
GEORGE X WHITE.
mark

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By Charles Wentworth Bucknell and Frank Bucknell:—The hide was taken to Frank Bucknell's hut, and was salted; I never knew you to cut a brand out of a hide.

his
GEORGE X WHITE,
mark

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

William Horne, being duly sworn, saith:—I arrived at Mungyer on the 28th of October last year; I know the witness "Ned"; I met him on the road as I was proceeding to Mungyer on the day I have named; he was going to Gulligal; I was going to Mungyer for cattle; I have been staying with the Messrs. Bucknell at Mungyer for the last three weeks as an acquaintance of theirs.

W. HORNE.

Taken and sworn before us, at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By Charles Wentworth Bucknell:—Ned returned to Mungyer about the 2nd or 3rd of November.

W. HORNE.

Taken and sworn before us at Wee Waa, }
this 20th day of July, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

John Worthington Lloyd, being duly sworn, saith:—I am in partnership with the Messrs. Bucknell in their various stations; about the latter end of November last year I inspected their station books; the one now produced was handed to me by Mr. Charles Bucknell; I was to copy out the entries in it into another book; I swear that this book produced is a genuine one, and that the entries in it relating to the man Ned and his mate were there when I received the book in November last; the balance due to the man Ned was £3; I drew up a cheque of this amount and Charles Bucknell signed it; the money was paid to Ned as wages; I have not, to the best of my recollection, seen any HE cattle on the Messrs. Bucknell's stations, but I have heard of the brand as belonging to the Messrs. Bucknell; I have a share in these cattle thus branded.

JOHN WORTHINGTON LLOYD.

Taken and sworn before us at Wee Waa, }
this 21st day of July, 1858.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By

By Arthur Hunter Palmer, prosecutor:—I know John Evans Brown; he bought William Bucknell's share in the Yarrawaa station, and in two other stations; I was in partnership with Mr. Brown in these stations; it was, to the best of my recollection, about the end of December last that Mr. Brown sold these stations to Charles and Francis Bucknell; I was present at Messrs. Bucknell's yard on one occasion during my partnership with Mr. Brown when those persons were killing a beast; I know no reason why Mr. Brown sold out, excepting that of his having sufficient inducement of a pecuniary nature.

JOHN WORTHINGTON LLOYD.

Taken and sworn before us, at Wee Waa, }
this 21st day of July, 1858. }
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

New South Wales }
to wit. }

Police Office, Wee Waa,
21 July, 1858.

Present:—A. Doyle, Esq., J. P., T. G. Dangar, Esq., J. P., A. C. S. Rose, Esq., P. M.

Charles Wentworth Bucknell and Francis Newnham Bucknell—Cattle stealing.

George Waller, being duly sworn, saith:—I am now engaged in stock-keeping for the Messrs. Bucknell; I have been with them, off and on, for the last three years; I do not remember any beast having been killed at Mungyer about the middle of October last year; I left Mungyer about the 29th of September, and did not return until the 23rd of October; I was however at Mungyer on the evening of the 9th of October, and I stayed there the next day; the man Ned, now present, was at Mungyer when I was there, on the 9th of October, as well as a man they called Jack; I heard shortly after these men arrived that they were detectives; one beast is generally slaughtered at Mungyer about every ten or twelve days; sometimes two small ones are killed in a week; there are about fifteen persons, whites and blacks, on the station; about two years since Charles Bucknell purchased the HE brand of cattle from a person named Eggar; some of these cattle have been killed at Mungyer, for station purposes; as I said before, I returned to Mungyer on the 23rd of October last year; on the 24th of that month I assisted Frank Bucknell to make a rope out of a hide that was branded HE on the near rump; there might have been another brand on the beast, but I did not notice it; the color of the beast was a strawberry roan; the hide was pegged out on the floor of Frank Bucknell's hut when I returned to Mungyer, on the 23rd of October,

GEORGE WALLER.

Taken and sworn before us, at Wee Waa, }
this 21st day of July, 1858. }
AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By Francis Newnham Bucknell:—Hippi, an aboriginal, went with me to the Big River in September last year, and returned to Mungyer with me on the 9th of October; he left with me again on the 11th of October, and stayed away until the 23rd of the month; there are only two young blackfellows on the station at Mungyer, one called Hippi, the other Billy; no one could mistake the one for the other.

GEORGE WALLER.

Taken and sworn before us, at Wee Waa, }
this 21st day of July, 1858. }
AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By Charles Wentworth Bucknell:—I have often seen Ned at Mungyer, and am sure he had a large horse-pistol with him.

GEORGE WALLER.

Taken and sworn before us, at Wee Waa, }
this 21st day of July, 1858. }
AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By Arthur Hunter Palmer, witness for the prosecution:—

George White being duly sworn, saith:—The Messrs. Bucknell have told me that they purchased the HE brand of cattle; the person who sold them also told me the same; I have taken several of these cattle to market, how many I do not know; on the 23rd of October last I took three or four head of HD cattle down to Sydney; I sold them there; the HD is Mr. Henry Dangar's brand; these cattle were taken down by me as Mr. Henry Dangar's property; they were sent to market by the Messrs. Bucknell; I was authorised to take these cattle by Mr. Henry Palmer, of Bunna Bunna; the cattle realized six pounds and five shillings a head; I paid the proceeds of the sale into Messrs. Bucknell's Bank in Sydney.

Taken and sworn before us, at Wee Waa, }
this 21st day of July, 1858. }
AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

This

PROCEEDINGS IN THE CASE OF MESSRS. BUCKNELL.

9

This witness, George White, refused to append his signature to his depositions at the instigation of William Bucknell, a brother of the accused, who came forward into the Court and whispered something in the witness' ear before the Bench had time to interrupt the communication.

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

By the Bench :

Edward Lloyd Lewis, detective constable, being duly sworn, saith:—The bullock killed by the prisoners on or about the 16th day of October last year was of a roan color; I am sure that the blackfellow who brought in this beast with Frank Bucknell was no other than Hippi; it was about the end of September when I arrived at Mungyer; I am quite confident it was before October; Abigail and I each had a double barrelled pistol with us; I swear that White who has given evidence in this case, was not on the Mungyer station—I mean not near the homestead, nor at the yard whilst the beast abovementioned was being killed, nor that evening at all; I can swear that Waller, who has given evidence in the case, was not present on this occasion; I remember that White came up for fat cattle to Mungyer whilst I was there; I believe he only came once during my stay, and he then stayed only a few days; I am sure that the hide of the HD bullock was not made into a rope; I saw a small piece of it a short time after the bullock was killed, but the ragged parts were cut off.

EDWARD LLOYD LEWIS.

Taken and sworn before us, at Wee Waa, }
this 21st day of July, 1858. }

AND. DOYLE, J. P.
THOS. G. DANGAR, J. P.
A. C. S. ROSE, J. P.

The prisoners are committed to take their trial at the Circuit Court to be holden at Maitland on Monday, the 13th day of September next.—Both prisoners are admitted to Bail.

Castlereagh-street North,
13 July, 1858.

I certify that John Abigail is suffering from a severe and dangerous form of stricture, which at present is highly irritable. I am decidedly of opinion that a journey of any distance would be attended with much risk to his life, if undertaken at the present time.

ALFRED ROBERTS,
Surgeon to Sydney Infirmary.

New South Wales, }
Maitland, to wit. }

THE information and complaint of Charles Wentworth Bucknell, of Mungyer, in the District of Gwydir, in the Colony of New South Wales, grazier, taken the sixteenth day of September, one thousand eight hundred and fifty-eight, before the undersigned, one of Her Majesty's Justices of the Peace for Territory of New South Wales, who saith that on the day first aforesaid, at the sittings of the Supreme Court held at Maitland, in the said Colony, upon a certain trial, wherein Her Majesty the Queen prosecuted the said Charles Wentworth Bucknell and Francis Newnham Bucknell for that they, the said Charles Wentworth Bucknell and Francis Newnham Bucknell, did feloniously steal and carry away a bullock branded HD, the property of one Henry Dangar, and for that whereas the said Charles Wentworth Bucknell and Francis Newnham Bucknell did receive and take the said bullock, knowing the same to have been stolen: And the said case came on in due form of law to be tried before, and was then and there tried by a jury in that behalf duly sworn, upon which said trial Edward Lloyd Lewis, of Sydney, in the said Colony, constable, then and there appeared as a witness for and in behalf of the prosecution, and was then and there duly sworn, according to law, before the Honorable John Nodes Dickinson, Esquire, one of the Judges of the said Court, and did falsely, corruptly, knowingly, wilfully, and maliciously, before the said jury so sworn as aforesaid, and before the said John Nodes Dickinson, depose and swear, amongst other things, in substance and to the effect, as follows, that is to say, that the said Charles Wentworth Bucknell and Francis Newnham Bucknell did, about the sixteenth day of October, one thousand eight hundred and fifty-seven, kill a roan bullock branded HD on the near rump, and a mark on near neck,—thereby committing wilful and corrupt perjury: And thereupon he, this informant, prays that I, the said Justice, may issue my warrant to apprehend the said Edward Lloyd Lewis, in order that he may be dealt with according to law, and that justice may be done in the premises.

C. W. BUCKNELL.

Sworn before me, at Maitland, in the said Colony, }
this sixteenth day of September, in the year }
of our Lord one thousand eight hundred and }
fifty-eight. }

THOMAS LINDSAY, J.P.

FRIDAY, 17 SEPTEMBER, 1858.

Before E. D. Day, Esq., J.P., and John Borthwick, Esq., J.P.

In re Edward Lloyd Lewis.—*Perjury*.

This information was withdrawn by Mr. Isaacs, Counsel for the Prosecution.

EDW. D. DAY,
Police Magistrate.

JOHN BORTHWICK, J.P.

*Police Office, East Maitland,
17 Sept., 1858.*

This information was this day withdrawn by the Complainant's Counsel.

EDW. D. DAY, J.P.
JOHN BORTHWICK, J.P.New South Wales, }
Maitland, to wit. }

THE information and complaint of Charles Wentworth Bucknell, of Mungyer, in the District of Gwydir, in the Colony of New South Wales, grazier, taken the sixteenth day of September, one thousand eight hundred and fifty-eight, before the undersigned, one of Her Majesty's Justices of the Peace for Territory of New South Wales, who saith, that on the day first aforesaid, at the sittings of the Supreme Court held at Maitland in the said Colony, upon a certain trial wherein Her Majesty the Queen prosecuted the said Charles Wentworth Bucknell and Francis Newnham Bucknell, for that the said Charles Wentworth Bucknell and Francis Newnham Bucknell did feloniously steal and carry away a bullock branded HD, the property of one Henry Dangar; and for that whereas the said Charles Wentworth Bucknell and Francis Newnham Bucknell did receive and take the said bullock, knowing the same to have been stolen: And the said case came on, in due form of law, to be tried before, and was then and there tried by a jury in that behalf duly sworn; upon which said trial John Abigail, of Sydney, in the said Colony, constable, then and there appeared as a witness for and in behalf of the prosecution, and was then and there duly sworn, according to law, before the Honorable John Nodes Dickinson, Esquire, one of the Judges of the said Court, and did falsely, corruptly, knowingly, wilfully, and maliciously, before the said jury so sworn as aforesaid, and before the said John Nodes Dickinson, depose and swear, amongst other things, in substance, and to the effect as follows, that is to say,—that the said Charles Wentworth Bucknell and Francis Newnham Bucknell did, about the sixteenth day of October, one thousand eight hundred and fifty-seven, kill a roan bullock branded HD on the near rump, and a mark on near neck, thereby committing wilful and corrupt perjury. And thereupon he, this informant, prays that I, the said Justice, may issue my warrant to apprehend the said John Abigail, in order that he may be dealt with according to law, and that justice may be done in the premises.

C. W. BUCKNELL.

Sworn before me at Maitland, in the said
Colony, this sixteenth day of September,
in the year of our Lord, one thousand
eight hundred and fifty-eight.

THOMAS LINDSAY, J.P.

*Police Office, East Maitland,
September 17, 1858.*

Before E. D. Day, Esq., P. M.; John Borthwick, Esq., J. P.; A. J. Doyle, Esq., J. P.

John Abigail, in custody on a charge of having committed wilful and corrupt perjury, in the case of Regina v. Charles Wentworth Bucknell, and Francis Newnham Bucknell, for cattle stealing, tried at the Maitland Circuit Court, on the 16th day of September, 1858, before His Honor John Nodes Dickinson, Esq.

Charles Wentworth Bucknell, being sworn, states:—The information now read is true.

Examined for the prosecution by Mr. O'Meagher:—The defendant now present is the person of whom I complain; I was in Court on yesterday, and appeared in my recognizance at the suit of the Queen, to take my trial on a charge of stealing and receiving a bullock alleged to have been the property of Henry Dangar; I was put on my trial before His Honor Judge Dickinson and a jury duly sworn to try the case; I saw the prisoner there; I saw him duly sworn; he swore that a bullock branded HD was killed on or about the 16th October at my station in the Gwydir District; he said it was a roan bullock, branded on the near rump, brand conjoined, and a mark on the near neck; he swore that I killed it; he said yesterday it was the brand of Henry Dangar. That statement of my having stolen and killed a bullock having the brand of Henry Dangar was false; the statement that I shot the bullock on or about the day named, or at any other time, bearing that brand, is also false; there was a bullock killed about that time, the 15th or 16th October; he was a kind of roan strawberry, branded HE on the near rump, and 74 conjoined on the near neck. My brother Frank Newnham Bucknell was present at the time; also, George White and Michael Gale; there were many others about the killing yard at the time; no other bullock was killed on my premises on the 15th or 16th October, but the one referred to branded HE; prisoner was on the station at the time, but I don't think he was present at the killing; the prisoner,
"Ned"

"Ned Lewis," was about the station, I cannot say he was in the yard at the time; no other bullock could have been killed on the premises at that time without my knowledge; the bullock I killed on the occasion referred to, branded HE, was Henry Eager's, of whom I bought a lot; it was at the time my *bona fide* property; the prisoner swore to the statements which I now swear were false, wilfully, falsely, and corruptly; the prisoner was examined as a witness for the Crown yesterday, at my trial.

By the Bench:—I have been proprietor of the Mungyer station since 1844 or 5; it is assessed at 960 head of cattle; I have several other stations adjoining it; one, besides Mungyer, is my own, on lease from the Government; I should say that on the whole of these stations there are now 6 or 7,000 head of cattle, more than 4,000 of which, I should say, are mine; I do not know that a conviction for felony would entail the loss of these stations; I do not keep a register of cattle killed on my station for consumption; I used to do so; I do not know that such is the practice on other stations or not; I do state in my information that the prisoner is a constable; he did not represent himself as a constable at my station, but he yesterday, on the trial, represented himself as a detective constable; I was not called upon for my defence; I believe the case was dismissed on its merits; by saying the case was, I believe, dismissed on its merits, I mean for want of proof; I think the case was dismissed for two causes—first, that there was no proof the animal was killed at all, and, secondly, that the ownership of the beast alleged to have been killed could not be shown. There were 15 or 20 persons about my place on the day the bullock was killed, some belonging to my own, and some from other stations; there were some black gins of the station present, my brother Frank, Michael Gale, Mrs. Burke, hutkeeper on the station, Mr. Whitehead, and, I think, Charles Martyn, were present on the station at the time I shot the HE bullock; George White, my brother Frank, and Michael Gale were present at the time; there may have been more about—I don't remember; prisoner may have been assisting—I don't recollect; he was in my employment at the time; I swore in my information that the prisoner was a constable, which conclusion I arrived at in consequence of his being represented at the trial yesterday as a detective constable; I don't know whether the prisoner and his mate were present, and assisted to haul up the bullock at the dressing; prisoner came to me about the 6th October; I went to the Bunmi on the 9th or 10th November; he came there to me some time in December; I can't say how long he was in my employ.

By Mr. O'Meagher:—I heard prisoner say he was a detective constable; that was the reason why I styled him a constable in my information.

Cross-examined by the prisoner:—I think you were in the oak scrub on the 16th October; I do not know exactly where you were; I do not remember the bullock falling, through carelessness, when being let down; I can't be positive Charles Martyn was in the yard the time the bullock was killed; it was a good sized bullock; I don't remember Ned Lewis being in the stockyard, nor my calling you a lot of "shapes" for letting the bullock down; I did so on another occasion; I can't say you ground the knives for killing; I remember a bullock slipping from the gallows on the 3rd or 4th November; you and Lewis were, I think, present then.

C. W. BUCKNELL.

Sworn before us, the 17th day of September, 1858.

EDW. D. DAY, J. P.

JOHN BORTHWICK, J. P.

Frank Newnham Bucknell sworn, states:—I am a brother of the last witness; I reside generally at Mungyer; I appeared before Judge Dickinson yesterday at Maitland Circuit Court to answer a charge of felony—cattle stealing; it was for stealing a bullock branded HD, the property, as alleged, of Henry Dangar; I was placed on my trial for that offence yesterday before Judge Dickinson, and a jury; I saw the prisoner then; Charles Wentworth Bucknell was also placed on his trial for the same offence; the prisoner appeared as a witness on that trial for the prosecution; I saw him duly sworn to give evidence; he was afterwards examined by the Attorney General; I heard him swear that Charles Wentworth Bucknell killed a bullock on or about the 15th or 16th of October last the property of Henry Dangar, as he stated; I also heard him swear that I stole the bullock; he swore to all those facts falsely, and, I believe, maliciously; I swear that his evidence in this respect was false and untrue; about the time mentioned a bullock was killed at the Mungyer stockyard; it did not bear the HD brand of Henry Dangar; it bore the brand of HE (conjoined) on near rump, 74 (conjoined) on the neck or shoulder; it was a kind of a roan strawberry; HE, to the best of my belief, represented Henry Eager, who I know had some cattle on my brother's run; I know Eager personally; the HE bullock was shot, I think, by my brother; I was in the yard at the time; a good many parties were present assisting in the dressing of the beast; there were George White, Charles Martyn, myself, and I am not sure whether my brother Charles staid in the yard or not; a man named Ford was either in the yard or about; some blacks were also about; I think Gale was in the yard; I can't say whether prisoner was in or about the yard; he and his mate were on the station somewhere; I am quite positive that the beast in question had not Henry Dangar's brand of HD on it; I never saw my brother, or any one in his behalf, slaughter one of Henry Dangar's brand.

By the Bench:—I have been on the Mungyer station seven or eight years; we have a good many brands; I and my brother were acquitted; four witnesses, I think, were examined for the prosecution, none for the defence; from what I heard the Judge say, I concluded that we were acquitted, because no ownership was proved; I can't say I heard the charge of which we were acquitted was to be brought against us before we were apprehended, in last June, which, I think, was about seven or eight months after the 16th October; there might have

have been a register of cattle slaughtered kept at the Mungyer station; I can't say whether there was or not; we slaughter for the use of the station, about a beast a fortnight on an average; it may be rather more; I remember prisoner's arrival at and departure from the station; I cannot say how many beasts were killed while he was there; there were more than one besides the HE bullock killed; I believe there were some after and before; I don't know anything about the bullock killed last before the HE bullock; I don't know whether it was black, red, or brown; I don't know whether I was on the station; while prisoner was on the station I remember a bullock being killed besides the HE one; it was killed after it; my brother Charles was on the station; it was after the HE; it was a fat red bullock, branded WB on the neck or rump, the neck I believe, on the near side, also a Jim Crow hat on the ribs, same side; this beast was killed on the 3rd, 4th, or 5th November; the next bullock killed after this was somewhere at the end of November; he was red or a yellow beast, CB on near rump and square hat on the near ribs, these are the only marks which were on him; the HE bullock was a kind of a roan strawberry, 74 on the neck or shoulder, and the HE on near rump; my brother was not on the station when the 2nd after the HE bullock was killed. In reference to what I said before, I wish to explain, that I am not sure whether any beasts were killed between the time of the prisoner's arrival and the killing of the HE bullock, if there was I was not on the station, I believe.

FRANK N. BUCKNELL.

Sworn before us, the 17th September, 1858.

EDW. D. DAY, J. P.
JOHN BORTHWICK, J. P.

Charles Wentworth Bucknell recalled:—I first heard that the charge of which I have been acquitted was to be brought against me when I was apprehended at Mungyer, in June; I am quite positive the HE bullock was killed on the 15th or 16th of October; he was a roan strawberry bullock, HE and 74 conjoined, as before described; we used to kill for the supply of the station sometimes one beast a week, sometimes one a fortnight, and sometimes one a month; besides the HE bullock, a red WB and Jim Crow bullock was killed on the 4th November; on the 26th October a small heifer was killed; a white heifer was killed after, before I left for Bummi; there might have been a calf killed first after prisoner's arrival; from the time I went to Bummi to the prisoner's arrival my brother was away about six days; he was present when the bullock was killed on the 4th November; a white heifer was killed a day or two before I started for the Bummi; it was branded CB; it was a cock horn bullock which was killed on the 4th November; I was at the station nine or ten days before the men arrived; a beast was killed the second day after I got home; I can't describe it.

By Mr. O'Meagher:—My brother being absent previous to the 16th October brings to my memory the time the beast was killed; my brother was then out collecting cattle; he brought in some, and the HE bullock was one of the mob he brought in, and it was the first bullock killed after the prisoner's arrival at my station; it was killed the day following after being brought in.

C. W. BUCKNELL.

Sworn before us, the 17th September, 1858.

EDW. D. DAY, J. P.
JOHN BORTHWICK, J. P.

Prisoner declines to call any witnesses for his defence. The Bench reserve judgment until 10 o'clock to-morrow morning.

EDW. D. DAY, J. P.
JOHN BORTHWICK, J. P.

SATURDAY, 18 SEPTEMBER, 1858.

Before E. D. Day, Esq., P. M., and John Borthwick, Esq., J. P.

John Abigail, for Perjury.

The Bench give their judgment herein, viz.: that there is no case against the prisoner, who is hereby discharged without any imputation on his character.

EDW. D. DAY,
Police Magistrate.

1858.

NEW SOUTH WALES.

COCKATOO ISLAND.

REPORT

FROM

THE BOARD OF INQUIRY

INTO THE MANAGEMENT OF

COCKATOO ISLAND;

WITH

APPENDICES A TO E.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY COMMAND OF HIS EXCELLENCY THE GOVERNOR GENERAL,24 March, 1858.

Sydney:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

*17—A

L. C.—1

THE COLONIAL SECRETARY to THE HONORABLE SIR W. W. BURTON.

75.

*Colonial Secretary's Office,
Sydney, 12th October, 1857.*

SIR,

The management of the Convict Establishment on Cockatoo Island has for a considerable time been the occasion of much anxiety and frequent embarrassment to the Government.

Some of the difficulties which surround the question have doubtless arisen from the endeavour to combine the two objects of making the island a penal establishment, and at the same time of employing the convicts on executing a great public work.

Had the officers employed on the island cordially co-operated with the Government in endeavouring to accomplish these combined objects, it is believed that they need not have been considered antagonistic; but, unfortunately, from want of a judicious exercise of the powers respectively confided to them, the course adopted by these gentlemen has not unfrequently tended to impede rather than to promote the carrying out the instructions of the Government. Instead of devoting their time and attention to the duties immediately devolving upon them, the public service has been obstructed by their complaints and charges against each other, and the Government is continually appealed to upon points which ought never to have arisen.

The Legislature has, upon more than one occasion, made the conduct of the establishment the subject of investigation, and Boards of Inquiry have been repeatedly appointed by the Executive Government, with a view of obtaining suggestions for remedying a state of things, which, notwithstanding, continues apparently without improvement, so far as a judgment can be formed upon the matter.

In addition to this, public attention has of late been drawn in a marked manner to the establishment; and it would appear to be an imperative duty upon the Government to ascertain, by a thoroughly searching inquiry, whether the system pursued there is so inefficient as is alleged, and whether the officers in charge do or do not faithfully perform their duties.

This inquiry, it is desirable, should also be of the most comprehensive character, in order that the Government may be fully informed upon the subject previous to the adoption by them of those measures which, in the opinion of the Board, will be necessary for correcting any irregularities which may exist in the island, as well as for expediting the completion of the Dry Dock, without interfering with the proper coercion and discipline of the convicts.

From the interest which you took in the question of secondary punishments when you formerly occupied the official position of Judge of the Supreme Court in this Colony, the Government is desirous of availing itself of your services on the present occasion, and I have now the honor to request that you will consent to preside over the investigation which it is proposed shall take place. Should you accede to this application, I beg to state that Captain Ward, R.E., and E. C. Merewether, Esq., Clerk of the Executive Council, will be associated with you as your colleagues in the Board. While the Government in no way desires to limit the scope of the inquiry, it is suggested that the chief points to which your attention should be directed, are, whether the conduct of the officers and servants upon the island has or has not been such as to merit the displeasure of the Government; whether the management of the establishment generally by the Superintendent is in accordance with the regulations laid down for his guidance; whether the penal discipline of the island is maintained and impartially carried out; and whether the regulations, generally, are sufficient for the objects contemplated. If they are not, then what modification of them can be suggested.

If the labors of the Board can, in your opinion, be facilitated by a reference to any documents in my office, or to the Reports of previous Boards of Inquiry, they shall be placed before you; and I shall be happy to co-operate with you in any other manner in which the important inquiry entrusted to you may be furthered.

I have, &c.,

CHARLES COWPER.

THE HONORABLE SIR W. W. BURTON,
&c., &c., &c.

1858.

INQUIRY INTO THE MANAGEMENT OF COCKATOO ISLAND.

REPORT.

THE BOARD OF INQUIRY *into the Management of Cockatoo Island*, to THE HONORABLE
THE PRINCIPAL SECRETARY, *reporting the result of their investigation.*

SIR,

In compliance with the desire expressed in your letter to our President, dated the 12th October, 1857, we at once undertook and entered upon the inquiry committed to us respecting the management of the Convict Establishment at Cockatoo Island.

We visited the island upon two occasions, and personally inspected the works in progress,—the mess-room, wards, cook-room, dormitories, and cells, and also the gardens. We inspected the convicts in their gangs, inquired into their complaints, examined the office-books, and several witnesses, and we have devoted much time and attention to the subject.

For, long as will doubtless appear the time between the dates of your letter and of this, no delay has been allowed which, with a due sense of the importance of the inquiry committed to us, could have been avoided; but such very serious accusations have been brought before us by several persons, impugning the management of the penal discipline of the convicts by the present Superintendent, and involving so many points for our consideration, that we could not deem any but the most searching investigation of every such accusation would be satisfactory to the Government.

We have accordingly received the statements of every person who has appeared in support of the charges brought against the Superintendent, and where those charges have not rested on the personal knowledge of the party bringing them forward, we have examined; and that very critically, as will be apparent to you on reference to the minutes of evidence taken, every person who has been named to us as capable, upon fair and established principles, of sustaining the charges.

This course has necessarily involved frequent adjournments of our Board, in order to give parties the opportunity of attending.

The important interests also of the Superintendent, his character and position, demanded that our proceedings should be conducted with a due regard to his convenience, and especially that sufficient time should be allowed to him to prepare his answer to such of the matters brought before us as in our opinion required explanation or answer.

In all the proceedings the Superintendent was, on his application, assisted by his legal adviser, and it is satisfactory to us to feel assured, as we do, that whilst every facility has been afforded by us to parties accusing him to prove their allegations, the utmost latitude has been given to the Superintendent and his legal adviser in conducting and preparing his defence.

The management of an establishment like that at Cockatoo Island, where the two objects of penal discipline and the execution of a great public work are combined and carried out by two independent departments, entertaining opposite views of their relative duties, and each inclined to arrogate superiority, might, we think, at the inception have produced the inconveniences to the public service which have been so frequently brought to the notice of the Government, and have occasioned so much public concern. We concur, however, in your opinion, that such a state of things ought not to have been, and further that their continuance ought not to have been so long permitted to be, as they have been, a continual source of annoyance and complaint.

We are decidedly of opinion that no collision of views ought to be entertained by the heads of the respective departments, and that there is not, and really ought not to be, any

incompatibility in combining the two objects of penal discipline and employment of the convicts on the public works under an independent department.

The Superintendent of Convicts may perfectly discharge his duties in all that concerns the safe keeping, discipline, and good order of the convicts; and the Civil Engineer is responsible for their labor being properly applied when duly assigned over to him and his overseers, and we see no reason, except such as arises from unrestrained infirmity of temper, or arbitrary assumption of undue authority or interference, on either part, which should cause them to clash in the conduct of their separate duties.

Such, notwithstanding the papers laid before us by your command, sufficiently shew to have taken place, and to have given rise to the frequent intervention of Government.

In so far as these matters are concerned, we are happy in being able to state that this very reprehensible state of things, by which doubtless the progress of the dock and other works has been materially impeded, no longer exists.

Captain Mann, whose zeal and assiduity we think to be worthy of every commendation, and who has unquestionably had serious difficulties to contend with, after enumerating various causes of complaint which formerly existed, and especially of "men having been taken off the works at a critical period," of which he complained to the Government, and which was investigated and reported upon by a Board, adds, "nothing has occurred of a like character since that report."

Several persons have presented themselves before the Board, avowing themselves to be the authors of various letters and papers referring to the management of the island, published in the *Empire* newspaper, on several dates between the 26th September and the 7th of October, in the last year. The chief of these were Mr. Parkes, the proprietor of the *Empire*; Mr. Thomas, who was the Resident Engineer on Cockatoo Island, under Captain Mann, for nearly four years, and the Reverend John Pendrill, who was one of the Chaplains from July, 1856, to the end of March, 1857; Mr. Richard Thompson, formerly Reporter to the *Sydney Morning Herald*, also attended the Board as the author of a letter which appeared in the *Empire* newspaper of the 6th October; and Mr. Christopher Murray, as a witness to several of the facts stated by the before mentioned persons, himself also the writer of a letter in the *Empire* newspaper of the 7th October.

Mr. Parkes stated, that he admitted the several letters above-mentioned into the *Empire* newspaper on the dates mentioned, and also others before and subsequently, "on ascertaining who were the writers, and, in the greater number of instances, on having first a personal interview with them;" and, with the permission of those writers, Mr. Parkes communicated their names to the Board, as Charles Robertson, senior, Bleak Cottage, opposite Cockatoo Island, the Reverend John Pendrill, Mr. J. H. Thomas, Mr. Richard Thompson, and Mr. Christopher Murray, who was formerly one of the boat's crew, or a constable on Cockatoo Island.

Mr. Parkes also stated, that "numerous applications or representations had reached him throughout a series of years, both as Editor of a public journal and as a Member of the old Legislative Council and a Member of the Legislative Assembly," and he produced three letters as instances of such communications, the two first from a person who had been formerly a convict on the island, and having been Sub-Editor to the *Sydney Morning Herald*, was slightly known to him, now holding a ticket-of-leave at Bathurst, the other from a person of the same class, who was not personally known to him, holding a ticket-of-leave at Drayton, Darling Downs.

Mr. Parkes having been called upon to afford evidence "concerning the facts particularly referred to in the leading article of the *Empire* of the 3rd October," stated, in general terms, that, according to his view, "the island is under very improper management; that the Superintendent, who has the general management of the island, does not possess the qualities that are absolutely requisite in the conduct of a great penal establishment exclusively for the punishment and reformation of criminals;" but he produced no fact within his own personal knowledge, excepting one, which he detailed to the Board, in support of the statements he had placed before the public.

It was as follows, in Mr. Parkes' words:—"I will state how I first became acquainted with Mr. Ormsby. Some years ago, I should think twelve years ago—it may perhaps be more—I held a subordinate situation in the Custom House, and was entrusted with the charge

"charge of a ship, in the capacity I then filled. On that occasion I saw Mr. Ormsby for the first time. He came to visit the captain of the ship; he dined there, and remained, as far as my recollection serves me, till near midnight; and I had an opportunity of seeing that he was indulging in wine or spirits, or both, nearly the whole of the time. Towards midnight, or between the hours of eleven and twelve, a police boat, manned by four hands, came to take Mr. Ormsby home. As I have already stated, I then filled a very subordinate situation; but the thought that came into my mind was, that if I were the Governor Mr. Ormsby should not be Superintendent of that island five minutes longer. From that time to this I have never had any personal acquaintance with Mr. Ormsby, but I have been in a position to hear much concerning him, and have had opportunities of observing his conduct; for I habituate myself to observing the conduct of everybody who occupies a public position; and what I have seen of Mr. Ormsby, leads me to the impression that he is one of the most completely unfit men to fill the situation that could be found."

In justification of an article in the *Empire* of the 3rd October, of which Mr. Parkes avowed himself the writer, and in which there is this sentence,—“If illiteracy, the most confined views on social questions, a self-indulgent disposition, ungovernable passions, and violent language, were qualities desirable in the superintendence of a penal establishment, then Mr. Ormsby would be the very model of a gaoler.” Mr. Parkes stated that “in the month of July, or early in August last, the present dispenser of Cockatoo Island, Mr. J. F. Peers, called upon him, and asked his advice how he should act with reference to Mr. Ormsby’s conduct towards him, on a particular day, a little previous, on which occasion Mr. Ormsby called him a ‘damned liar, a damned scoundrel, and a damned pimp;’” and Mr. Parkes handed in the original letter of Dr. West, of Mr. John Duff, and of Mr. Ormsby; Vide Appendix D. the two former to prove the fact of the use of improper language towards Peers, the last as shewing Mr. Ormsby’s illiteracy.

As to other facts in the leading article above referred to, Mr. Parkes furnished the Board with the names of several persons, his informants, whom he desired should be examined. Those whose attendance could be obtained have been critically and carefully examined; and we will now inform you of the several conclusions to which these examinations have led.

The first charge inquired into was that of an alleged desecration of the Lord’s Day on Sunday, the 20th of September last. It purported to have been made by the father of a family, and was in the following terms:—“On Sunday last myself and family were at afternoon prayers, when at a distance of nearly a quarter of a mile we were disturbed by a frightful yelling, and hallooing. On going outside my impression was that Cockatoo Island was in a state of mutiny; but this suspicion was removed on there being no further noise. On calm evenings I hear most distinctly singing and choruses until a late hour, certainly late for such a place.

“I am disposed to think that such breaches of discipline occur only in the absence of the Head Gaoler, for it is my impression did he permit such occurrences to take place on the island during his presence, that he is anything but a proper person to have charge of a place intended for reformation.”

Mr. Parkes gave the name of the person who furnished him with that piece of information as “Charles Robertson, Senr., Bleak Cottage, opposite Cockatoo Island.” We have not obtained the evidence of this person, Mr. Parkes “not having been able to communicate with him,” and our endeavour to find him having failed, the answer to our inquiry being that “no such person or address is known;” but we have examined every person capable of giving us information on the subject, and the result of our inquiry is, that there has been singing on the Lord’s Day, though not during hours appropriated to Divine Worship, as well as on other days during leisure hours, but it has not been shewn to have been of so disorderly a character as to amount to a desecration of the sacred day.

We refer on this point to the evidence of the Revd. Mr. Pendrill, the Revd. Mr. Kenyon, the Revd. Mr. Agnew, Mr. Peers, and Mr. Easton.

Mr. Thomas, indeed, who resided on the island nearly four years in the capacity of a Civil Engineer, although he says he was not on the island on the particular Sunday alluded to, speaks to “great noise in the camp, hallooing, and so forth, in fact almost every Sunday, similar to that referred to in this charge, during the whole four years he was on the island, generally in the afternoon or evening when they were all mustered, and in the wards as well.”

The Rev. Mr. Pendrill
Nos. 46, 47, 52, 111.
The Rev. Mr. Kenyon,
Nos. 43, 44.
The Rev. Mr. Agnew,
Nos. 109-114.
Mr. Peers,
Nos. 56-68, 168-180.
Mr. Easton,
Nos. 128, 145.

Mr. Thomas,
Nos. 16-21.

No. 31.

In his second examination, on the part of Mr. Ormsby, he says that "he did not complain of those noises."

Mr. Ormsby's explanation of the particular instance alluded to is contained in his letter to the Visiting Magistrate, 8th October, 1857, as follows,—“The disturbance herein mentioned arose as follows,—One old man in the yard seized a belt from another, who was swinging it about, and run away with it; he was chased by the party from whom he took the belt, and the rest of the prisoners laughed to see two old men running one after the other. There was no frightful yelling or hallooing, as stated; the noise did not continue one minute.” With respect to the singing and choruses—at eight o'clock the men are all in bed, and from that hour they are not allowed to make the least noise.”

In that explanation Mr. Ormsby is fully borne out by Mr. Peers, the dispenser.

The next charge inquired into was one brought by the Revd. Mr. Pendrill, one of Mr. Parkes' informants, who avowed himself as the writer of a letter in the *Empire* newspaper, dated 2nd October, signed “Witness,”—namely, as to “the police having often applied for the regulations of Government, but not having been able to obtain them, though as frequently promised;” and “as to Gleadall, a constable on the establishment, having been dismissed on a charge of drunkenness, although four or five persons swore that he was not drunk, and the general impression amongst the police at the time that he was really discharged because he had ventured to insist on seeing the regulations, and that the drunkenness alleged was merely a pretext for punishing for a reasonable request not punishable in law.”

It is established by the evidence, without a doubt, that the Inspector and other officers of the police have applied for and have been refused a copy of the regulations, and that, we think, upon very improper grounds. Gleadall was one who applied and was so refused.

Inspector Dunning,
Nos. 5, 104, 147-159,
337 to the end.

Mr. C. Murray.

C pt. M'Levie, No. 71.

Inspector Dunning states the same fact, as well as Christopher Murray; and we are concerned to find not only the Superintendent but the then Visiting Magistrate also, according to this evidence, evading the very proper request; and that the latter said in answer,—“Your duty is to obey orders,” or “the regulations are, you are to obey all lawful orders,” or “you have an Inspector or Sergeant to go to;” thus passing by the superior orders of the Government comprised in the regulations, and venturing to substitute for them such orders as the police should from time to time receive from the Superintendent.

Regulations of 1855.
Regulations of 1850.

The fact is, that a change had been made in the instructions in placing the police under the Visiting Magistrate, instead of, as before, under the Superintendent; and the refusal to furnish a copy of the regulations to the Inspector of Police, when such were demanded, we consider to have been very detrimental to the public service and highly censurable.

The police were, by those regulations, in a great degree rendered independent of the island authorities, and they were required to perform duties which have been wholly neglected, it is not too much to say in consequence of the withholding from them the regulations. We refer particularly to the duties of preventing persons from landing without the proper permission, of searching boats landing at the island, and the prevention of spirits and other articles being landed from the boats without the requisite authority.

So, as to the drilling, discipline, and frequent inspection of the Police Force, which was deemed by the Government to be essential to their effectiveness; the former seems to have been put an end to by the Superintendent taking it into his own hands, and discouraging it for the future.

Finally, on this point the police have not done their duty in many respects; and, we should say they have been led into that neglect—first, by not having the regulations to refer to as occasion should occur; and, secondly, by being employed in the boat on private purposes in a manner never contemplated by the Government, and so rendering a relaxation or neglect of their proper duties a necessary consequence.

Whether Gleadall was dismissed in reality as a troublesome person, who had insisted upon prosecuting persons for disorderly conduct, whom the Superintendent did not desire should be prosecuted, and had demanded a copy of the regulations which the Superintendent chose to withhold, or for drunkenness, involves other and more grave considerations; since, in the former case, the Reverend Mr. Kenyon must have conspired with Mr. Ormsby to bring

bring a false charge, and thereby to impose upon Mr. North, and the latter must have been imposed on to give a false judgment, a conclusion to which we could not come but upon clear and unexceptionable evidence, and certainly not upon the vague suspicion of Inspector Dunning, who, because he sees Mr. Ormsby and Mr. Kenyon talking together, suspects that Mr. Ormsby is urging Mr. Kenyon to prosecute. We have perused the depositions taken before Mr. North, and have no doubt whatever of the truth of the charge against Gleadall, and, consequently, of the propriety of his dismissal.

It was next insinuated, rather than directly alleged, that prisoners have been arbitrarily and improperly sentenced to the cells for "insolence" (an undefined offence) to the Superintendent or Overseers, and that the prisoners are treated in a manner to provoke insolence. Mr. Thomas,
Nos. 53, 59.

It is sufficient to say, as to this charge, that no complaint was made to us by the convicts when, upon two occasions, we visited Cockatoo Island, and invited the expression of their complaints, if any existed; that, although there were a few other causes of dissatisfaction amongst them, no person on the establishment was charged with arbitrary, or overbearing, or unjust, or insolent behaviour, towards them; and no complaint was made of any one having been unjustly sentenced to the cells.

Neither was evidence brought before us of any such instance.

We quote the evidence of Mr. Brown, the Deputy Superintendent, on the subject. He says—"I have known prisoners to be confined to the cells till the Visiting Magistrate came, for insolence to the Superintendent, myself, and others. The Visiting Magistrate came once a-week, and inquired into the cases. I have known, on one or two occasions, a man confined for five days before the Visiting Magistrate saw him, and decided his case. This occurred in more than one instance. When men have been so confined, they have been reported next morning to the Visiting Magistrate. I have known of no instance of overbearing conduct by the Superintendent or officers to the prisoners, and all insolence to the officers has been unprovoked."

An instance was indeed alleged by Mr. Pendrill to have occurred in the case of a Chinaman, named Tan, and we inquired minutely into the circumstances of it. "Tan was stated to have been desirous of making some complaint to the Visiting Magistrate, and requested that the interpreter might be sent to the island. Each week he was promised that he should come, but weeks passed away, and he came not. At last the poor man lost all patience, and, in the fullness of his disappointment, he threw down his tools, exclaiming, 'Interpreter no come—me no work.'"

Mr. Ormsby's explanation of this case is, that "he was sent to the cells for refusing to work; he desired to make a complaint, and an interpreter was sent for. He made his complaint to the Visiting Magistrate, who investigated it on the 22nd April, 1857. His complaint was that he was convicted of an offence he was not guilty of, and that his former master, Mr. Sandeman, owed him money. He had asked for an interpreter several times before one was obtained, and before he was confined in the cells."

Mr. Thomas' evidence shows how greatly the facts of this man's case have been perverted. "The man was at work in a gang, and had been so at work until the middle of the day, when he threw down his pick, saying something in Chinese," which Mr. Thomas could not understand, and walked away. Mr. Thomas positively denies that he said the words in English, "No interpreter come—me no work."

Mr. Thomas,
Nos. 60-76.

Mr. Brown's evidence is quite conclusive. He says—"I remember Tan refusing to work on three occasions; once because a man at the hand-cart would not pull; on another occasion when other Chinamen were leaving the island, with whom he wished to go. He asked for an interpreter. I took him to the Superintendent, who satisfied him that he should see the interpreter, and he went to work. On the third occasion he declined to work, because he was not allowed to go away with four other Chinamen who had been sent on the island with him."

We are of opinion that there is no reason for imputing his confinement to the cells as "on questionable grounds."

Next, Mr. Pendrill charges, that "when prisoners are consigned to the cells, the Superintendent refuses to allow them to attend Divine Service on the Sabbath," and in his evidence he states an instance in which they were so refused.

This refusal does not appear to have been the unauthorised act of Mr. Ormsby; but we think the restriction an unnecessary one, and that men in the cells ought to be permitted to attend Divine Service, under arrangements which might easily be made for their security and non-intercourse with the other prisoners.

It was next stated that "the prisoners complain that their letters are read aloud in the office, and made a matter of jest, and that the contents of their letters to their friends are thus made known to their fellow prisoners."

Mr. Ormsby's answer on this point is unsatisfactory.

Mr. Thomas,
Nos. 79-90.

We have no doubt of the truth of that complaint, and Mr. Thomas states an instance of very reprehensible behaviour of the Superintendent respecting a letter of a convict which was read aloud in the office, and a laugh raised by its contents.

A very grave accusation is next brought by Mr. Pendrill, upon a statement apparently made to himself "by one of the prisoners, that a case of 'mortal sin' had been committed in one of the wards; that if he brought it under the notice of the authorities he would be condemned to the cells; that a case had previously occurred, and the offender had not been punished, though the facts were known to the administration."

We have inquired very strictly into this matter, and find that no portion of the statement is borne out by the evidence. We are of opinion—first, that there existed no ground whatever for the pretended apprehension of the supposed informant of Mr. Pendrill; secondly, that no case of the nature stated was ever known to the administration in which the offender was not brought before the Visiting Magistrate and punished; and, lastly, that there is no ground or pretence whatever for imputing to the Superintendent or Visiting Magistrate any remissness, negligence, or indifference, on so disgraceful a subject; on the contrary, the evidence, particularly that of Mr. Brown, the Deputy Superintendent, warrants us in saying that Mr. Ormsby has been particularly vigilant and careful in separating suspected persons, in placing young persons especially out of reach of contamination in separate dormitories, and we have found especial reason, after a very searching inquiry, to commend his conduct in this respect.

Mr. Pendrill's statement rests upon what he was told by a prisoner, whose name he did not give to the Board, although he handed in a list of other persons whom he desired should be called in support of other of his statements.

Mr. Thomas was examined on this point, and he states that he had heard from people on the island of such a charge having been made with reference to two men who absconded and concealed themselves—that they did so for the purpose of committing an unnatural offence.

We have thus a clue to the case alluded to, and the real facts appear in the evidence of Peers, the dispenser. It was that of two persons named Clarke and Roberts, the former aged about 27, the latter about 17; they absented themselves for about twenty-four hours, as was supposed for the purpose of making their escape. When taken, Roberts was so ill, from exposure to wet and cold, that it was necessary to take him into the hospital, where he remained "for a month or two at least." His condition was such that he could not be punished, and for that reason the other prisoner was exempted also.

Mr. Peers, No. 16.

Peers says, in answer to a question, "Do you know of any reason for supposing that they concealed themselves for the purpose of committing a nameless offence? No, indeed I do not."

Mr. Easton,
Nos. 211-214.

Easton speaks of the case by rumour only.

Mr. Brown, Assistant Superintendent, says,—“I remember the circumstance of two men concealing themselves on the island, but there was no charge preferred against them, except that of hiding to effect an escape; no other charge was hinted against them by any one at that time.” Mr. Brown's evidence is so conclusive upon the general charge brought against the Superintendent of gross neglect, almost amounting to connivance in offences of this nature, that we request your particular attention to it.

He says,—“I remember one circumstance of suspicion of an unnatural offence. Unlocking the wards one morning, it was reported to me that one man had gone into another's berth. The case was reported to the Superintendent, and by him to the Visiting Magistrate, and the charge dismissed, as without foundation.”

“It was never reported to me during my stay on the island of such an offence having been committed in the wards, or elsewhere.”

“There

" There was a case of suspicion of unnatural offence occurred about a year ago, arising from a man approaching another in one of the wards and laying his hand upon him; the man who approached the other was knocked down by him. The case was reported to me, and by me to the Superintendent, and by him to the Visiting Magistrate, who dealt with it, and punished the man by imprisonment in the cells. That man has ever since been made to sleep in a separate cell.

" This is the only case I recollect of any suspicion of an unnatural offence. The separate dormitories seen by the Board on their visit are used for young lads and feeble old men. There are four persons now using them, the Chinaman Tan, one old man, and two young men under twenty years of age.

" I have never known a man punished for reporting another for an unnatural offence, and I have never known a case of unnatural offence occurring, and it is therefore not true that such a case has occurred, and the man not punished."

Next, Mr. Pendrill charged, that " A certain party was accused of appropriating the rations of the prisoners; that the facts could not be denied; and the defence was that the prisoners were consenting to the appropriation. That to obtain this consent the votes of the prisoners were canvassed. They were told that it was 'a Government question,' and I understood that they were, by way of retaliation for their opposition, placed in the cells on the first opportunity." It was not without much hesitation, and once refusing to answer the question of the Board, that Mr. Pendrill at length stated that the person alluded to as "a certain party" was the Superintendent.

The case had been stated to him by a prisoner, not named, under confinement, and in irons, as a ringleader; on one occasion, when a number of prisoners had refused to work, "I was (he said) put in unjustly, because the Superintendent has a down upon me." On subsequent inquiry this prisoner was released as not having been concerned in the transaction. He was Mr. Pendrill's authority.

Several points are involved in this accusation. First, whether the Superintendent did upon any occasion appropriate rations of the prisoners to his own use.

Secondly, whether the prisoners were canvassed on the subject, and their consent taken to its appropriation.

Thirdly, whether any prisoner was punished by way of retaliation for his opposition to that course.

There are two circumstances stated in the evidence which have given rise to this part of the charge.

First, that the refuse homminy left after the men's meals has been applied to the feeding the poultry of the Superintendent, and other free persons on the island; and, secondly, that a piece of good meat was found among the refuse.

The application of the refuse homminy to such purposes was brought to the notice of the Visiting Magistrate then, H. H. Browne, Esq., so long since as 1849, who directed, by a written order, that the refuse homminy should be thrown away, and this gentleman says, that the usual way of doing this was, throwing it into the water at the back of the kitchen on the north side.

It appears to have been accordingly so disposed of for about two years, when the very proper order of the Magistrate came to be disregarded, and the homminy was again distributed amongst the free persons, as before.

Mr. Ormsby remarks in his answer, that the poultry, "if driven up to the place where it was thrown away, might have taken it," meaning, that is, without infringing the order of Mr. Browne; but we apprehend not, for it was thrown into the water, and if the fowls could have got at it, there would not have been any necessity for what certainly took place—an abandonment of the order—and the re-distribution of the homminy, with the consent, or at the request of the prisoners.

In February, 1857, however, this appropriation caused discontent amongst the prisoners, who complained that the homminy was badly boiled by the cooks, in order that it might be rejected and given to the Superintendent's fowls. Mr. North, the Visiting Magistrate, inquired into the matter, and found the homminy bad, but stated that he had no reason to suspect it had been wilfully spoiled. Mr. North ordered it to be thrown into the sea, to avoid suspicion for the future.

Mr. Ormsby's statement, vide Appendix E.

Mr. North's evidence.

There

There were two other instances alleged of wrongful dealing with the rations. First, a piece of good beef cooked was found in the refuse basket, and brought to notice by a prisoner attached to the kitchen. How it came there could not be ascertained. Our own opinion, formed on the evidence on that fact of the case, is, that it was designedly put there by some person, in order to form the foundation for the charge subsequently made, and most likely was placed there by the person who pointed it out, or by some other with his knowledge.

It is not shewn in any way that Mr. Ormsby was connected with the transaction.

The other instance was, the underdone ration of a Chinaman being also found in the refuse basket.

The account given by Mr. Brown of all these transactions is doubtless correct, and we refer you to it as such accordingly. He says, "the sweepings up after prisoners' meals of the homminy and meat used to be distributed among free officers for their fowls."

See also Mr. Peers,
Nos. 41-55.

Mr. North.

"Henry East once charged the Superintendent with having appropriated prisoners' rations; his charge was that a piece of good meat was put amongst the sweepings for the Superintendent's use. It was brought by the Superintendent before the Visiting Magistrate, and as he could not substantiate the charge, he was punished by imprisonment to cells. Up to this time (i. e. February, 1857,) the prisoners gave their consent to the sweepings being distributed among free officers, and had helped to collect them."

"I am not aware of any canvassing for votes having occurred as to whether the refuse should be so applied. I know Captain Browne was Visiting Magistrate in 1849, and he ordered the sweepings to be thrown away, and that order was acted upon for about two years. The order was never relaxed by any Magistrate. The infringement of it occurred from the spontaneous wish of the prisoners, communicated to the Superintendent, that the refuse should not be wasted. It then began, by the Superintendent's order, to be distributed among the free officers, till about nine months ago, when the charge before stated about the piece of meat was made, since then the refuse has been thrown into deep water, and is the practice now. The piece of meat found among the refuse, before referred to, was good meat, about two pounds weight, cooked."

"On another occasion the meat of some Chinaman was underdone, and taken by him to the overseer of the cook house, who changed it for his own. The overseer kept this meat till the morning, when, it having turned bad, he flung it into the refuse."

"The prisoners when they sent to the Superintendent that they wished the refuse to be distributed were unanimous, as far as I am aware."

Upon this charge, then, we find that the Superintendent did, of his own authority and with the consent of the prisoners, without bringing the circumstance to the notice of the Visiting Magistrate, set aside and disregard the very proper order of Mr. Browne, and did permit a re-distribution of the refuse to take place, during the whole period about 1851 and 1857.

The abuse and the suspicion attaching to such a course, one also by which he himself profited, as well as others, should have led to an opposite conduct in the Superintendent, and to a strict adherence to an order which he was bound to carry into effect.

We think his setting aside that order was highly censurable, and that his doing so upon the wish or consent of the prisoners, formed not the least exceptionable part of the proceeding.

There is no evidence to connect him with that consent as inviting or canvassing for it. Such may, doubtless, have been the representation of some of the prisoners, and there may have been pretences set up of the kind with Mr. Ormsby's knowledge, but it must have been very acceptable to him, or he would not have taken upon himself so readily to act upon it.

As to the last point in the charge, we find no evidence that any prisoner was ever punished by way of retaliation for refusing to vote for the appropriation. Mr. Thomas negatives the supposition of there having been any dissent among the prisoners on the question.

It was next alleged that "the whole administration of the island is partial and unjust; that some, the administration unduly favor, on others it has a perpetual, down,"—
that

that "great criminals are released by undue influence, whilst lesser criminals wanting this "pay the full amount of their sentences." And the case of a prisoner known as "Old Fox," (who was sentenced to fifteen years for murder, but obtained his release before he had suffered one-fifth of his sentence,) was referred to as an instance of this.

Mr. Brown, Assistant Superintendent, says, upon this point,—“I have no reason to believe that Mr. Ormsby's administration has been partial or unjust, or that he has any "favorites, or has a 'down' upon any one.”

“The several subordinate situations upon the penal establishment are vested in the "Superintendent. I have never known favor shown in the exercise of that power.”

With respect to this particular case of "Old Fox"—he was discharged by order of the Governor General, on the recommendation of the Classification Board, and Mr. Ormsby produced to us the letter of the Colonial Secretary, communicating the decision of No. 56-61. the Government.

The next charge made by Mr. Pendrill is two-fold, namely: First, that "the Parliament provides a boat for the use of the officers of the establishment, or rather, of the "sum placed on the estimates for the police at Cockatoo, the pay of four men is set apart "for a boat's crew. They appear on the estimates as policemen, but really are boatmen, "as they do no police duty. The Superintendent claims the exclusive control of this boat "and crew, and endeavors, by making the use of it as uncomfortable and impracticable as possible to others, to secure, as far as possible, the monopoly of it for himself and family—it is "used by him for picnics, pleasure parties, and other non-official purposes, not only by day but "by night. In order to do this and secure the good-will of the crew, they are permitted indulgences not allowed to the other police, and the use of the boat is denied to those entitled to "use it, to the prejudice of the public service." Secondly, that "the Chaplains have been "obliged, frequently, to find their way across the bush on foot, and then be ferried over in "the guard-boat to the island, because the use of the boat was withheld. On one occasion "the Chaplains of the Church of Rome and of the Church of England were sent off from "the island in the company of a convict in irons, in an old guard-boat scarcely large "enough to hold them, with a stiff breeze blowing, while the proper boat was sent on a pleasure "party, consisting of the Superintendent's family or friends."

It is perfectly true that the Superintendent does claim the control over the boat and the crew, imputed in the first part of this charge, and has largely used the boat for his own private purposes, for picnics, for pleasure parties, for fishing excursions, and other non-official purposes, not only by day but by night.

It is perfectly true, also, that the Chaplains of the Churches of Rome and of England have been put to the inconvenience complained of in the second part of the charge, and that, in one instance, the proper boat, in which they should have been taken from the island to the main, was then at the island, but was refused to them, and shortly after despatched on a picnic excursion.

Mr. Ormsby's answer to these charges must be left to the consideration of the Executive Government, who will best decide whether he was warranted by their authority in the use he has made of the boat.

Mr. Thomas, who was for four years on the island, attached to the department of the Civil Engineer, says,—“The officers of the Engineer's Department could never have the use "of it; I have been down to the boat and wanted to go to Sydney, and have been refused by "the coxswain.” Mr. Thomas,
No. 124.

“I have applied to the Superintendent, and he has told me that the boat belonged to "his department, and he would not allow any one else to use it.” No. 125.

“This has occurred since these new regulations have been in force. I have been "refused half a dozen times since these regulations have been in force.” Nos. 126, 127, 128.

“Not on the plea that it was required for the public service—it has been going to "to town with no one in it but the crew. Upon one particular occasion Mr. Kenyon, the "Roman Catholic Chaplain, was going to town; I went down to the wharf, and was going "into the boat when they refused to go off with the boat and to take me to town. They "said I had no right to the boat.” See also the evidence
of the Rev. Mr.
Kenyon on this
point, Nos. 34-38.

“This occurrence was subsequent to the promulgation of the rules.”

* 17—D

Mr. Thomas,
No. 129.

Mr.

- No. 130. Mr. Thomas says he has "seen the boat used for parties of pleasure many times; he has "seen it go away with stores up Lane Cove, on one occasion up to Five Dock, and on 131. "others to various parts of the harbour." He says—"I should say from twenty to thirty times 132. "I have seen the boat come back from pleasuring. On those occasions Mr. Ormsby or "some of his family were in the boat."
- 134, 135, 136. "I have known it to be away till ten o'clock at night; and it has gone away at nine "or ten in the morning on parties of pleasure"—"frequently."
136. "I have even known it later than twelve—as late as one o'clock; and I have even 137. "known it to be away all night, and to come home early in the morning with him."
138. "On those occasions, when it has returned so very late at night, or early in the "morning, it has been employed in these parties of pleasure or picnics."
139. "When Mr. Ormsby was one of the company."
- "And this has occurred so often as twenty or thirty times while I was there. I will "take one occasion when he went away up Lane Cove; when Mr. Pendrill, the clergyman, "came down to the boat, the Inspector, Mr. Dunning, told him that the boat was being "repaired. I know that for a fact, for I was on the wharf, and Mr. Dunning told me he "had to tell Mr. Pendrill that story."
140. "I did not hear him tell him, but Mr. Dunning told me that he had to tell him that "as an excuse. Mr. Pendrill said to me 'this boat is being repaired,' and I said 'no, I have "seen it go up Lane Cove.'"
- Nos. 140, 156-158. We beg to refer further to the evidence of this witness on this point, as in the margin, for other instances of similar employment of the boat.
- The use of the boat for private purposes, as for picnics, parties of pleasure, going to Inspector Dunning, Sydney to the theatre, and to evening parties, is also spoken to by Dunning—see his evidence. Nos. 161-202, 168. He says farther—"On several occasions when the boat has had no other duty to do, when "there has been no officer coming to the island, advantage has been taken of the day to send "the boat's crew to cut wood, or to fish."
- Nos. 169 to 171, 172, 173. There was a net bought by subscription of Mr. Ormsby and others, the free persons on the island, amongst whom were the police, and the boat was used to go fishing with this net, manned with the crew and other parties belonging to the police, "at first twice a week, "afterwards once a week"—the fish were divided on one occasion according to the shares in 175. the net; afterwards the boat's crew that went fishing took their shares, and the remainder 177. the Superintendent got—"ultimately the net was sold."
- 178-186. "Two or three times the boat went to cut wood whilst I have been on the island;" "the boat's crew went in the boat for that purpose." "The wood was for poles and trellis "work for the vines in Mr. Ormsby's garden."
206. The visitors' boat has been absent all night. "On several occasions Mr. Ormsby has 208. "gone to balls, both at Balmain and Sydney, and the boat has been all night away and 209. "returned in the morning. That has not been a frequent occurrence."
- 210, 211, 212, 215, 216, 219. He says "he has known the visitors' boat carry away fowls from the island, and "baskets of cabbages brought to the boat by the Superintendent's convict servants; they "were put into the boat with instructions to the coxswain what to do with them."
- Christopher Murray's evidence as to the employment of the boat for private purposes is to the same effect. He says—"Two Government boats have gone on a fishing excursion on the "same day, one conveying the net, the other the party, consisting of Mr. Ormsby and Mr. "Davis, XIth Regiment." He has seen two boats go on two occasions, and frequently one.
- The persons who worked the boats were constables. On Easter Monday, 1856 he was in Chowder Bay with a pleasure party in young Mr. Ormsby's boat; the ladies and the Superintendent were in the visitors' boat; they were away all day.
- He has known the boat to be used in taking poultry to town; he has seen two baskets full, they were taken to Cummins' the poulterer; he has assisted in taking them, and brought back beef, corn, porter for Mr. Ormsby. He says he has known the small boat sent for the clergyman when the other was idle, and has known it to be sent for billet-wood for free men when the ration has run short.

John

John Smith, coxswain of the boat, says he has been coxswain of the visitors' boat three years. The boat has been in one instance to the Heads, once to Garden Island, once to Chowder Bay, and four times up Lane Cove. The party consisting of Mr. Ormsby and family, and visitors. On such occasions the boat has gone away at 1 or 2 P.M., returning at 6 or 7 P.M., and once as late as 9 P.M. During two seasons about eight or nine times fishing with the seine in the guard-boat. Once Mr. Ormsby, his daughters, and family, and some Military Officers went in a boat brought by the Officers. "Three of the police and I drew the seine; the fish were divided among the proprietors of the net."

He has carried in fowls to Dr. O'Brien, a turkey to Dr. West, and several of Mr. Ormsby's friends, from Mr. Ormsby; and has taken poultry to sell to Mr. Cummins about four times, and received not exceeding fifteen shillings at any one time.

This person also speaks to the same effect, as to the boat going on picnics when required by the Chaplain, and he sent in the small boat, and to the frequent employment of the boat in taking Mr. Ormsby's friends to the island, and him and his family to parties at Government House, and the Theatre, as late as 12 at night; to having been away from the island all night, keeping the boat at Sydney; the boatmen then having leave to go to their families, as also from the afternoons of Sundays till Monday mornings.

In fact there can be no doubt as to the free use made by Mr. Ormsby of the island boat for his own purposes, and, as in the case of Mr. Pendrill, before referred to, when it was required for the public service.

We have endeavoured to trace the history of the boat service of the island.

During the time Mr. Browne was Visiting Magistrate there was but one boat on the island, namely, the guard-boat. Mr. Browne, Nos. 10.14.

The duty of taking the prisoners and overseers to and fro was managed by the Royal Engineer's boat; next, when the Engineer's Department was placed under Captain Mann, the Water Police boat was substituted as the means of communication, and must, of course, have been under the orders of the Water Police or Visiting Magistrate.

When the Superintendent wished to visit Sydney he informed the Magistrate, and requested to have the boat sent for him; it was sufficiently large to take himself and family, and he was allowed to use it. No. 66.

He was not allowed to have the boat for his private business: he applied for permission to leave the island, and the Visiting Magistrate sent the boat to bring him to Sydney and to take him back. 67, 68.

There was no boat attached to the island. The boat which Mr. Browne sent, and in which the Superintendent was taken to and fro, "was to all intents and purposes a Water Police boat." It used to go armed with carbines and cutlasses, and everything in the same way as a boat employed by the police. 69.

The boat was sent for him when he asked leave, even if he went on private business, but was not at his disposal all the time. Mr. Ormsby complained very much; he thought it a great hardship to be so completely shut up upon an island of that kind without a boat at his control whenever he thought proper. 74.

Mr. Browne says, "he never asked to take the boat for pleasure parties or picnics; and I am sure I never authorised it." 75, 76.

Mr. Browne expressed himself very decidedly of opinion against the propriety of a boat being attached to the island as a visitors' boat, on account of the danger of the police who manned the boat, being the medium of communication with the friends of prisoners at Sydney. Mr. Ormsby and the officers complained of the hardship, but Mr. Browne considered it essential to the public service.

Captain M'Lerie, who succeeded Mr. Browne as Visiting Magistrate in June, 1851, and held the office till October, 1856, says,—“On the days on which he had leave he was allowed the use of one of the boats—one of the guard-boats—to Sydney and back.” Capt. M'Lerie, No. 32.

“There were then,” says Captain M'Lerie, “the guard-boat and the visitors' boat, which remained at the island; the latter required extensive repair, and I applied to the Government for a new boat, which was given. The old one was then repaired and returned as a supernumerary boat, in case of an accident to either of the others.”

(It

(It is remarkable that this boat continues serviceable to this day, and is the one in which Mr. Pendrill was sent, as complained of by him.)

No. 36. In Mr. Browne's time the visitors' boat was part of the police establishment, and he had two additional men allowed him for the purpose of the boat.

37, 38. "When I took charge that arrangement was radically changed: four men were placed in the boat as a crew, and thenceforward that boat was called 'the visitors' boat;' the other boat was called 'the old boat,' and the third 'the guard-boat.'"

136, 137, 138. Captain M'Lerie says he remembers the circumstance of Mr. Ormsby asking leave for the boats to go a-fishing. On more than one occasion "Mr. Ormsby said the policemen had, in their leisure hours, made a net, and he asked me would I have any objection to their fishing in the bay in one of the spare boats. I gave him that permission, when the police were not on duty, more than once." Again—"There was no rule with regard to the visitors' boat, but it was perfectly understood that when the boat was not required for the purpose for which it was granted, it was at the service of Mr. Ormsby."

149. When he asked for the boat on a certain day, it was left at his disposal for the whole of that day, "provided it did not interfere with any public duty"

151. "There was no regulation." "The boat could not be under my control, for I never saw it except when I visited the island." "I left it under his control. I could not have the control when I was in Sydney."

160, 162, 163. "I recognised Mr. Ormsby using the boat when it was not required for the public service."

166. "Without my leave Mr. Ormsby could only use the boat on days when he was authorised by the Governor General to leave the island."

167. "I do not believe Mr. Ormsby left upon any other days than those on which he obtained leave."

168. "It was in my time he went to Chowder Bay."

169. "That was by my permission."

170. "He asked whether, instead of coming to Sydney, he might go to Chowder Bay."

171. "I presume I had the power to give permission."

Mr. North, who succeeded Captain M'Lerie as Visiting Magistrate in 1856, says, Nos. 37, 38, 39, 40, 41. when he took charge the boat was used by Mr. Ormsby on his own authority, without asking permission to use it. He once asked permission to go on a picnic. "I never knew him to use the island boat for the purpose of picnics."

Mr. Elyard, the Under Secretary to Government, kindly attended the Board, but was unable to throw any additional light upon the subject. But upon consideration of the evidence of the three gentlemen who have successively filled the office of Visiting Magistrate, we think that the boat which was during all Mr. Browne's time, that is up to June, 1851, under the Visiting Magistrate's control, as belonging to the Water Police, came afterwards, on Captain M'Lerie's appointment, to be attached to the island; and, being manned by policemen, and the police force being under the Superintendent's order, the control of the boat would seem naturally to have fallen upon him; but still only for the public service.

The circumstance of his occasionally asking permission of Captain M'Lerie and Mr. North for the use of the boat on private purposes, shewed that he did not then claim such a right whenever it was not absolutely required for the public service.

We can recognise no such right without the authority of Government, and are accordingly of opinion that the use of the boat in the manner it has been shewn to us to have been used, was unauthorised, contrary to the general rules of the service, which forbid the use of public property for private purposes, and highly injurious to the service; for in consequence of the liberty taken by Mr. Ormsby, indulgences must have been granted to the policemen who manned the boat, and whose labor was greatly increased by the use made of it, to reconcile them to it. And we observe one mode of indulgence to have been the very frequent opportunities and liberty given to the boat's crew to spend a considerable part of their time in Sydney, and we cannot shut our eyes to the facilities thus afforded them of communicating between prisoners and their friends.

We

We regret that one of our number, Captain Ward, does not concur in these conclusions; his views upon the matter are expressed in a separate memorandum, which is appended to this letter, and it will be for the Government to decide to which view the most weight should be attached.

In every point of view, however, we concur in condemning the practice, whether authorised by the proper authority or not.

But we believe it to have been wholly without that authority.

Partly allied to this subject of the boat service is the complaint of the Rev. Mr. Pendrill of the course of treatment he experienced on his ministerial visits to the island.

He and the other Reverend Chaplain, Mr. Kenyon, were sent in the small or supernumerary boat, (the history of which has been before given) in blowing and unfavourable weather, with also a convict in irons, while the visitors' boat had, after Mr. Pendrill's arrival at the island, been sent away on a picnic excursion; and a falsehood was imposed on Mr. Pendrill, by Dunning and the coxswain, to account for the small boat being used in this service, viz, that the other boat was being painted, or under repair.

These facts are stated unquestionably by Mr. Pendrill and Mr. Thomas, and sufficiently admitted by Dunning.

But this was not a solitary instance of discourtesy and disrespect shewn to Mr. Pendrill in this particular; several other instances are stated in his evidence, to which we refer in the margin. Nos. 64-72, 93.

We think also that the Rev. Mr. Pendrill was not treated with the respect due to his sacred office—a remark which applies in part to both the Reverend Chaplains, but chiefly and personally to Mr. Pendrill.

It appears that at one time Mr. Pendrill, in common, doubtless, with the Rev. Mr. Kenyon, was on his visits to the island received as a guest by the Superintendent, and obtained the use of a suitable room in his quarters for retirement and preparing himself for Divine Service, a courtesy which was put an end to, as Mr. Ormsby states, when "he became 10, 11.
"troublesome by interfering with the prisoners, extra his duty as Chaplain, upon which
"subject Mr. Ormsby spoke to him, and with reference to what he had heard as to his
"being the medium of communication between them and their friends without his knowledge
"or authority, that he turned round offensively on him, and from that time he ceased to be
"an acquaintance of his, and commenced the line of conduct he has since been adopting
"towards him."

Being thus dislodged from the Superintendent's residence, and from a courtesy which ought, in our opinion, neither to be imposed upon the Superintendent to show, nor the Chaplain to be dependent upon, Mr. Pendrill resorted to the surgeon's dispensary, for the purpose of robing, &c. Mr. Pendrill—to use his own words—was "turned out of the
"dispensary," and informed, through the schoolmaster—who sent a message to him, that
"he wished to see him in the school-room—" that he was to put on his surplice there, and to
"go down from there to the place where the service was held."

Mr. Pendrill, considering the distance inconvenient, "ordered the gown to be taken
"down to the Assistant Superintendent's office, about which there was considerable
"hesitation," but at length it was done, and, with that officer's permission, Mr. Pendrill continued to robe himself there during his connexion with the island.

The circumstances which led to the rupture between Mr. Pendrill and the Superintendent are related by Mr. Pendrill.

There was a prisoner on the island who had formerly been a parishioner of Mr. Pendrill, and under his ministry, and he became an object of interest, as one who felt deeply his sad and fallen condition, and wept for the state to which his crime had reduced his wife and family, and besought Mr. Pendrill to visit them.

Mr. Pendrill promised to do so, and he kept his word; he went as a Christian Minister to comfort the unoffending wife of a prisoner.

There was, however, a policeman there before him, who took notes of what passed; and when he next visited the island, he says, "Mr. Ormsby came up to me and said—'I
"have a charge against you, for carrying messages from prisoners to their families.' He

Rev. Mr. Pendrill, added, that Captain McLerie had been informed by a detective that I had carried a message from Cockerell to his family."

The charge was unfounded.

The surveillance thus exercised over a Minister of the Gospel in the exercise of his duties we think was both unnecessary and improper. The discretion of a gentleman in that position might, and ought to have been, relied upon, that nothing would be said or done in any such intercourse contrary to the discipline of the convict establishment. In fact, however, no charge was made against Mr. Pendrill that his communication was of that nature.

The arrangements for the performance of the Chaplain's duties were, however, defective and unbecoming in every respect; and this remark applies to both the reverend gentlemen who attended the island as Ministers of Religion.

Not only was a suitable room altogether wanting for retirement, which several hours stay upon the island rendered imperatively necessary, but neither was there one proper for the purpose in which either of the reverend gentlemen could see and converse confidentially with prisoners desiring spiritual comfort and admonition.

No. 17.

The use of the school-room was indeed allotted to the Revd. Mr. Pendrill after much annoyance and delay and refusal, but it was not a room fit for the purpose; there were men smoking in the next room, and there was no accommodation.

Mr. Pendrill says,—“I applied for that room in consequence of having been turned out of the dispensary by Dr. West. I had been in the habit of using it as a vestry on Sunday, but one Sunday Dr. West sent his assistant to request me to leave it, as he said he wished to see his patients there. I left, but had no place to go to; I went out and sat on the wall.”

17, 27.

There is other evidence of Mr. Pendrill, relating more particularly these circumstances, and shewing the treatment and privation he experienced, and the complete unfitness of the school-room, to which we especially direct your attention. Enough has perhaps been stated specifically to shew that Mr. Pendrill was treated most unbecomingly, and that he had great reason to complain.

Mr. Thomas, who was employed on the island as Civil Engineer for nearly four years, one of Mr. Parkes' informants, and who admitted himself to be the writer of a letter in the *Empire* newspaper of 5th October, signed “Another Witness,” attended before the Board, and, in addition to the points on which his evidence has been already stated, instanced an infringement of the 5th regulation by the Superintendent: namely, “nor shall any person whatever who may have daily business in Sydney be permitted to sleep on the island, and it is absolutely necessary that the intercourse between the island and the main should be as much restricted as possible.” That two sons of Mr. Ormsby were resident on the island who have daily business in Sydney.

This statement is quite true, and moreover that the young men are allowed to keep their boats on the island; and one irregularity has certainly arisen from their living in it, namely, that one of them, a lad of about fourteen years at the time, was, without the knowledge of his father, instructed in sparring by one of the convicts five years ago.

The residence of these young men with their father was authorized by the late Governor General Sir Charles Fitz Roy, before the present regulations came in force, and again by His Excellency the present Governor General, on the Superintendent's application, through the Visiting Magistrate, Captain McLerie, after the regulations in December, 1855; and no irregularity on their part, or any abuse of the privilege beyond the instance just mentioned, has been shewn to have arisen from their residence with their father.

Mr. Thomas,
Nos. 105, 106.

Next, a charge was made by Mr. Thomas against the Superintendent, in the following terms: He was asked, “Did you ever know any act committed by Mr. Ormsby that was unjust or discreditable to the establishment?” He answered, “Yes, there was one case where I could not say that he took the cedar, but we missed a large plank of cedar out of the timber yard; I informed Mr. Ormsby that it had been taken from the Engineer's stores, and he said, ‘Well, I will make inquiries and see who has taken it;’ he came out of the gate about a quarter of an hour afterwards and said he had heard one of my own foremen (Mr. Cahill) had got it in his quarters. I went to Mr. Cahill's quarters and told him

"him I had heard such a report. He denied that it was true, and I then looked about the premises and found that there was nothing there. I went to Mr. Ormsby and told him Mr. Cahill had not got it: He said, 'Never mind, wait a little longer, we will try and find out who has taken it.' Some time after that it was brought down from his house, by the gardener, to Mr. Cahill."

"Mr. Ormsby must have known it was in his place."

107.

"I spoke to Mr. Ormsby about it on the day it was missed during dinner time, between one and two o'clock."

113, 114.

"He was on the island on that day."

115.

William Augustus Cahill, foreman of works under Captain Mann, being asked about this circumstance, stated that there was "a man named Spenser employed in the Engineer's department, but who was allowed by Mr. Thomas, for Mr. Ormsby, a day or two at a time."

Mr. Cahill,
Nos. 26-33.

"He was the man suspected of taking the plank"

34.

"He was at that time working for Mr. Ormsby."

36.

"The planks were in the yard when the men were turned out to dinner; they were placed in such a way that one could not be taken without being missed. Directly I came from dinner I missed two planks from the heap. I looked round the yard and could not see them, but I observed foot marks on the wall that led to Mr Ormsby's place—to the garden. I reported to Mr. Thomas. Whether he reported it to Captain Mann I cannot say, but he spoke of it to Mr. Ormsby when he came home."

37.

"He was at Sydney on that day."

38.

"He returned some time in the evening, and, I believe, the following day Mr. Ormsby made a search for the cedar through his yard, and returned it."

39.

This is the whole case upon which Mr. Thomas sought to fix a charge upon Mr. Ormsby of at least conniving at the taking of a cedar plank from the Engineer's stores.

The evidence wholly fails in affecting Mr. Ormsby as conniving at the theft; but the matter does not appear to have been followed up by inquiry, as it ought to have been, in order that the real offender might be discovered and punished. In this, we think, there was a remissness on the part of Mr. Ormsby.

Another charge by Mr. Ormsby against the Superintendent is, that on a certain occasion he used most foul and abusive expressions towards Mr. Peers, the dispenser.

Mr. Peers himself, as well as Mr. West, states what these expressions were, and Mr. Ormsby states the occasion on which they were used.

See Mr. Peers,
Nos. 22, 40.
Mr. West, 4,
and Mr. Ormsby's
answer.

Peers had reported something to Mr. West as having been said of him by Mr. Ormsby, concerning the performance of his duty as Visiting Surgeon, which the latter said was untrue, and on Mr. West complaining to Mr. Ormsby that he had so spoken of him to his subordinate, instead of making any complaint he might have to himself, Mr. Ormsby became exceedingly angry with Peers, and did make use of the improper expressions imputed to him.

These cannot be justified; but, considering the provocation which Mr. Ormsby considered himself to have received, are partly excusable.

We come now to an important charge brought against Mr. Ormsby, namely, that sparring matches having taken place on the island with the knowledge or connivance of the Superintendent and other officers of the island, and that he and his two sons, subordinate officers and strangers, have been present at them.

There were two men skilled in the art of boxing, prisoners on the island at the same time—Perry and Sinclair; the former a very powerful and remarkable man, by trade a carpenter, the other a barber, as stated by Mr. Ormsby. These two would obviously at times, when released from work, be incited by each other and by their fellow prisoners to exhibit their skill in a short stand-up, and thus far, it is admitted by Mr. Ormsby, might have occurred; but he denies that any regular match ever did occur, or could occur, without his knowledge, and that of every subordinate officer on the establishment.

We are of that opinion on the latter point. None such could occur without its being known to the Superintendent and every officer on the settlement. But we find upon the evidence that sparring matches, really deserving of that name, did occur upon several occasions, and upon the Lord's Day, and that several officers of the establishment, and the officers

Easton, Nos. 10,
46, 72, 106, 146, 161.

officers of the Military guard, and strangers did witness them; that a pair of gloves, obtained in some surreptitious manner, was found amongst them by Mr. Brown, the Assistant Superintendent, and on another occasion a substitute for gloves, made of an old flannel jacket.

Capt. Mann.
Easton, Nos.
189, 209.

We find further that Perry, a shipwright, who was a powerful athletic man, and ought to have been kept on the works, was taken off the works by the Superintendent and placed over the cells, a duty which does not require a man of that description; for the cells are so constructed, being excavations out of the solid rock, as to make the duty of an overseer a very easy one; and that Sinclair was put to do duty as a barber; that on one occasion Perry was relieved at the cells, and brought down to exhibit his powers in the prison yard, another man being substituted for him in the meanwhile at the cells, which must have been the act of some one having authority to relieve him, as a subordinate officer at least. When we find that the Superintendent, knowing he had these two characters on the island, adopted no means of keeping them apart, but rather, by placing them in the easiest berths, gave in effect, though not in intention, facilities to them of following their pastime, and amusing the spectators, prisoners, and others; when, moreover, we find that a sparring match did take place at the quarters of the Military Officer, between Perry and a visitor of that officer, Captain Macdonald; that on that occasion the Superintendent was applied to, and gave permission for Perry to go to the officer's quarters, as Captain Macdonald wished to see him—for we think it perfectly incredible that the Superintendent could be quite ignorant of what he was wanted for—when, in addition to all this, one of his own sons learned the art of boxing from one of the men, we cannot acquit the Superintendent, and indeed any officer on the establishment, of either the most culpable remissness or indifference, amounting to incapacity for such a charge, or of knowledge of, and connivance to some extent in this malpractice.

We acquit, however, the Superintendent and his sons of ever having been present on any of these occasions.

The evidence which has brought us to these conclusions will be found as stated in the margin.

Mr. Thomas,
Nos. 166-169.

Another charge made by Mr. Thomas was, that he had known the Superintendent to take a man into the hospital, named Spencer, who had been reported to the doctor as fit for work, and that he was employed at Mr. Ormsby's.

Mr. Peers,
Nos. 69-75,
186-193.

It was not in Mr. Ormsby's province to take a man into the hospital, and Peers, the dispenser, denies the fact altogether. That Spencer was employed by Mr. Ormsby on his private business, on several occasions, with Mr. Thomas' permission, is proved, but not to any great extent. Cahill, under whom the man was employed in the workshop, states, once or twice in a week or fortnight for a day or two at a time, and Mr. Ormsby, in his answer to the charge, states the amount of the man's labor to have been very small.

Mr. Cahill,
Nos. 29-34,
52-59.

Still the employment was contrary to the regulations, and should neither have been permitted by Mr. Thomas nor asked for by Mr. Ormsby.

But we fear that a more serious infraction of the regulations has taken place in the employment of convict labor upon the garden known as the Superintendent's garden, which is of large extent, probably about three or four acres, sub-divided by numerous walls, built roughly of rubble stone without mortar, and frequently requiring repair.

These repairs are performed by convict laborers, on a requisition by Mr. Ormsby to the Civil Engineer.

The walls are repaired as Government work.

But we think it could never have been contemplated that gardens so extensive should be kept up by convict labor, especially when it is remarked that one gardener only is allowed by the regulations to the Superintendent. The cultivation of so large an extent of garden must, in our opinion, have occupied a large number of men at times.

Mr. Ormsby states that 30,000 or 40,000 cabbage plants are grown there yearly, and that all persons on the island, free and convict, together with his own family, are occasionally supplied from it.

But there is a prisoners' garden, expressly for their supply; and we do not approve of the mixing together public and private property.

Mr. Ormsby is allowed a garden, and one gardener for his private use,—a privilege which ought not to have been encroached upon, as the evidence throughout shews that it has been to a large extent.

We

We are of opinion that it has led to much irregularity and abuse.

The Superintendent is next charged—"That he refused to give any assistance when applied to upon the occasion of fifty prisoners leaving the works, (in spite of the endeavors of the overseers to prevent them), and going to the office of the Resident Engineer, and threatening that officer with his life, and that these men received no punishment for their conduct."

And again—"That the prisoners on one occasion refused to go to their work, and that no steps were taken to enforce the orders given them."

Next—two instances of insubordination on the part of the prisoners, and apathy or unconcern on the part of the Superintendent, are related by Mr. Thomas himself, who was the Resident Engineer mentioned:—"I was present when the prisoners left the works, and I went and complained to the Superintendent. I was at my office at the time, which is next to Mr. Ormsby's. I went into him, saying that these men had left the works, and come up to me in a threatening way, and I asked him to give me some assistance in sending them away. This he refused, and said he could not do anything with them, and could not send them down. The men remained there for some time, in a very threatening manner; they came up to my office, and commenced abusing me. He said he would have nothing at all to do with it, and refused to give me any assistance. After remaining some time, they walked away to the works."

Mr. Thomas,
Nos. 173-181.

The other instance Mr. Thomas brought forward upon hearsay.

Upon the first case Mr. Thomas referred us to Easton, as his witness of the transaction. His account is—"It has generally been the rule, since I have been on the island, which is eight or nine years, that there used to be five men to draw the hand-cart up that hill, always; and I believe Mr. Thomas gave orders for four men to draw it up, and they were third-class men—not able-bodied men."

One individual, a partially insane person, went towards Mr. Thomas; he was taken before the Visiting Magistrate, and "Mr. Thomas declined to come forward."

Upon the other instance Mr. Thomas referred us to Mr. Broderick, who was attached to the Engineer's Department, and had particular charge of the mechanical branch. He relates the circumstance—"It was on a Saturday, when the "Claremont" was discharging machinery at the island; the Captain asked whether the men could not be employed in the afternoon in discharging, as he wished to get away."

Mr. Broderick,
Nos. 10-38.

Saturday afternoon has been a customary holiday to the men, and Mr. Broderick gave instructions to the foreman to acquaint the Superintendent that the men would be required to work after dinner that day.

The Superintendent appears to have sanctioned the requisition, for the men were seen descending the hill towards the works, when, all at once, one of the gangs turned back, and the others followed their example. Mr. Broderick says—"I met Mr. Ormsby on the hill, and asked him what the meaning of that was—he said they had refused to work, 'what can I do in the matter?' He said he would take the names down of those who refused to work, and all he could do was, as I understood, to bring them before the Visiting Magistrate." The men did not go to the work.

The desiring them to do so was an infringement of their usual privilege of a respite from work on Saturday afternoon, and was for the purpose of accommodating the Captain of the "Claremont."

The case was brought before the Visiting Magistrate, who dealt with it, and sentenced several of the prisoners to the cells.

But Mr. Broderick and Mr. Thomas appear to have thought that the men ought to have been "forced to go to the work," and that the Superintendent should have called out the Military guard.

We think that the Superintendent should have first well considered the propriety of the order before he gave it, and having done so, he should have insisted on its being obeyed, as it probably would have been if he had shewn the requisite determination.

For this refusal about twenty-five persons were confined to the cells several days, and amongst them one mentioned by Mr. Pendrill as "having been first confined on the charge and then released."

Another charge was brought by Mr. Thomas against the Superintendent,—that he has borrowed money from the prisoners.

No surmise or suspicion of such a transaction was mentioned to us by any one person examined but Mr. Thomas, and by him only on "hearsay." Mr. Brown repels the suspicion in the strongest manner—"I never heard it stated or suggested on the island in my life that the Superintendent had borrowed money of the prisoners."

Mr. Thompson—formerly reporter to the *Sydney Morning Herald*, another of Mr. Parkes' informants, and writer of a letter in the *Empire* of the 6th October, signed "A Third Witness," in which he put himself forward as "personally cognizant for some years past of the disgraceful state of the island, and of the apathy and neglect which have rendered all reports of the infamous proceedings there mere farces"—admitted that he was only on the island twice; once when Sir Charles Fitz Roy laid the first stone of the dock, and again for three days on a visit to Mr. Thomas. He stated as the only fact which fell under his own observation a trifling dispute about the key of the bathing house, and the insolence of a prisoner who was sent for the key, and some uncivil expressions used by Mr. Ormsby of Mr. Thomas, and that "the general demeanour of the prisoners towards Mr. Thomas was disrespectful."

He stated that his only means of knowledge were those three days visit to the island—that he knew of none of the facts for which he vouched, as having been "personally cognizant for some years," and his only authority was information communicated by others.

Yet this person took upon himself to assure Mr. Parkes and the public, "that the statements set forth in the form of queries in the letter subscribed 'Another Witness' (Mr. Thomas), are not only true but that they do not include one tithe of the enormities which have for years past rendered Cockatoo Island a worse hell, if that be possible, than Norfolk Island."

He was asked, "How many of the statements of 'Another Witness' can you support of your own knowledge?" he answered, "None; I only knew them from Mr. Thomas' and Mr. Duff's statements," and when stating "I was perfectly cognizant for years, I had no other knowledge but that acquired from three days residence on the island, and communicated by others."

Respecting another categorical statement by him in the newspaper of a person having been brutally murdered on the island, being asked his authority for that, he said,—“Both Mr. Thomas and Mr. Duff told me that very suspicious circumstances attended the cases, and that the man who was supposed to have thrown him down was discharged from the island, and that was the authority on which I made the statement.”

We will not trouble you farther with a comparison of this unworthy person's public statements with his authority when examined upon them; but we desire your reference to the whole of his evidence, as shewing the mode in which charges such as these can be got up, and persons found to vouch for them.

Mr. Christopher Murray, formerly a constable on the establishment, one of Mr. Parkes' informants, and writer of a letter in the *Empire* of the 7th October, signed "A Fourth Witness," attended the Board, and was examined upon all the matters under inquiry; but he made no new charge, excepting an unfounded one of the mal-appropriation of a small portion of his pay, which had been stopped for a breach of duty, and applied to the Police Fund, under the order of the Visiting Magistrate. His evidence will be found referred to under the several heads of inquiry, and is important upon several of them.

We come now to those material points in our inquiry to which you direct our especial attention—

1. "Whether the conduct of the officers and servants upon the island has or has not been such as to merit the displeasure of the Government."
2. "Whether the management of the establishment generally by the Superintendent is in accordance with the regulations laid down for his guidance."
3. "Whether the penal discipline of the island is maintained and impartially carried out;" and

4. "Whether the regulations generally are sufficient for the objects contemplated—If they are not, then what modification of them can be suggested?"

Upon the first point we do not think ourselves called upon on the evidence to bring particularly to your notice the conduct of any officer or servant on the establishment in the discharge of his duties, except that of the Superintendent, of the Visiting Surgeon, of the Assistant Superintendent, and of the Dispenser. No irregularity or impropriety of conduct has been imputed to any other.

Several instances have been already noticed by us in which we think the conduct of the Superintendent to have been more or less reprehensible; we need not allude again to these.

One of the charges brought before us has concerned the conduct of other officers of the establishment than the Superintendent, viz., that of the Visiting Surgeon and Dispenser, relative to the treatment of two prisoners who died in the hospital—Daniel Dunsmore and William Murphy.

Dunsmore was a young man about twenty-one years of age. He complained to the Dispenser, Mr. Peers, who, being resident on the island, has the general charge of the hospital, on the 25th March, 1856. His case and the treatment of it are stated by Peers—"His disease was consumption, or disease of the lungs, rather pleurisy. He was not admitted into the hospital in the first instance, but exempted from work and put into the exempt list. At first his symptoms were merely an inflammatory cough, for which I treated him—I gave him lobelia and æther. About nine in the morning fully examined him, not considering his case worthy of more attention at that time, and sent him to the exempt ground. He came three times a day to take his medicine—he came again next day. I gave him cough mixture, camphorated opium, ipecacuanha, and ammoniacum. On the 27th the same treatment was continued, but he was taken into the hospital during the day."

Mr. Peers,
Nos. 78-105.

"He was sent back the exempt ground—think Dr. West must have seen him, for I see digitalis is added."

"On the third day he went again to the exempt ground, and on the fourth day he was admitted into the hospital, viz., the 28th. On that day the Visiting Surgeon saw him; he continued in the hospital on the 29th, 30th, and 31st under treatment, and on the 1st of April he died."

The exempt ground is a platform of the rock on the south and south-west side of the island. We think the sending a man laboring under such symptoms as Dunsmore's at the end of the month of March to such an exposed situation as the exempt ground for three days was an act of most cruel and culpable negligence. He ought, clearly, under such symptoms to have been taken at the very first into the hospital, or put in to some warm sheltered place, instead of being exposed at any season of the year, but especially at the fall of the year, to changeable winds and weather.

The blame for that is chargeable against Mr. Peers, who has ceased to be the dispenser.

We think, however, he should have been seen earlier by Dr. West, whose regular visits to the island are twice a week. On this occasion he was sent for at eleven o'clock at night, on the 28th of March, the day on which Dunsmore was admitted into the hospital, and then saw the patient for the first time.

A *post mortem* examination was made by Peers, the dispenser, which Mr. West did not attend; a neglect on his part which we think should be noticed, and no inquest was held on the body.

The other case charged as one neglected by the medical department was that of a man named William Murphy. He was an old man, about eighty years of age, admitted into the hospital at half-past ten on the night of the 3rd December, and died at two P.M. on the 7th December.

Mr. Peers,
Nos. 108-122.
Mr. West, No. 38-48;
and see the whole of
the evidence of
Messrs. West and
Peers on this point,
4th November.

"His disease was spasmodic asthma."

There was no *post mortem* examination, and no inquest was held on the body.

There seems to us no ground for imputing neglect in this case.

In both cases, however, it has been stated that the hospital books have been falsified, and entries made after death, to give an untrue account of the treatment.

We

We have critically examined both Mr. West and Peers, and their books, and are satisfied that there is no ground for this part of the charge. We think, however, that considerable looseness has existed in this department.

First, in drawing full rations for every person in the hospital, whatever be the diet ordered for each.

Secondly, in there being no sufficient check to the expenditure of medicines and medical stores.

Thirdly, as to the books which should be kept in the hospital but are not, viz., a prescription book and a diet book.

Fourthly, in not attaching a ticket to the head of the bed of each patient, stating the diet ordered, and so affording the prisoner the satisfaction of observing if he receives the diet prescribed.

A charge, not indeed affecting any officer of the establishment, was brought by Mr. Thomas, which we have thought it right to inquire into.—“How was it that an inquest held on the body of a prisoner killed in the dock was adjourned but never sat again; and does the death of this man remain to this day a mystery on that account?”

Mr. Thompson, who gives Mr. Thomas and Mr. Duff as his sole authority, says, broadly, that “very suspicious circumstances attended the case; that the man was brutally murdered by a fellow convict in sight of other convicts; that the then coroner, Mr. J. Ryan Brenan, opened the inquest and adjourned it, yet did not resume it; that the body of the murdered man was buried without further inquiry.”

If Mr. Brenan failed in his duty in not resuming the inquest, he must answer for that.

We are clearly of opinion that no murder was committed by any one, and that the unfortunate man fell into the dock, and was killed accidentally.

But the three cases of death on the island which have been mentioned, in two of which no inquest was attempted to be held, in the other not carried out to a verdict, suggest to us that in future the rule of the English law ought to be imperatively observed, whereby it is required that an inquest should be held upon the body, in every case of death in gaol; indeed it has been provided for by the 8th Regulation, in cases of sudden or accidental death. We think that notice of every death of a prisoner ought to be given to the Visiting Magistrate, and an inquest held.

With respect to the general management of the Superintendent, we are unable to state either that it has been, or is now, in accordance with what a proper state of discipline would demand, or what the regulations require.

We separate these two points because the regulations do not contain any instructions as to the discipline to be pursued and enforced: it consequently comes to be such as is in accordance with the Superintendent's own ideas of convict discipline, or such as the Visiting Magistrate for the time being has recommended. At one time, under Mr. Browne's superintendence as Visiting Magistrate, it was apparently more strict, many liberties and recreations having been since allowed which that Magistrate would have forbidden; such as noisy amusements at any time, singing or loud talking in the wards, and the obtaining of extra clothing not contemplated by the regulations.

On these heads we think it absolutely necessary that the Government should prescribe authoritatively the system of discipline which it will have pursued. That followed by the present Superintendent, except during the time Mr. Browne was Visiting Magistrate, appears to us to have been, and still to be, most objectionable. It, nevertheless, has had the approval of both Captain M'Lerie and Mr. North; and we would seriously draw your attention to the evidence of both these gentlemen, as shewing the views entertained by them with respect to their duties.

As to punishment, it is of the mildest sort, and consists merely of labor on the public works during the ordinary laboring hours, and a system of taskwork which admits of a willing and industrious man earning many indulgencies in diet, &c.

The convicts are altogether exempted from labor during unfavorable weather, and when employed on works requiring extra clothing, provided with such clothing; and during the hours

Capt. M'Lerie,
Nos. 28, 29.
Mr. Browne,
Nos. 54-62.

hours cessation from labor, they are confined in the prison yard, and at night in close wards. This imprisonment and labor are all the punishment a convict undergoes, save for offences against good order and discipline on the island, then only is inflicted close confinement in the cells, and an extension of the term of service necessary to entitle the prisoner to a ticket-of-leave.

We are far, however, from thinking slightly of even this extent of punishment; it is all perhaps that the general opinion and feeling of the age would allow, and being one of entire seclusion, except to the society of offenders of all classes and degrees of depravity; separation from all ties of domestic life and affection; the loss of liberty for the period of sentence, and the being subject during it to a species of government which the mind is apt to consider arbitrary, despotic, and tyrannical, must operate upon a person possessed of any sensibility.

It is a state of things which encourages and gives birth to suspicions where no ground exists for them, and these frequently of the most revolting and odious nature. Partiality, favoritism, and persecution are generally charged against superiors, and they are largely charged against the Superintendent of Cockatoo Island.

The mode of government is open to such abuses, and these are difficult of proof, although carrying conviction to those who witness such proceedings, as for instance were pursued by the Superintendent in Gleadall's case, and in Perry's and in Sinclair's. Minds like theirs could not perceive any cause for the removal of Perry and Sinclair from laborious occupation to the lightest, and even to situations of trust; nor, as in Fox's case, the remission of the greater portion of his sentence altogether, without attributing these indulgencies to favoritism; nor could they in the belief that Gleadall was on several occasions obnoxious to the Superintendent attribute his dismissal to any other cause.

Vide Dunning's evidence on this point.

The regulations of Government made for the guidance of the Superintendent have in several important and material points come to be wholly disregarded—points on the observance of which the discipline and order of a penal establishment, we are of opinion, mainly depend.

Inspector Dunning, Nos. 222-297.

We pass over several instances of infringement of the regulations by the Superintendent of minor importance, which will occur to you at almost every page on reading the evidence, and will bring to your notice only those which are of more grave and prominent character.

And, first, we think the removal of Perry, the boxer, from the works to the cells was contrary to the 12th regulation. Secondly, there have been frequent infringements by the Superintendent of the 20th regulation, in the employment of Spencer, although for no long periods, and in the employment of more than the "one gardener" allowed to the Superintendent by the Regulations, on the cultivation and manuring of the garden, which goes by the name of the Superintendent's, and in building and rebuilding the walls when fallen. Thirdly, the second general regulation,—“That no person (except those duly authorized) shall land on the island without an order from the Colonial Secretary or Visiting Magistrate, and always in the presence of the Superintendent or his Assistant,” has been in the latter part wholly disregarded. Again, the 4th General Regulation,—“That all boats (except certain therein specified) going to or coming from the island, will be liable to be stopped and examined by the Water Police.” Fourthly, the regulation for the Assistant Superintendent, overseers, and other subordinate officers of the penal establishment, have come to be disregarded in the most extraordinary manner, and in the widest sense utterly subversive of the first principles of a penal establishment. “They are to bring nothing on the island without the knowledge and consent of the Superintendent”—and “no overseer or other subordinate officer will on any pretence be permitted to bring spirituous liquors on the island.” So the regulation for the police, No. 23.—“No spirits will be allowed on the island, except under the written authority of the Visiting Magistrate, Superintendent, or Civil Engineer.”

Mr. Easton, Nos. 61-77, 89-125, 126-157, 217-236, 244-262.

In consequence of the breach of the General Regulations, No. 2, and no arrangement being made by the Superintendent for carrying it out, according to its spirit, if inconvenient or impossible for himself or his deputy to attend the landing of boats, such as instructing the Inspector of Police, or some other officer to perform it, this most necessary duty has been wholly unprovided for, and the evidence on this point leads to the conclusion that the utmost irregularity has prevailed.

Mr. Easton, Nos.
154-176, 177-184,
305-307.

Parcels and letters have been landed from boats, carried up to the quarters of the free officers by convict servants, under no supervision whatever; and thus articles of indulgence have been obtained by the prisoners in a surreptitious manner—extra articles of clothing, newspapers, and on one occasion boxing gloves.

And, in consequence of this breach of the regulation for subordinate officers, and of the Police Regulation No. 23, wine, spirits, and beer have been landed at the island for subordinate officers of every class, without inquiry, search, or check of any sort.

So gross a violation of this essential regulation has surprised us greatly; but the evidence of it is too clear to be doubted, and shews that, in fact, there is no effective superintendence upon the most important matters to be cared for in a penal settlement.

Inspector Dunning, Nos. 222-297, 312-319.

We refer you particularly on all these points to the evidence of Mr. Dunning, the Inspector of Police.

The evidence of Mr. Brown, the Assistant Superintendent, is to the same effect. He says—"I did not attend, nor did the Superintendent, at the landing of boats, except when the indulgence boat brought things for the prisoners, paid for out of their task money; these things were taken by me and examined before issued. The Superintendent's or free officers' things used to be taken direct by the servants of these persons to their quarters, unexamined by the police or me. I have seen a keg of wine brought to the island, and spirits, to the extent of a bottle at the time, without the knowledge or consent of the Superintendent. It is not the practice to ask the Superintendent's leave."

"I never examined any bundles or parcels brought to the island, or the person of any one visiting the island."

"The free overseers and subordinate officers did bring spirits on the island."

"I can positively state that the regulations regarding subordinate officers bringing spirits to the island have not been carried out."

"I have always had access to the regulations, and am familiar with them."

Smith, coxswain of the visitors' boat, says—"I have brought beer in kegs for many people on the island, also, wine and spirits, in cases, for Mr. Ormsby, but not for any one else. The other boatmen are in the habit of bringing parcels, and they might have contained spirits, but never to my knowledge; the bundles were not examined at the wharf."

"Beer and wine and spirits were brought to the island in Chandler's (or the shop) boat, for the free people."

Mr. Browne, Nos. 22-24, 27, 28, 29.

Mr. Browne says, that when he was Visiting Magistrate (which was before the present regulation of Government,) he was never applied to for permission to land spirits, and he considered that the Superintendent was responsible for the landing of any spirits. Mr. Browne was referred to the regulation as to the prohibition to free officers to bring spirits on the island; there was such a rule as that in existence during his time; he was never applied to relax it, and never did. One or two cases of drunkenness occurred amongst the prisoners, where spirits had been brought to the island surreptitiously, and a constable on duty was dismissed.

63, 64.

Capt. M'Lerie, Nos. 42, 43.

Captain M'Lerie gives an extraordinary reason for the old rule concerning spirits having been abandoned, and that by the authority of a Board, in which we think him altogether in error, except indeed, unfortunately, as to the fact of the violation of the rule. He says—"There were orders against bringing spirits to the island, but I found after the number of civil officers increased, and people connected with the Engineer's department, that it was a restriction they would not assent to. There was a Board appointed, and the rule was modified," "of which Board two of the gentlemen now present were members."

On this point Captain M'Lerie is clearly mistaken. There was no such modification of the rule by any Board of which the two gentlemen alluded to (Captain Ward and Mr. Merewether) were members, nor, we believe, by any legitimate authority whatever.

It is possible Captain M'Lerie has misconceived the purport of the regulation of Government in 1855 as justifying such a departure from first principles; but it is the infraction of the rule of 1855 which we consider to be so highly reprehensible, and the total abandonment of which is wholly unjustifiable and inexcusable. That rule did not altogether prohibit the use of spirits, &c., to the free persons employed on the island, but placed

placed them under the reasonable check and restraint of "the permission of the Visiting Magistrate, Superintendent, or Chief Engineer, being necessary;"—a most reasonable and necessary regulation, for the breach of which we can see no excuse whatever.

Mr. Ormsby did complain of the disorderly conduct of the new comers to the island in 1853, particularly of their drunkenness, and Captain M'Lerie states that he received a good many communications to the same effect.

Captain M'Lerie says "he never had any application from a subordinate officer for leave to bring spirits to the island;" he thinks he recollects on one occasion some report having been brought to him of "a bottle of wine having been found in the possession of the police." He says,—“Mr. Ormsby informed me of it, and said the man was unwell, and I told the Inspector not to take notice of it, as it might be looked upon as medicine.”

We hardly know how to look upon this incident. It might seem to imply that extreme care was taken by the Superintendent to report to the Visiting Magistrate "a single bottle of wine," which had been brought to the island by a policeman who was unwell; but when we observe the wholesale and unrestricted importation which has existed, we scarcely like to express what we really think of it, viz., that it was a piece of pretence. Captain M'Lerie adds,—“There were no complaints that spirits were brought to the island, but I was No. 49. “convinced that spirits were brought, as on one or two occasions I had to punish prisoners “for being drunk.”

Another incident of the same nature occurred in Mr. North's time. Under examination before the Board he stated, "*this morning* a written application was made to me for Mr. North, 23 to 30. "permission to take a bottle of porter to the island." That was the first instance of an application being made to him. Captain M'Lerie states, "in justice to the authorities, Capt. M'Lerie, Nos. 50-61. "the officers of the island, we found on one occasion spirits in a 'plant,' as it is "called. After the prisoners are recalled to their barracks the sentries are withdrawn "from the shores of the island, which are thus left unprotected, and boats can land. "Spirits may then be planted among the rocks in positions with which, by preconcerted "signals, the prisoners may be made acquainted."

"The only limit (to bringing spirits to the island) being the want of means on the "part of the prisoners to purchase them."

Mr. North's evidence on this subject is equally unsatisfactory. It shows the unchecked and unrestricted importation of spirits, &c. to the island. He knew the rule as Mr. North, Nos. 23-30. to the importation of spirits; was never applied to for permission to land any except on the occasion above referred to, when he gave permission to land a single bottle of porter.

The 17th General Regulation has also been neglected, and we think very much to the injury of the service. It states that "the general duty of the Superintendent as connected with the prisoners whilst employed on the works, is to insure, by his own supervision, the vigilance of his officers, and the safe custody and discipline of his prisoners."

It is stated in the evidence that he wholly neglected this very important duty.

If it had been performed, it is hard to conceive how many irregularities could have taken place without his knowledge and interposition which are stated in the evidence to have occurred; for example, the disobedience of the prisoners on two occasions mentioned by Mr. Thomas—boats landing, and parcels, &c., to a large amount carried up to different officers' quarters by convict servants without search or inquiry. Indeed we cannot imagine so deplorable a state of things to exist in any penal establishment if the Superintendent did, according to the spirit of the 17th regulation, "give his own personal supervision," and apply his own vigilance to every transaction which might lead to a breach of the penal discipline and good order.

Such being the state of discipline, and such the nature and extent of the punishment of offenders under the system pursued, there is still one subject to which we must invite your attention, our own having been forcibly drawn to it.

It is this,—the total want of any system or means whatever for the reformation of the criminals.

It is true that two reverend gentlemen, one of each of the principal religious communions, are attached to the island, and we are not so unmindful of their zeal in the great cause of religion as to doubt that they would do all in their power in their several callings; but

but we cannot designate the formal services of religion which take place on the Lord's Day merely, and the casual visit of a clergyman on one other day in the week, as really effective means for the reformation of the criminals. We are of opinion that the reverend chaplains should, for their good offices to be effectual, be permanently attached to the establishment of the island, and that their ministrations should be daily and constantly applied to the great end of bringing sinners to repentance, and confirming the more decent or the wavering.

They should be received, and looked upon, and treated with the respect due to their sacred calling. They should have suitable lodgings convenient to themselves, and for receiving persons seeking spiritual comfort through their means.

No such accommodation exists at present, but might surely be provided by means of those convicts whose eternal interests they are sent to serve.

There are, as described by all the reverend gentlemen, many penitents of each communion, of whom, if they could be separated from the more depraved, they would have reasonable hope.

There is, however, no such separation as should depend upon conduct.

We are of opinion that such a division should be made, and that without delay; even under present circumstances thus much might at least be accomplished; and farther, we think that the Reverend Chaplains should have a principal voice in the selection of persons, to be kept separately—we mean at work and in the wards, and as much as possible on all other occasions.

There is a small room imperfectly adapted for the purposes of a school for the children of the free persons on the island. A larger school should be provided for the use of adult convicts, under the charge of the Chaplains, and means and opportunity should be afforded to better disposed prisoners to avail themselves of the instruction so to be imparted.

In our view of this matter, the appointment of a schoolmaster is indispensable.

Lastly, the whole system pursued upon the island requires organization. At present the convicts are employed as laborers merely. Those who have any acquaintance with handicraft trades are, on account of their superior usefulness, of course employed in their line, but there is no instruction for the uninitiated—all are mere laborers; such as they were when they went to the island, such they leave it. No one systematically receives there the instruction which should fit him on his return to the society from which his crimes have banished him a better man, or better fitted for getting an honest livelihood. He returns a worse man in every respect than he went.

Such a total want of means of useful instruction we consider to be a radical error in the system.

Trades of all useful kinds should be systematically taught, and only the otherwise useless person should be altogether a mere laborer.

We do not mean that any prisoners should be altogether exempt from labor. This must, we fear, unhappily continue, for the sake of what is considered necessary to constitute the notion of punishment, that the well-disposed, for example, might be encouraged by being allowed to learn a trade as a reward for good conduct, and a certain time of exemption from labor should be allowed to those who are employed in learning trades.

We are, of course, aware that the quantum of labor would be thus reduced, but the benefit must hereafter accrue to the whole community.

Subject to these remarks, we are ourselves of opinion that the employment of convicts on public works in the neighbourhood of Sydney, such as those now in progress on Cockatoo Island, is the best mode which could be devised for the punishment of criminals, for making them useful to the community which they have injured by their offences, and for their own reformation.

And we are further of opinion that any such public works may be perfectly and efficiently conducted by engineers and free overseers, by means of convict labor, without any difficulty whatever.

We think the regulations for the engineer department have at length become effectual for preventing any collision of authority; but there are wanting vast changes in the whole arrangements of the convict department to render it effective.

The

The preceding remarks will have shewn in what respects, nevertheless, we will briefly submit to you our views as to what these changes should be.

These would, in our opinion, be the appointment of a more suitable person as Commandant or Superintendent than the present gentleman.

We are by no means desirous of detracting from Mr. Ormsby the credit which is undoubtedly due to him of preserving any kind of authority and decency amongst a band of criminals so depraved as those who unhappily become the subjects of penal discipline.

Mr. Ormsby has, of course, had many difficult circumstances to contend with; and although we are not, as the general tenor of our letter will shew, at all satisfied with the results of his administration, yet we must do him the justice to observe that no authoritative system of discipline or government has been prescribed to him,—he has been left to follow his own somewhat mild and lax, but arbitrary, ideas of prison discipline.

We can find no sufficient excuse for the frequent disregard, in the particular instances we have pointed out, of those regulations which have been given to him, or for the improper use which he has made of the Government boat, of the policemen, and of the labors of the convicts.

The Commandant or Superintendent of a penal establishment such as that on Cockatoo Island, so near to the temptations of Sydney, and on which both free skilled laborers, as well as a large body of convicts are employed, should be a person long accustomed to strict discipline, a man of honor, and of high principles.

The emoluments of such a gentleman should be more commensurate with the charge confided to him than those of Mr. Ormsby have ever been.

The particulars also of what may be termed perquisites of office, such as convict servants, the use and extent of a garden, should be again so strictly defined as not to admit of any doubt. The regulations in force would certainly, in our view, appear to be sufficiently explicit; but they have been evaded.

It should not be allowed to be possible for the officer in charge to quote as his authority on any point verbal instructions, however given. His written instructions should be his only guidance, never varied, but in writing.

Secondly,—the Medical Officer in charge of the island should be resident, and fitting quarters should be provided for him.

Arrangements for the hospital should also be made, corresponding to those in use in Her Majesty's Hospitals, as to the various books and accounts kept, the drawing of diet, and other particulars; for the faithful carrying out of all which the Medical Officer should be responsible.

We disapprove entirely of the present establishment of a Resident Dispenser, and a Visiting Surgeon; instead of the former, we think a responsible Resident Surgeon is necessary.

As to inspection by an officer unconnected with the establishment, if that be deemed essential, we are clearly of opinion that it ought to be entrusted only to a responsible officer, under the general title of Inspector General of Prisons.

The employment as Visiting Justices of magistrates performing other and sufficiently onerous duties, without pay or emolument of any kind, has, in our opinion, been found in this case—and will probably be found in every case in which it shall be tried—a failure.

Thirdly,—the Chaplains should also be resident on the island, and suitable quarters should be provided for them.

To these reverend gentlemen should be committed, not only the spiritual charge, which they have by virtue of their office, and which should be daily exercised for the benefit of their people, but also the superintendence of schools, conducted by free and competent teachers, for the secular instruction of adult prisoners.

These points we think particularly necessary to be attended to in an establishment professing to have for its object the reformation as well as the punishment of the criminals.

If our suggestions on this head be approved of, it will be for the Government, the officer in charge, and the reverend gentlemen themselves, to devise and carry out a reform-

atory system to its proper extent, in the teaching of useful manual trades to the un-
 instructed but better disposed part of the criminals, so adapted as to make neither their
 punishment nor their instruction a sole object, but prudently, carefully, and with moderation
 to combine both.

There only remains to be submitted to you a minor change which we think should
 be made, as to the person supplying the prisoners with indulgencies paid for out of their task
 work earnings.

The person who has this privilege also supplies the Superintendent and subordinate
 officers of the establishment with necessaries.

The prisoners objected, on one of our visits to the island, to this arrangement, and
 we think this objection well founded. A distinct purveyor for the prisoners of their own
 selection ought to be permitted.

A, B, C, D,
 E, F, G.

In the appendices will be found the whole of the evidence taken by us in the inquiry,
 Mr. Ormsby's explanation, and various letters which passed between the Board and parties
 concerning it. The latter are not referred to in our Report, as not affording evidence upon
 any of the points investigated, and are only thus preserved in case hereafter any occasion
 should arise for their production.

We have the honor to be,

Sir,

Your very obedient servants,

W. W. BURTON.

E. W. WARD.

EDWARD C. MEREWETHER.

I dissent from the opinion which the Report contains of Mr. Ormsby's conduct in
 regard to the use of the Government boats at Cockatoo, for the following reasons:—

Captain McLerie was Visiting Magistrate of Cockatoo from 1851 to 1856. It was
 during this period that the extensive use of the public boats for private purposes was
 introduced, and it appears to me, from the evidence of Captain McLerie, to have been so
 with his sanction.

Nos. 149 to 152.

Captain McLerie states, that on the days on which Mr. Ormsby had the permission
 of the Government to leave the island he was allowed the visitors' boat, which for *that day*
 was considered at his disposal, if not required for the public service.

31 to 41.

136 to 138.

149 to 152,

and 160.

Dunning's evi-

dence, 170.

It has not been shewn or alleged that Mr. Ormsby ever quitted the island without
 leave. Captain McLerie has stated that he has granted leave for the boat to be taken
 fishing, with a net stated to have been purchased by the police, in their leisure hours.
 Leave was granted to the police to fish in one of the spare boats in the bay, provided the
 police were not on duty. This has been granted more than once by Captain McLerie.

Capt. McLerie,
 165, 166.

Captain McLerie also recognized Mr. Ormsby using the boat when not required for
 the public service, without leave from him.

Though the boat's crew were called police, it does not appear that they ever were
 required to do duty as police; and I believe further inquiry would show that they were
 entered as policemen, though in reality boatmen, to bring them under the provisions of the
 Police Act, as to discipline. I do not then consider that the crew, when taken on picnics,
 were necessarily taken from duty.

For these reasons, I consider Mr. Ormsby cannot be censured for the use he made of
 the boats, except on the occasion of his sending Mr. Pendrill to Sydney in an inferior boat—
 the visitors' boat having been taken for a picnic, under the knowledge of it being required
 for the public service.

At the same time, I do not approve of such a license being granted for the use of
 public property; it is liable to be abused, and is unnecessary. It remains, however, with
 Captain McLerie to justify the license he gave, and to satisfy the Government that he did not
 exceed his instructions.

E. W. WARD.

APPENDIX.

APPENDIX A.

Bathurst,
Wednesday Evening.

God in Heaven bless you, my dear Sir, for the exposure you have made of the iniquities of Cockatoo, of which I have complained over and over again to Dr. Woolley and others. But it was one of the many misfortunes of my miserable position that this should be regarded as the mere offspring of the impatience natural to me, placed in such a position. "Witness" strictures are not in the least degree overdrawn; and whoever he may be—I think I can guess who the writer is—I should be thankful, in the belief that I am only doing my plain duty, if you will tell him that I shall be happy to corroborate and enter into the details of all the complaints he has made. I should, of course, be glad that the publication of my name were unnecessary; but even this sacrifice I hold as nought in the contemplation of the good which might, and I believe will, accrue from your publication of Mr. Ormsby's abominable dealings. Mr. Pendrill will tell you how earnestly I sought to improve the condition of my fellow prisoners while at that miserable place, and how all my efforts were thwarted and undermined. Pardon my writing to you in this familiar strain, but I have waited so long for this consummation that my joy has, perhaps, got the better of my discretion. I saw the Chief Justice last week here, and mentioned this very subject to him; but he gave me no encouragement to enter into details. Mr. Dalley will tell you also that, if it is possible to do so, I am doing my best to retrieve my former good character here, in the face of most heavy discouragement. If I can support you in anywise in this crusade against tyranny, and I may say every conceivable iniquity, be assured I shall only be too happy. My sense of revenge, if it ever existed, has subsided, and I only regard those who I know are subjected to such an infernal influence.

* * * * *

I have, &c.,

J. ALWORTH MEREWETHER.

Free Press Office,
Wednesday Evening.

APPENDIX B.

(Private.)

Bathurst Free Press Office,
Friday Night.

Dear Sir,

I wrote so hurriedly the other day that I fear I was quite unintelligible; but at all events you must have understood my motive to express my gratitude for the energetic manner in which you have taken up the abuses at Cockatoo. I see a letter in Wednesday's *Empire*, signed "Still another Witness," which I believe to have been written by Mr. Taylor, the Clerk of the Bench there, or rather for him by a man named Hibbert, whose real name is Arnold, a prisoner and overseer in the hospital, who has been employed in a similar manner before, against Mr. Thomas the late Resident Engineer. It is well that you should know that this same Mr. Taylor is the individual who works the puppets on the Cockatoo stage; he forges the bolts which the Superintendent discharges; he is the M. Rodin to Mr. Ormsby's Aarigny; and a more crafty, unprincipled man, I believe, never existed.

The present Visiting Magistrate, Mr. North, can, if he will, bear testimony to the scandalous manner in which the Superintendent treated me and Beer; he accused me of exciting a mutiny, without the slightest shadow of a pretext for the accusation. I insisted upon its full investigation, and I have good reason to know that Mr. North saw through the whole thing. It was done to prevent my leaving the island at the expiration of my imprisonment, as there is a bye-law which prevents any prisoner who has received a sentence from the Visiting Magistrate from leaving the island for six months; thus in effect adding to the judicial sentence. This has been continually carried out in the instance of prisoners obnoxious to the Superintendent; he always has ready engines of perjury to support his wishes. Mr. Broderick, the overseer of the engine-house, can prove this. I would give much to be able to see you in *proprid personâ*; it is so difficult to convey all one wishes in a letter, and one so hurried as this. If I could afford it, I would come down to Sydney, where I much wish to be, on account of my own business.

There is also another point to which I very much wish to direct your attention. In the early part of 1856—I think in the month of March—a young man, named *Daniel Dunmore*, was attacked with pleuritis, and complained to the dispenser, asking to be taken into the hospital. The dispenser, however, a very ignorant man, most unfitted for his situation in every point of view, refused him admittance, and sent him to the exempt ground—a damp bank—where he was exposed to rain, and his disease was doubtless much aggravated by this treatment. He became so much worse the next day that he was literally carried from his ward to the hospital, and in three days died. He was a young man of one or two and twenty, the very picture of robust health; and the suddenness of his death, combined with the knowledge of his previous sufferings, all unheeded as they were, naturally produced a most powerful sensation among the other men, and, after a good deal of consultation and dispute as to what was the most preferable way of setting about it, they went in a body to Mr.

* 17—I

Brown,

Brown, and demanded a satisfactory explanation of the cause of his death. Their conduct was most violent, for they were much excited, and they threatened to drag the dispenser out of the dispensary by the hair of his head. I, however, interfered, shewed that by such violence they would defeat their own ends, and Mr. Brown suggested that a deputation should be sent up to Mr. Ormsby to request an investigation. They at once asked me to form one, and five others were chosen. We saw Mr. Ormsby, and after his usual system of deceit and treachery, he pretended to sympathise with the men, and granted them paper to make a statement to Captain M'Lerie, and every facility. I drew up the statement in the most temperate manner possible, and enumerated many other cases of cruelty at the hands of the dispenser, who is universally detested. To this document were appended the names of 163 men, all of whom had some grievance, real or imaginary, against the dispenser. After a delay of a fortnight, on a muster Sunday, Captain M'Lerie sent for the men who had signed the statement on behalf of the others—said that Dr. West had certified that the young man had been subject to pleuritis for some time previously—that he had refused medicine, and that an inspection of the hospital register would substantiate his statement. The first excuse should have entitled him, one would imagine, to more than ordinary care; the second was notoriously untrue, for he had refused his rations for three days previous to his admission to the hospital, and his groans at night disturbed his neighbours. Captain M'Lerie attacked me furiously as “a ringleader,”—threatened to send us all to the cells for 28 days, and said he was only prevented from doing so by the cautious manner in which I had worded the statement,—that he would do so on any future occasion, if he ever found two or three men conspiring together against the authorities, without a trial! The whole thing was treated as a plot to annoy the Government, and so it was hushed up. I have not the slightest doubt that both Captain M'Lerie and Dr. West connived at this—they must have done so. I have reported this to the clergy from time to time. An old man, named Murphy, also died from neglect not very long ago. The register in the hospital was altered to suit the story trumped up to meet the emergency, and a different treatment of Dunmore inserted. Beer, who has seen it, told me it was quite as improper as the one they were said to have adopted in the first instance. I cannot tell you how I have been persecuted while there in consequence of my connection with the *Herald*; Mr. Ormsby was so fearful of my exposure of all these things. With regard to the death of Hourigan, who was said to have been murdered, I believe in my heart that it was the result of a pure accident. He was a very quiet inoffensive man, and on the best possible terms with the man who is said to have struck him. This man (Smith) happened to have made himself obnoxious to the Irish party, who were all-powerful there, and they, being backed to their heart's content by Mr. Ormsby, wreaked their vengeance upon him by making this accusation. I think none of the better disposed men believed it at all. The clergy can tell you how very hard I worked to get up a school there, at the request of the men themselves, and how I was thwarted by Mr. Ormsby's representations to the Chaplain. I made, together with Beer, a formal complaint against Mr. O. to Mr. Pendrill, but he had not discovered as much as he knows now of the place. Father Kenyon, too, of the Sacred Heart, is well aware of what I had to endure there. I have the very worst opinion of the Superintendent in a moral point of view; I have heard him utter the most frightful blasphemy, seen him stamping and jumping with rage outside the door of his office, positively foaming at the mouth; I know, too, that he has concocted, or connived at the concoction of, false accusations against prisoners placed in “billets” where they were likely to see too much of the *depons les cartes*, and could not be made to act subserviently to their ends.

* * * * *

I trust that if any investigation does take place every encouragement will be given to the prisoners to come forward and say what they know. The mental imbecility to which the Superintendent would reduce all who come under his authority, and the consequent intimidation which he can exercise, prevent many from ever speaking the truth; but they would do so if security from further tyranny were assured them. Mr. Ormsby, has many most clever *aides-de-camp*, especially the man *Hibbert*, whom I have already mentioned, and they do not hesitate to employ any artifice or perjury to support him in any difficulty.

I must apologise to you for the length of this note, but I think you will yourself find an excuse for it. I have always so longed to find some means of communicating with you when I was upon the island, but I was so narrowly watched, and every one was a spy upon me, for some reason or other,—for I believe the Engineer's department looked upon me as “a chiel among them taking notes,” as much as the other party did. Mr. Ormsby made me promise, when I first went there, and before I knew anything of the place, that I would never write anything to be sent off the island which had not been previously seen by him. Of course this was done in anticipation of what *might* be. The present Chaplain, Mr. Agnew, knows a good deal which, I should think, he could have no possible objection to divulge. I have communicated much to him, and Mr. O. tried hard to prevent my having any intercourse with him.

* * * * *

I remain, &c.,
J. F. ALWORTH MEREWETHER.

* * *

APPENDIX C.

COCKATOO ISLAND AND ITS DISCIPLINE.

To the Editor of the *Empire*.

Sir,

The mail which arrived to day placed me in possession of several of your impressions, containing a number of letters and editorial articles on the disgraceful state of our Penal Establishment at Cockatoo Island. So far from the facts of these letters being exaggerated, I can assure your readers that I can bear my humble testimony to their truthfulness, even to the minutest particular. If it is possible for man to realise "a hell upon earth" we have only to visit Cockatoo between the hours of six and eight in the evening, and there we have it in all its hideous deformity. It is no exaggeration, Sir, to say that it is a hot-bed of vice—a nursery of crime, a den of the blackest infamy, where crimes that would rise the blush of burning shame upon a demon's cheek are nightly perpetrated,—and yet the guilty heartless wretches who are the perpetrators of these diabolical crimes—crimes that brought such a fearful retribution on Sodom and Gomorrah—have been frequently chosen to rule and domineer over their fellow prisoners. Even the ruffian Synnet, who attempted to assault Mr. Mann, and called him "a grey headed old —," who has been to Norfolk Island, and to all the penal establishments in the Colony, and was even charged with committing a nameless offence, was selected to fill the office of "camp constable," the highest official position it is possible for a prisoner to occupy on the island; and his predecessor was perhaps about as cold blooded a monster as ever trod the surface of God's green earth, and his successor but little better.

As to discipline, Sir, there is not such a commodity to be found on the island, except it be in the military quarters. The prisoners are all huddled together like so many wild beasts. The youth of eighteen, young and inexperienced in the ways of the world, being linked with one whose hairs are grey with vice and villainy, and the clattering of whose manacles proclaims him a murderer, or a felon of the deepest dye. The sad results of this constant association with the most hardened offenders are often but too apparent. Touch pitch and defilement necessarily follows. Crime, like the hydra-headed cholera, is contagious, as many a young man who has had to suffer punishment at Cockatoo will bear me testimony. Immediately he lands on the island, no matter how high and respectable a position he might previously have occupied, he is compelled to co-mingle with villains of every shade and dye. At night he is compelled to listen to the disgusting recital of their deeds of darkness—to their fearful oaths—their awful imprecations—their threats of vengeance,—and sleep is banished from his sorrowful eyes by the wild chorus of vulgar, ribald, and licentious songs. He has no kind instructor to give him a word of advice; his clergyman he sees and hears but for an hour on a Sabbath-day, and he is left to dwell in an atmosphere which religion never pierces, and which is thoroughly impregnated with every species of degradation and depravity. And this, Sir, is our Reformatory Institution!—this the establishment to which we send our criminals, in order to satisfy the law's demands, and to make them wiser and better men. Surely inquiry into such an abominable state of things becomes an imperative necessity.

There is one circumstance, Sir, which occurred in June, 1856, which appears to have escaped the notice of your correspondents, and which I bring under your notice, in order to show the gross carelessness which pervades every branch of the Penal Department of Cockatoo. A young man, in the month and year above alluded to, went to the Resident Dispenser, and complained of a severe pain in his side; he was told by the worthy disciple of Esculapius that he was scheming, and that if he came again he would put him in the cells. On the following day he applied again, complaining still of an increasing pain in his side, and received from the kind (?) Christian (?) dispenser a dose of strong Epsom salts, and told to proceed to his work. His fellow-prisoners were moved to compassion at his unfortunate position—disrobed themselves of their grey jackets, and made him a bed upon which to rest his weary limbs. The next day he was received into the hospital, and in two days subsequently was a corpse! Exasperated to observe a young man cut off, at the age of twenty-one, through gross negligence and cruelty, the prisoners made a complaint to the Superintendent, and requested an investigation. The facts of the case were placed on paper, and laid before the Visiting Magistrate, who declined to interfere, and even gently rebuked Mr. Ormsby for being so foolish as to allow the prisoners to make a charge against a free officer! The young man died from inflammation of the lungs; and there can be no doubt that, had he received proper medical treatment in the first instance, he would have been alive to this day. Facts, Sir, are stubborn things. *Magna est veritas, et prevalebit.* It cannot be denied that Cockatoo Island is in a most deplorable condition; and it becomes the duty of our present Government to see that the wishes of the public are complied with, by a searching and rigid investigation into the truthfulness of the statements which have recently gone forth to the world, bearing the strong impress of truth and veracity.

I enclose you my address, and remain, &c.

Darling Downs,
16 Oct., 1857.

G. H. W.

APPENDIX D.

278, Pitt-street,
22 July, 1857.

Dear Sir,

I was truly grieved at the turn matters took yesterday morning, and you must have remarked that I never made an observation nor spoke to either after the violent language I heard used; but when you recollect that Mr. Ormsby is my personal friend, I am sure you will feel, on reflection, the very unpleasant position you would put me in if I were to advise you against him. If you asked me if I would state what took place, if necessary, my answer would be, certainly, honestly and impartially, if he were my brother. If you do not know how to act yourself in this matter, it cannot be possible but you have a friend capable to whom you should make a full statement and be guided by him. You must have perceived I did not bid Mr. Ormsby good-bye, neither did I wish you to accompany me to the boat, so that neither party should suppose I acted with the slightest partiality, and, should I ever be called on to express my opinion, you may rely I shall do so with the same spirit.

Believe me, &c.,
GEO. WEST.

Saturday Morning.

(Reply.)

Let Mr. Peers prove before Dr. West when and where I made use of the expressions he accuses me of, relative to Dr. West's non-attendance on Friday week, for Monday morning last is the only time I spoke to him since Sunday week. If he can prove such a thing, I will willingly retract, but certainly not otherwise.

CHAS. ORMSBY.

Fitz Roy Dry Dock,
29 July, 1857.

Dr. Peers,

In accordance with your request, I beg to state that I was present during the time Mr. Ormsby was swearing at and abusing you on the morning of Tuesday, the 21st July, and am willing at any time to state what I heard.

Yours truly,
JOHN DUFF.

July 24, 1857.

Sir,

In submitting to you the following remarks, I sincerely trust you will give them your best consideration, which I feel assured, in your cooler moments, you will.

I sincerely regret the turn matters took on Tuesday last; what I said and did I considered to be my duty, and further, I believe you intended that Dr. West should know of what you said.

It is not impossible but I may be mistaken, but such was my impression. I assure you most solemnly that I never tried to injure you as the private and personal friend of Dr. West; on the contrary, I have often spoken to the Doctor of your kindness to me, to which Dr. West can attest.

I feel that I cannot submit to the fearful language used by you to me on last Tuesday, in the presence of my *superior officer* and the hearing of a *number of convicts*.

Whatever my present position may be in this island, I have always held that of a gentleman, and, therefore, I trust and hope you will see the propriety of retracting your assertions.

I am willing to make all allowances for your age, position, and, I must add, infirmity of temper. I would not wish you to do anything derogatory to your position on this island, or your character as a gentleman.

As to relative position being any impediment to your making any acknowledgment, I feel you would add to the dignity of a gentleman by recalling the offensive language used, for, were a noble to insult a day laborer who gets his bread by the sweat of his brow, and he knew that laborer could not resent the insult by meeting him like a gentleman, I have no hesitation in saying that that nobleman would sooner amply apologise than the feelings of the laborer should be outraged.

In conclusion, let me assure you that I never tried to injure you in any way whatever since this affair took place; I have refrained to mention it to any one except Dr. West, who declined to act in the matter, as you were his personal friend.

I fervently hope you will consult your better feelings, which, I feel sure, will prompt you to do that which is correct and just. Let me remind you that you are the father of a family; you have sons; those sons have sisters—pray, let me ask you what your feelings would be if one of your sons was called what you called me, and which I am ashamed to repeat; you would feel as I do, that violence had been done to the feelings of yourself and family, which nothing could remove but an ample apology.

J. F. PEERS.

The language used to me was, that I was "a damned liar, a damned scoundrel, and a villain, and a damned pimp."

J. F. P.

APPENDIX

APPENDIX E.

Mr. Samuel North examined, 20th October:—

I visit the island once a week, and hold Court. During the time I have been Visiting Mr. S. North.
Magistrate the convicts have behaved well. I have no suggestions to offer respecting their 20 Oct., 1857.
general treatment. Do not consider any regulation respecting myself requires alteration, nor respecting any other department on the island. I have always found that the discipline of the island has been carried out for the good of the service, and that the Superintendent has carried out the regulations and instructions faithfully. Eight months since, heard a complaint against the Superintendent to the effect that the cooks made the homminy bad, in order that it might be rejected and given to the Superintendent's fowls. I inquired into the matter, found the homminy bad, but had no reason to suspect that the homminy had been wilfully spoiled. I recommended a course to remove suspicion for the future; there was one complaint since, but it proved without foundation. My recommendation was to throw unconsumed homminy into the sea. I do not believe there is a pig on the island; there are fowls and goats, but, I believe, in accordance with the regulations. During the Superintendent's absence from the island the Assistant Superintendent (Mr. Brown) takes charge. The prisoners' daily rations are received by a delegate chosen by themselves; the delegate was formerly appointed by Mr. Ormsby, but, for the satisfaction of the prisoners, they were allowed to choose their own.

Mr. Ormsby examined:—

I have been Superintendent 16 years, and 44 years in the service; nearly 2 on Norfolk Island as Assistant Superintendent of Convicts and Visiting Magistrate; am exactly 60 years of age. I find the regulations for my guidance sufficient, and requiring no alteration. Mr. Ormsby.
I carry them out faithfully. There are no pigs on the island; there are goats, but not, so far 20 Oct., 1857.
as I am aware, beyond the prescribed number. Send requisition for provisions every morning to the contractor, Mr. Johnson. I draw the provisions for the convicts. The officers generally make arrangements with the contractor. I inspect prisoners' rations every morning; if bad, the provisions are condemned by a Board, and returned. There is a school on the island to educate free children; about 26 attend; they are taught by a convict; application to Government for a free schoolmaster was formerly made, but refused. One Roman Catholic and one Protestant clergyman attend twice a week. If a prisoner requires special attendance of a clergyman he is sent for. Divine Service is performed on Sundays by each, once. I sometimes attend, my Assistant Superintendent always. The sacrament has been administered some three or four times in the last sixteen years—the last time was about eight months since. There are three boats, viz., guard-boat, the visitors' boat, and a spare boat belonging to the island. The visitors' boat is for taking officers to and fro. The boats are never sent purposely for any other purpose, but visitors occasionally take the opportunity to come in the boats. The officers of the Civil Engineer Department can, on application to me, obtain a passage in these boats, on the same footing as my own officers. The usual way of transit to the main is by Waterview. My two sons have boats. They are employed daily in Sydney, and live with me. My sons are allowed to reside here and have boats, by verbal permission of the late Governor General, communicated by the Visiting Magistrate, Capt. McLerie. They never bring private visitors without authority to the island. My own private visitors get the permission of the Visiting Magistrate, and come in the visitors' boat. The officers of my department get leave from me to leave the island; the officers of other departments get leave from their respective heads. My sons generally return from Sydney by 6 p.m., but my younger son has been permitted to land as late as 11 at night. My daughters have sometimes accompanied my sons to the play, and have returned as late as 12 o'clock at night. Their boat is moored off at the proper buoy, in charge of the police. Letters written by the prisoners to friends off the island are read by my clerk, initialled and sealed by him.

Capt. Mann examined:—

I have had charge of the Engineer's Department on the island during eight years, Capt. Mann.
especially the Dry Dock. The work of the dock has been done by prison labor, with a slight 20 Oct., 1857.
exception. The men are handed to me, or my overseers, every morning, and are distributed. I have at times doubted if all the available men have been handed over to me—that is, mechanics have been retained for servants, &c., and laborers sent in their place on the works. Eighteen months or so ago Perry, the black, was kept back; a shipwright was taken off the works and employed in the cells. I did not make any official remonstrance in the matter. I am instructed in Colonial Secretary's letter of 24th March, 49, and 12th May, 52, to perform all the mechanical works on the island. I have reason to suppose that such have been performed without my authority. On the 29th October, 1856, a prisoner was kept from work for the purpose of repairing slings for hauling up the Government boats; also, on the 27th of the same month, a requisition was made to Mr. Thomas for a man to build a chimney to a forge, and was granted. I have no other specific complaint to make against the Superintendent of having prevented my carrying out my duties, but I do not consider I have generally received cordial assistance from him. For instance, men having been taken off the works at a critical period, of which I complained to the Government, and which was investigated and reported upon by a Board. Nothing has occurred of a like character since that report. I am not impeded in any part of my duties by the Government Regulations.

23 OCTOBER, 1857.

Mr. John Taylor called in and examined :—

Mr. J. Taylor. I am Clerk to Superintendent and Clerk of Petty Sessions. I have been ten years here, and have charge of books and office, and have to keep records of Visiting Magistrate and Superintendent—under whose orders I am. The daily requisition for rations for convicts is drawn out by me, and signed by the Superintendent, and then given to the contractor. I do not draw the rations for the free officers; they are drawn by themselves. Some families draw all bread, some meat and bread. I draw my rations of meat twice a week, and my bread daily. Some officers compound with the contractor to secure meat instead of bread, and *vice versa*. The contract valuations. The tea and sugar of the free officers are supplied monthly to the Superintendent, who distributes them. The convicts are allowed sugar and salt, issued, the former twice a week, the latter once. These rations are weighed over to the delegates. We draw full diet for the whole of the men on the island, including those in hospital. The delegate issues the full diets to the overseer of the hospital without consideration of the diet which may be ordered for the patients. There is sometimes a surplus of homminy, chiefly in summer, which is invariably thrown into the sea. All reports of complaints are made to the Superintendent, who acts on them personally. On any boat approaching the island, a report is made to the Superintendent; the boat is received by the Superintendent, or his Assistant, who, for this purpose is the Inspector of Police. A report is made daily of all boats and persons arriving and departing by the Inspector. Report for 22nd annexed.

If complaints are made of any provisions, a Board is appointed by the Superintendent to investigate, in accordance with the provisions of the contract for supplies.

The man who supplies the indulgencies to the convicts, which they purchase out of their task money, is a Mr. Chandler,—attends the island every morning. Twice a week the prisoners come to the office, and the articles they require are taken down on the list, paid for at the time at Chandler's prices, communicated to the convicts by me. The following morning the list is given to Chandler, with the money, and the day after the goods are supplied. The indulgencies consist in tea, sugar, coffee and tobacco. Mr. Chandler supplies also free persons on the island including Mr. Ormsby, the Assistant Superintendent, and all free officers, more or less. Mr. Chandler supplies to them the same articles at the price paid by the prisoners.

A shop list, as laid before the Board, is a specific list of articles required by each man, and of the sums paid by each; an abstract is furnished to the shopkeeper; the sum is paid here and the receipt taken. (*A receipt was shewn to the Board.*)

Complaints have been made, but not lately; all such are immediately communicated to the Visiting Magistrate, and his decision taken and recorded.

All payments of public claims against the department are made by the Visiting Magistrate, by cheques drawn on sum placed to his credit at the Joint Stock Bank, and the account kept on the usual Government form. A task-work return is made by me monthly; the task-work clerk shewing the total amount of credit due to each man,—this is called the Task-work Register.

By the Board: Is there any check that the proper number of rations is issued to the prisoners daily, and no more? Yes. The check is that a list is supplied monthly to the Colonial Secretary showing the number of convicts rationed daily on the island; the contractor's claim is made out by himself from the requisitions, and is checked in the Superintendent's office before payment by the Visiting Magistrate; and the Government is able to check the quantity demanded in the requisitions from the returns we make to the Colonial Secretary.

Mr. Ormsby called in and examined :—

Mr. Ormsby. I remember the circumstance (stated in N.B.'s letter of 22nd September in *Empire* of 26th) of a disturbance on the island on Sunday; it occurred in the afternoon, in the prisoners' yard, not during Divine Service. The circumstance was as stated in my letter to Visiting Magistrate forwarding my replies to this and other charges in the *Empire*.

With reference to the discharge of the prisoner "Old Fox,"—he was discharged on the recommendation of the Classification Board, by direction of His Excellency the Governor General. I produce the letter communicating the decision of the Government. With respect to the prisoners Clarke and Roberts, they concealed themselves for the purpose of escape. I brought the case before the Visiting Magistrate, who discharged them; no reason for their discharge was recorded. Whenever a case of unnatural crime has been brought before me, I have reported it to the Visiting Magistrate; and whenever I have a doubt or suspicion of such a crime being contemplated, I have taken the precaution of immediately separating the parties. With respect to the Chinaman,—there was one sent to the cells for refusing to work; he had a desire to make a complaint, and at his desire an interpreter was sent for and came; he made his complaint to the Visiting Magistrate, who investigated it on 22nd April, 1857; his name was Tan, the man seen in the cells by the Board on the 20th instant. The nature of the complaint was that he was convicted of an offence of which he was not guilty, and that his former master, Mr. Sandeman, owed him money. He had asked for an interpreter several times before one was obtained, and before he was confined in the cells. An interpreter was obtained as soon as possible.

With respect to the sparring alleged to have taken place on the island—there was a man named Perry, overseer of the cells, a tall, athletic man, a boxer; he served two sentences here. I never witnessed a sparring match between him and another person. I never visited the yard, nor did either of my sons, to my knowledge, during a sparring match. I never knew of a sparring match going on. I have heard a few days after the occurrence that one has taken place between Captain Macdonald and Perry during the time Mr. Naper, of the

the 11th, was officer of the guard. Captain Macdonald and some of his friends came to the island on a visit to Mr. Naper, by an order of the Brigade Major. At Mr. Naper's request I allowed Perry to go to the officers' quarters, on the ground that Captain Macdonald wished to see him. I was informed a few days after that he and Captain Macdonald had sparred together. I did not know that Perry was required for the purpose of sparring, or I should not have allowed him to go. Neither of my sons were present at the match. Sinclair, another boxer, was prisoner on the island with Perry. I was not present at any match between them, or my sons, to my knowledge. I don't remember hearing of a match between them in public or private on the island. Perry was a very remarkable man. Five years ago my younger son, I believe, received some lessons from Perry without my knowledge or consent. Neither Perry nor Sinclair was ever employed as cooks. Sinclair was by trade a barber. Sinclair was discharged from the island about five years ago—Perry for the second time two months since.

Mr. Ormsby.
23 Oct., 1857.

I am aware it has been said that a cedar plank was found near my quarters. Three decayed boards of little or no value were so found, which I believe had been taken from the stores by some one, I don't know by whom, or how they came there. I had nothing to do with it. I thought at the time they were put there for the purpose of annoying me. I reported the circumstance to the Visiting Magistrate, in a letter dated 21st August, 1856, of which I hand in a copy.

With reference to the charge that I had refused to give the visitors' boat to the Chaplain to proceed to Sydney, on the ground of its being repaired, I do not recollect the circumstance. I have gone in the visitors' boat with my family on a picnic. I do not know of any regulation forbidding me to use the boat so. I am in the habit of using it one day in the week for my private purposes, that is, taking myself and family to Sydney in the morning, and returning to dinner at three o'clock, keeping the boat during the time. I have not used the boat for picnics more than three times for the last sixteen years. I have not used the visitors' boat for my own more than one day in seven. I consider the visitors' boat under my orders in the absence of the Visiting Magistrate, and I am responsible for the use of it.

Mr. North re-examined:—

The visitors' boat is under my orders when I require it, at other times it is under the Superintendent's orders, for public purposes. I know of no authority for the boat being used for picnics or for any private purpose. I am aware that the Superintendent has used it to go with his family to Sydney once a week. I found that custom existing when I took charge as Visiting Magistrate, and I have not interfered with it, supposing that it had the sanction of authority.

Mr. North.
23 Oct., 1857.

Mr. James Henry Thomas was called in and examined as follows:—

1. *By the Chairman:* You are, I believe, a Civil Engineer? Yes.
2. And were lately employed upon the works on Cockatoo Island? Yes, as Resident Engineer.
3. Under Mr. Mann? Yes.
4. How long have you been employed in that capacity? Nearly four years.
5. Of what class of persons did your workmen consist? They were all prisoners; we employed no free labor, with the exception of two or three men who came out from England as mechanics, to put up the caisson.
6. The overseers—what were they? They were all free men.
7. But not belonging to your establishment? Yes.
8. You had quarters on the island, had you not? Yes.
9. Had you any family with you? My wife.
10. There have been a series of papers laid before us, published in the *Empire* newspaper, letters and articles relating to the state of Cockatoo Island,—are you aware of the circumstances referred to in them? Yes, I am aware of many of them.
11. Will you be good enough to look at this paper, the *Empire* of the 26th September. (*The Chairman handed the paper to the witness.*) You will there find a letter signed "N. B."? Yes.
12. Do you observe that this letter signed "N. B." is dated September 22nd? Yes.
13. Were you upon the island on the Sunday previous to that date? No, I was not there.
14. You had left the island at that time? Yes.
15. Then I presume you cannot speak upon any facts stated in that letter? No, not to this particular fact, but I have often during my residence on the island heard the same thing on Sunday.
16. What have you heard? A great noise in the camp, hallooing, and so forth; in fact almost every Sunday.
17. Were you in the habit of spending Sunday on the island? Occasionally.
18. And you have heard disturbances and noises upon that day similar to those described in this letter? Yes, the whole four years I have been upon the island.
19. At what time of the day? Generally in the afternoon; in the morning they were generally pretty quiet, on account of the clergymen coming down.
20. At what time in the afternoon have you heard this? In the afternoon or evening, when they were all mustered, and when they were in the wards as well, there was generally singing going on.
21. Was that on the Lord's Day more than on any other? I do not say that it was more on the Lord's Day, but every evening when they were in the wards they were singing.

Mr. J. H. Thomas.
23 Oct., 1857.

- Mr. J. H. Thomas.
- 23 Oct., 1857.
22. You are aware, I suppose, what time the Roman Catholic Clergymen spent on the island? He used to come sometimes in the morning; I forget whether it was before or after the Protestant Clergyman.
23. Did you attend either service? No; only three officers attended.
24. Do you know the time of attendance of the Protestant Clergyman? He came in the morning, but I cannot say the time.
25. You cannot say whether these noises were during the time these gentlemen were on the island? They generally came in the morning, and very seldom these noises were in the morning.
26. Are you quite sure you are correct about that—did they both come at the same time, or did they come at different times? They did not come together, because the boat used to go in with one, and upon its return bring the other.
27. Look at this paper, the *Empire* of the 2nd October, and you will there see a letter signed "Witness"? (*The Chairman handed the paper to the witness.*) Yes.
28. Can you speak to the facts contained in that letter? I have read the letter, and I believe everything stated in that letter is perfectly correct.
29. Are you the author of this letter? No; of neither of the letters you have shewn.
30. Did you see it before it was printed? No.
31. Do you know the author of it? No; I know the author of the first, but not of the second.
32. Respecting the rules and regulations—are you acquainted with the rules and regulations of the island? No; I do not know that there are any connected with the penal department; I have never seen any beyond the general regulations of the island; I have a copy of them, but they are not very explicit.
33. Were there any regulations affecting your establishment? All the regulations I had came from Captain Mann.
34. Will you be so good as to look at these regulations, and you will see some referring to the Civil Engineer—were you acquainted with these on the island? (*The Chairman handed to the witness the General Code of Regulations, approved by the Executive Council, 10th September, 1855.*) These are the regulations I have seen.
35. You are acquainted with them? Yes, we have a copy of them in the office.
36. Do you know of any breach of the first of these regulations in your own person? No breach of it from the time these regulations were made.
37. You know the regulations—is any one of them in itself such as to have been an impediment to you in the performance of your duties as Civil Engineer? No, I do not know that any of them were, without looking through them.
38. I suppose you have made yourself acquainted with these regulations before? No, I do not think so.
39. Has the operation of any rule been such as to impede you in the execution of your duty as Civil Engineer? No.
40. *By Captain Ward:* Have these regulations, as far as concerns yourself, been administered oppressively? With the exception of that one allowing people to land upon the island, I do not know of any. Mr. Ormsby allowed his own friends to land upon the island, to see his own family, without the order of the Visiting Magistrate, but he would not allow mine.
41. In allowing his own friends to land on the island, has he acted in conformity with these regulations? Yes.
42. *By the Chairman:* Of your own knowledge—and I must ask you particularly as to that—of your own knowledge, do you know of any infringement of these regulations? Yes; an infringement of the regulation, that no person having daily business in Sydney should be allowed to reside on the island.
43. What is that instance? Two sons of Mr. Ormsby, who are resident on the island, have daily business in Sydney.
44. Is there any other point you can mention? No, I think that is the only one.
45. Do you know of any irregularity to which that circumstance gives rise, of your own knowledge? No, I cannot say that I do.
46. Do you know, of your own knowledge, of any person having applied to the Superintendent for the regulations, who has not been able to obtain them? I have often heard the police —
47. That is why I guard myself; I say, do you know of your own knowledge? No, I do not.
48. Was there a policeman named Gleadall discharged on the charge of drunkenness? Yes.
49. You know that as a fact? Yes.
50. That was in your time? Yes, in my time.
51. Was he discharged from the police? He was.
52. Do you know anything, of your own knowledge, with reference to the charge—whether he was drunk or not? Not of my own knowledge; I was in no way connected with the police and could not know.
53. But you said just now that you knew the facts stated in the letter to be true, and I am anxious to have them categorically stated—by whom was he discharged? By the Visiting Magistrate, but upon the advice of Mr. Ormsby.
54. Upon the complaint of Mr. Ormsby, I presume, you mean—his complaint or advice—do you know, of your own knowledge, whether that man had asked for the regulations? Not of my own knowledge.
55. Do you know anything of the circumstances of an assault being committed on the police on the North Shore? Not of my own knowledge, but from hearsay.
56. Did you ever know any person to be punished, directly or indirectly, for demanding to see the regulations? No, not of my own knowledge. I have heard it complained of.
57. Did any prisoner ever complain to you that he had been punished for violating rules he had not the means of knowing? No.

58. Did you ever know, of your own knowledge, of any one being sentenced to the cells for insolence to the Superintendent or overseers? Yes; I recollect one case where a prisoner came up and wanted to see the Governor, I think it was during the time the Governor was on the island, and Mr. Ormsby refused to allow him; he was very insolent to Mr. Ormsby, and was sent to the cells by him. I know that of my own knowledge, for I was present; but I have heard of many other cases.
59. You were present and saw that the man was insolent? I was present on that occasion.
60. Do you know anything of a particular Chinaman being committed to the cells for throwing down his tools and saying he would not work? Yes; I recollect one case of that kind.
61. Were you present? Yes.
62. Did you see him throw down the tools, and hear him say he would not work? Yes; I saw him throw down his tools.
63. Did he speak in English? No.
64. Did you hear what he said? No.
65. Were you near enough? Yes; he said something in Chinese.
66. Not in English? No.
67. He threw down his tools and walked away? Yes.
68. What had he been working at? I know he had a pick in his hand.
69. Had you seen him for any length of time working with a pick? Yes, just before. I do not know whether that is the case referred to there.
70. Had he been working any time that you saw him? He had been some time—several times.
71. I mean on this day—I am only inquiring about this day? It was somewhere about the middle of the day.
72. Had he other men at work with him? Yes; there was a gang with him.
73. He threw down his pick and walked away, saying something in Chinese, which you did not understand? Yes.
74. Did you hear him say, "Interpreter no come, I no work"? No, I did not hear him.
75. You were so near as to hear him speak in Chinese? Yes.
76. But not in English? Not in English.
77. Did you ever know of any prisoner in a cell desiring to attend Divine Service on the Lord's Day? No.
78. Were you ever present when the Superintendent inspected letters sent by the prisoners or received by them? I have been present.
79. Will you tell us on what occasion, and what transpired—what was the mode of doing it? I could not say the date; but I remember one day being there when the Superintendent inspected a letter of a prisoner. There was something he wished to refer to in one of the letters, and he called Mr. Taylor to hand him over that particular letter, and he then read it out to me.
80. Mr. Ormsby read it? Mr. Ormsby.
81. Who else was in the office? Mr. Taylor; I do not think any one else.
82. Did any prisoner ever complain to you of the mode in which his letter was read? No.
83. Was there anything indecent or unbecoming in the mode in which Mr. Ormsby read this letter? He laughed over it: it was something about a sister.
84. With whom did he laugh? With me and Mr. Taylor: there was some queer expression made use of in the letter.
85. Was the convict present himself? No.
86. Was any other prisoner? I would not be certain whether one of the prisoner clerks was there, but he has been there two or three times when letters have been read over.
87. Did you observe any indecency in the mode of reading the letter? No further than he would read the funny passages and say, "This is a queer thing to say."
88. He made that remark aloud? Yes.
89. Was the prisoner present on either of those occasions? No.
90. And the remarks he has made have raised a laugh? Yes, they have raised a laugh.
91. Did you ever hear any one charged with committing an unnatural crime which was not inquired into? Yes.
92. How did you know it? I knew it from hearsay; as to the charge itself, I could not of course possibly know.
93. Did any of the prisoners tell you that such a charge was made? I have heard from people on the island with reference to the two men that concealed themselves that they did so for the purpose of committing an unnatural offence.
94. Was it the report of the island that the two men you allude to—that is the two men who absconded and concealed themselves on the island—did conceal themselves for the purpose of committing an unnatural offence? Yes; and I believe Mr. Ormsby told Mr. Duff—
95. That is going too far—were you present when Mr. Ormsby told Mr. Duff anything? No.
96. And you never inquired into the real facts of that case? No.
97. Are you aware whether the Visiting Magistrate did? No.
98. Was it his duty to do so? I believe it is.
99. Do you know of any person on the island having been accused of appropriating the provisions of the prisoners? No, but I have heard it; I know Mr. Ormsby was accused of appropriating the rations of the prisoners.
100. Do you know under what circumstances or to what extent? No; I think it was seven pounds of beef one morning that was taken up to his place.
101. Do you know the circumstances? No; no further than that it was taken to his place and appropriated by him.

- Mr. J. H. Thomas. 102. Do you know that he did take that? No; I only know by hearsay.
103. You say you are not the writer of the letter signed "Witness," and do not know who is? No, but I know who "N. B." is.
- 23 Oct., 1887. 104. But you do not know "Witness?" Not "Witness."
105. Did you ever know any act committed by Mr. Ormsby that was unjust or discreditable to the establishment? Yes.
106. Tell me what it was? There was one case, where I could not say that he took the cedar, but we missed a large plank of cedar out of the lumber yard; I informed Mr. Ormsby that it had been taken from the engineering stores, and he said, "Well, I will make inquiries and see who has taken it." He came out of the gate about a quarter of an hour afterwards, and said he heard one of my own foremen (Mr. Cahil) had got it in his quarters. I went down to Mr. Cahil's quarters, and told him I had heard such a report; he denied that it was true, and I then looked about the premises and found there was nothing there. I went to Mr. Ormsby, and told him Mr. Cahil had not got it. He said "Never mind, wait a little longer, we will try and find out who has taken it." Some time after that it was brought down from his house by the gardener to Mr. Cahil.
107. *By Captain Ward*: Which do you think the discreditable part of the transaction on the part of Ormsby? Mr. Ormsby must have known it was in his place.
108. How must he have known? A large cedar plank could hardly be taken without his knowledge.
109. You consider that Mr. Ormsby knew—you only believe that he knew? I believe he knew.
110. *By the Chairman*: You say you spoke to Mr. Ormsby about it yourself? Yes.
111. And that then he told you what he supposed about it? Yes.
112. Had the plank been lost on the day you spoke to Mr. Ormsby about it, or previously? On that day.
113. The day it was missed? Yes; it was during dinner time it was missed—between one and two o'clock.
114. Was Mr. Ormsby on the island on the day on which it was missed—be particular about that? Yes.
115. You are quite sure of that? I feel sure of it that he was on the island.
116. You are sure that he was not off the island on that day, and that he did not come back the next? Yes.
117. *By Mr. Merewether*: Was it a plank of any value—was it a two-inch or a one-inch plank? I think it was a two-inch plank, and twelve or fourteen feet long.
118. Was it sound? It was sound.
119. Useful timber? Useful timber.
120. *By Captain Ward*: For what purpose do you think Mr. Ormsby would have appropriated it had he taken it? To the making of furniture; I know he has done a great deal in that way.
121. Can you say that from your own knowledge? I have never been in his place, so that I cannot say from my own knowledge, but I have seen it go up from the wharf—legs of chairs and tables that have been turned in Sydney.
122. Not from Government timber? I could not say from Government timber.
123. *By Mr. Merewether*: What did you purpose using the cedar plank for? We had it in stock to use it for patterns and a variety of things.
124. *By the Chairman*: Respecting the use of the boat for the officers of the establishment—have you any complaint to make with respect to the mode in which that boat was used? The officers of the engineering department could never have the use of it. I have been down to the boat, and wanted to go to Sydney, and have been refused by the coxswain.
125. Did you ever apply to the Superintendent? I have applied to the Superintendent, and he has told me that the boat belonged to his department, and he would not let any one else use it.
126. *By Captain Ward*: Have you been refused since these regulations have been in force? Yes.
127. Can you specify any particular instances when you have been refused? I could not specify the dates, but I could say for certain I have been refused half a dozen times since these regulations have been in force.
128. Upon the plea that the boat has been required for the public service? No; it has been going to town with no one in but the crew. Upon one particular occasion Mr. Kenyon, the Roman Catholic Clergyman, was going to town. I went down to the wharf and was going into the boat, when they refused to go off with the boat and to take me to town. They said I had no right in the boat.
129. *By Mr. Merewether*: Was this occurrence subsequent to the promulgation of the rules? Yes.
130. *By the Chairman*: Have you ever known the boat to be used for parties of pleasure? Yes, many times. I have seen it go away with stores up Lane Cove; on one occasion I saw it go up to Five Dock, and I have seen it go away to various parts of the harbour.
131. How often have you seen that? While I was on the island I should say from twenty to thirty times I have seen the boat come back from pleasuring.
132. On these occasions was Mr. Ormsby in the boat? Yes, or some of his family.
133. You have seen that twenty or thirty times? Yes.
134. Can you say what length of time the boat has been absent? I have known it to be away till ten o'clock at night, and it has gone away at nine or ten o'clock in the morning.
135. Upon these parties of pleasure? Yes.
136. Have you known it to be away at ten o'clock at night frequently, when it has been employed in these pleasure parties? Yes; I have known it even later than twelve, as late as one o'clock, and I have even known it to be away all night, and to come home early in the morning with him.

Mr. J. H.
Thomas.

23 Oct., 1857.

137. On these occasions when it has returned so very late at night, or early in the morning, has it been employed in these parties of pleasure or picnics? Yes.
138. When Mr. Ormsby was one of the company? Yes.
139. And this has occurred so often as twenty or thirty times while you were there? Yes. I will take one occasion, when he went away up Lane Cove. When Mr. Penderill, the clergyman, came down to the boat, the Inspector, Mr. Dunning, told him that the boat was being repaired. I know that for a fact, for I was on the wharf, and Mr. Dunning told me he had to tell Mr. Penderill that story.
140. *By Mr. Merewether*: Did you hear him tell him? No; but Mr. Dunning told me that he had to tell him that as an excuse. Mr. Penderill said to me—"This boat is being repaired," and I said, "No, I have seen it go up Lane Cove."
141. *By Captain Ward*: Did Mr. Penderill apply to Mr. Ormsby for the boat? I do not know.
142. You do not know whether he applied to Mr. Ormsby or to the Inspector for the boat? No.
143. Do you know whether Mr. Ormsby instructed him to say that the boat was being repaired? No.
144. Then you do not know whether it was by the authority of Mr. Ormsby that the Inspector so informed the clergyman? No.
145. It might have been stated on the Inspector's own responsibility? Yes.
146. *By the Chairman*: You know the fact of Mr. Pendrill not being able to go to town with the boat, and that at the time the boat was away on a picnic excursion? Yes.
147. *By Mr. Merewether*: Who were the persons in the boat? Miss Ormsby was one.
148. Was Mr. Ormsby in the boat? I cannot say, but I know some of the family had gone away in the boat.
149. *By Captain Ward*: Can you name the date? No.
150. Can you state whether, on that occasion, Mr. Ormsby had leave of the Visiting Magistrate to leave the island? No.
151. You say they went on a picnic—how do you know that—did they take provisions with them? Yes.
152. You are sure they did not go to Sydney? No; they went up Lane Cove.
153. *By Mr. Merewether*: In which direction is Five Dock from the island, to the east or the west? To the east, between the dock and Balmain side.
154. You are quite certain that on the occasion you have referred to they were going to Five Dock and not to Sydney? On that occasion the officer, Mr. Davis, was in the boat; they went up Five Dock at that time; they were going fishing.
155. Is that in the opposite direction to Sydney? Yes, just the reverse.
156. Can you see the entrance to Lane Cove from the island, so as to be quite assured that the boat did not go to Sydney on those occasions to which you have referred? Yes; Lane Cove is just opposite.
157. *By the Chairman*: Do you, of your own knowledge, know whether the boat's crew have any indulgence not allowed to the other officers of the police? I have never seen them do duty as policeman, and I should have seen them on the island if they had been so employed.
158. Did you ever know the circumstance of any convict in irons going in the boat which conveyed the chaplain from the island? Yes, it was upon the occasion when the boat went up Lane Cove.
159. What boat was that he went into? One of the smaller boats, employed to cross to Balmain.
160. On the occasion when Mr. Pendrill went in a boat with a convict in irons the proper boat was absent upon a picnic up Lane Cove? Yes.
161. In the *Empire* of the 5th October, there is a letter signed "Another Witness"—will you look at that. (*The Chairman handed the paper to the witness.*) Do you know the facts stated in that letter? I know some of them by hearsay.
162. Are you the writer of that letter? I am the writer.
163. Were you present upon one occasion when the Superintendent made use of expressions to the dispenser of the island unfit to be repeated? I have only seen the correspondence.
164. Do you know the fact of your own knowledge? I was not present, but I have seen Dr. West's letter, in which he states it.
165. Do you know a prisoner on the island named Perry? Yes.
166. Have you ever seen him? Yes.
167. Have you ever seen him spar? No.
168. Were you present at any time when this prisoner was sparring? No.
169. As to the fourth question in this letter—have you told us what you know of that proceeding with respect to the cedar plank? Yes.
170. Did you ever know the Superintendent to take a man into the hospital who had been reported by the doctor as fit for work? Yes.
171. Who was that man? Spencer was the man.
172. What was he? A carpenter.
173. You know that he took a carpenter named Spencer into the hospital after he had been reported by the doctor fit to work? Yes.
174. What has become of that man? He has left the island.
175. Was he employed in any way? Yes, up at Mr. Ormsby's.
176. Are you aware of that of your own knowledge? No, I am not; but I have heard him say so.
177. Do you remember the circumstance of a number of prisoners leaving the works? Yes.
178. You know that of your own knowledge? Yes; I was present upon one occasion when a number of prisoners left the works.
179. Did you complain, or were you present when any complaint was lodged with the Superintendent about that? Yes; I went in and complained to the Superintendent.

- Mr. J. H. Thomas.
23 Oct., 1857.
180. What was the result of that? I was up at the time at my office, which was then next to Mr. Ormsby's. I went in to him, saying that these men had left the works, and had come up to me in a threatening way, and I asked him to give me some assistance in sending them away. This he refused, and said he could not do anything with them, and could not send them down. The men remained there for some time, in a very threatening manner.
181. When the men left the works what did they do? They came up to my office, which was next Mr. Ormsby's, and commenced abusing me at the gate.
182. And you went and complained to Mr. Ormsby? Yes.
183. And asked for some assistance in sending them away? Yes.
184. What did he say or do? He said he would have nothing at all to do with it, and refused to give me any assistance.
185. What became of the matter? After remaining some time, they walked away on to the works.
186. By *Captain Ward*: Was this a matter that the former Board inquired into—was it connected with the men working in the water? No.
187. This particular circumstance was not inquired into by the former Board? I believe not.
188. By the *Chairman*: Do you know, of your own knowledge, the fact of the prisoners refusing in a body to go to work? I was not present on that occasion, but I know it from hearsay.
189. The eighth paragraph in your letter you have already referred to—you say the chaplain went away in a small boat, with a convict in irons, while the proper boat was away at a picnic? Yes.
190. You have told us of this boat having been employed for parties of pleasure—do you know how frequently it was employed on any private business of the Superintendent? From hearing the policeman say so; of course I could not know it of my own knowledge, unless I had been constantly in the boat.
191. In reference to paragraph 11 of this letter—do you know whether the Superintendent has upon any occasion borrowed money from any of the prisoners? I have been told so.
192. Have any of the prisoners told you that they have lent money to the Superintendent? No.
193. Do you know any instance whatever of any person having been singled out as an object of persecution, for having made complaints? Yes.
194. Tell me the parties? John Henry was one of the prisoners singled out.
195. Tell us what the circumstances connected with him were? He was a man who worked very well for us, and I tried to obtain for him an overseer's place, and succeeded; but Mr. Ormsby objected, and said he would not have this man for an overseer, although the reports from all the foremen were most favorable to the man's conduct on the works. Upon several occasions, on the smallest pretext, he was put into the cells.
196. Have you ever known any prisoner to be treated with injustice by Mr. Ormsby? Yes, I believe that was a piece of injustice in that case.
197. Do you know any of the prisoners who have been the objects of particular favor? Yes, I know two prisoners, now at present in his office, who are in particular favor.
198. Who are they? Keogh is one.
199. Who is the other? I am not certain of his name.
200. What is the particular favor shewn to them? They are allowed to walk about the works and look about just the same as free men; I have complained to Mr. Ormsby about it. These men would come and stand with their hands on their sides and look about the works the same as free men.
201. You think these men are treated with undue favor? Yes.
202. Do you know any reason for that? The clerks holding the same rank in the Engineer's office are not allowed out on Sunday; these men are. They walk about the island, sit by the flag-staff, and go where they please; in fact the free overseers are in dread of these men. I have complained to Mr. Ormsby many times about these men.
203. You regarded them with suspicion—as spies? Yes.
204. You mention Mr. Mannion as an instance of a person who complained, and was singled out as an object of persecution—was he on the island during your time? It was before my time.
205. You also mention Mr. Ainslie? Mr. Ainslie was there during my time.
206. Do you know any instance of persecution to which he was exposed? He was not allowed to go off the island on several occasions, I have heard. Mr. McLerie would not let him leave.
207. Mr. Collier? Mr. Collier was dismissed on account of having said that something was under consideration; he said he was dismissed for having appeared to be on the side of the Civil Engineer.
208. By *Captain Ward*: Are you certain, as a matter of fact, that that was the reason of his being dismissed? I only know from his own statement, and from the general belief of the people on the island; I have not seen the correspondence.
209. By *Mr. Merewether*: Whose department was he in—was he in the penal department? He was partly in one and partly in the other. The Engineer's department paid him for what he did for that, and the penal department for what he did for that; but he was considered to belong more to the penal than to the other department.
210. Was it from the fact of his being employed there as a penal officer that you got his services? Yes. He was put down on our abstract as well as upon the other.
211. By the *Chairman*: Were you on the works at the time an inquest was held on the body of a prisoner who was killed in the dock? Yes.
212. Do you know, of your own knowledge, the circumstances under which that man met with his death? Not of my own knowledge.
213. Did you see him after his death? Yes.

214. In what manner did he die—what was the cause of his death? I have heard many people on the island say (it was a common thing) that he was knocked into the dock.
215. Is there anything else you would desire to add upon the subject of the present inquiry—any fact that you know of your own knowledge? The only fact is the impeding of the works whenever they were wanted to be got on with.
216. In what way has Mr. Ormsby ever impeded the progress of the work? By preventing our keeping the men out of an evening.
217. After hours? Yes.
218. *By Captain Ward*: That question was inquired into by the Board which sat before? Yes.
219. And the papers are before the present Board? Yes.
220. *By the Chairman*: Is that what you allude to? Yes.
221. Are you aware that that was rectified afterwards? I never kept them out afterwards.
222. Is there anything else you would wish to add? Only that I have always been met with every kind of annoyance. I have been stopped when I have been going away from the island. An armed police boat was sent after me on one occasion, and attempts have been made to prevent my leaving the island; and upon some occasions I have been entirely prevented.
223. By whom? By the police; and they have told me they have been acting under Mr. Ormsby's orders.
224. *By Captain Ward*: Did you ever appeal to Mr. Ormsby on those occasions? Yes.
225. What answers did he give you? He gave me no redress, but said he had a right to do so.
226. Did you report it to the Government? Yes—at least I reported it to Captain Mann.
227. Did he take any steps in the matter? No. On one occasion they attempted to stop Captain Mann, when he was going to leave the island.
228. Was not that before the Board sat, and these regulations were framed? Yes.
229. That was more than two years ago? Yes.
230. Can you give the names of some of the officers who can bear testimony to the statements you have made? Yes,—Inspector Dunning, with reference to the regulations concerning the boats; Mr. Peers, the dispenser, with reference to No. 2. With reference to No. 3, I have heard it from so many of the overseers, that I can hardly specify them; I will name Mr. Easton to support that, and also Mr. Brown. With reference to No. 4, about the cedar, Mr. Cabil.
231. *By the Chairman*: About the charge of the seven pounds of beef sent up to the Superintendent's quarters, who can support that? I would ask Mr. Peers.
232. He could not have seen that from the hospital? No, but he is so much connected with the department that he would be able to state. With reference to No. 6, Mr. Easton, Mr. Cabil, and Mr. Kelleher. With reference to No. 7, about the prisoners refusing to go out to work, Mr. Broderick. No. 8, with reference to the Chaplain being unable to obtain the police boat, Mr. Dunning. No. 9, all the police could speak to that. Captain Mann will support No. 10; and No. 11 Mr. Peers; he told me about Mr. Ormsby borrowing money of the prisoners. With reference to the postscript, the Coroner.
233. *By the Chairman*: You are appointed to some new situation under the Government, are you not? I am an applicant for employment.
234. *By Mr. Merewether*: When you commenced your evidence, you spoke of the frequent desecration of the Sabbath? Yes.
235. How were you aware of that—did you live on the island? Yes.
236. How long did you live there? Four years.
237. You spoke of this occurring frequently; at what period of the day did it occur? Generally towards evening.
238. Was it before the clergymen left, or after? After the Protestant Clergyman left; I could not say to an hour or two.
239. You have spoken of breaches of the regulations, or instructions,—was there any other besides that you have mentioned. There is one, by implication, in one of your charges, with reference to the carpenter named Spencer; was he ever taken by the Superintendent to work at his own quarters? Yes.
240. Is that the only instance? That is the only instance that I can speak positively to as being reported at the time. I know of several times that this has been the case, but this one case was reported, and a great deal of fuss was made about it. That is the reason I take that case.
241. You are not aware, of your own knowledge, that Mr. Ormsby is in the habit of employing the men in his private service? No; I have no access to his premises.
242. Was there ever a constable of the name of Murray on the island? Yes.
243. Is he there still? No.
244. When, and why did he leave? I only know from what he tells me himself; I do not know of my own knowledge—of course I cannot.
245. He was dismissed? He was.
246. By whom? I do not know who has the power; I believe the Visiting Magistrate.
247. You have stated that the boat has been absent from the island the whole night? Yes.
248. Was Mr. Ormsby in the boat on that occasion? Yes, at least I know he came back in it in the morning. The police could speak to that.
249. Is that the only occasion on which he has been absent with the boat the whole night? No; I have seen him come back in the morning early.
250. Has he been absent without leave? That I cannot say.
251. You cannot specify the occasions on which he has been absent? No; but I do not say these things have been common. I would wish to examine Mr. Duff in support of No. 2, and Dr. West.

Mr. J. H. Thomas.

23 Oct., 1857

TUESDAY, 27 OCTOBER, 1857.

Present:—

SIR W. W. BURTON, KNT., IN THE CHAIR.

E. C. MEREWETHER, Esq.

CAPT. E. W. WARD.

Mr. G. West,
M.D.

Mr. George West, M. D., was called in and examined, as follows:—

27 Oct., 1857.

1. *By the Chairman:* I believe you have medical charge of the prisoners on Cockatoo Island? I have.
2. How long have you had that charge? I think it was in March, 1853, I got the appointment.
3. What is the medical establishment of the island; what does it consist of? Myself and dispenser, and we are allowed what is called an hospital overseer—one of the convicts.
4. What else? We are allowed an hospital servant, a man who cleans and looks after the wards.
5. If there were any pressure, I presume you would be allowed more assistance? I have never had any occasion to require it; but on one occasion, before I went there, there was a great outbreak of influenza. Dr. O'Brien, the then Visiting Surgeon, applied to the Government, and got a medical man, who was a permanent resident on the island, for the occasion.
6. Will you be kind enough to tell us the general state of health of the convicts since you have had medical charge of the island? It has been very good; we have had no serious outbreak since I have been there. We have had a good deal of chronic disease, but that has arisen chiefly from their previous bad habits.
7. And, perhaps, from exposure to wet and cold? I do not think that has had so much influence; no doubt, a great many are subject to rheumatism, which has been caused by lying out in the bush.
8. What number of people are there in the hospital now? Very few; I think only one or two serious cases.
9. You do not know the number? I do not know the exact number.
10. When did you visit the island last? I have not visited the island on my last two days, because the boat was then occupied by the Board.
11. We supposed when we were on the island the number to about eight? It is about that.
12. Of all diseases—are there any seriously ill? There is one, or there may be two cases, where I look upon the diseases as likely to prove fatal. One man, Holcroft, has serious disease of the heart.
13. Are there other cases of disease of the heart? There are two or three cases, but not so serious as that, still they are not able to go to severe work.
14. How often do you visit the island? Twice a week, and oftener if necessary.
15. During other times the sick are under the charge of the dispenser? Yes.
16. Is he a regularly educated medical man? I never saw his qualification, but he has explained to me that he has been in the Royal Navy. He has two medals, one a gold and the other a silver medal. One was given to him by the Belgian Government for services rendered by him in the case of a vessel that was cast away at sea, with cholera on board. The doctor was dead and he volunteered his services on board the vessel. I asked him for his diploma, and he said it was up the country with some books and instruments which are in pledge. He is now leaving me, and is going to take charge of some district in the country.
17. Is he capable of prescribing for the people during your absence? Perfectly.
18. Have you seen his prescriptions? If a patient has been to him between my visits I question him as to what he has been doing.
19. *By Captain Ward:* Does he write down in a book what he gives? When I prescribe I do not know what he does.
20. *By the Chairman:* Have you seen what his prescriptions have been and have you approved of them? He has told me what he has given, and I have never had reason to find fault with him.
21. Are your prescriptions written in a book? When I make any alteration he writes from my dictation.
22. Do you not think that a medical journal, or treatment book, is necessary for the guidance of any one who may come after you? I do not think so; if a man has any case the particulars of which he wishes to publish he may do so.
23. But should not the particulars of every case be recorded? I was sixteen years connected with the gaol at Longford as Visiting Surgeon, and they did not require it there; I had my own book, but that was my private property.
24. If there were any serious cases you would enter them in your book? Yes.
25. I suppose you keep such a book as that in the case of private patients? Where I have anything important or unusual.
26. We wish to ask you about the rations,—we have been told they are drawn for a certain number of men including the servants on the establishment and the patients in the hospital? Yes.
27. I believe frequently many of the men are under low diet? Yes.
28. What becomes of the rations of those who are under low diet? I cannot tell you.
29. Have you never inquired? No; I never conceived that I had any right to interfere with that.
30. Who orders the low diet? I make the change when the diet is altered.
31. Who makes the requisition for the supply? There is a list sent up every day of the number of patients in the hospital, and also of those who are exempt from work; they are sent up on the same sheet and distinguished as "hospital" and "exempt;" and then if any extra comfort is needed for any of them there must be a written requisition signed by me.

32. Otherwise the regular diet of the establishment is drawn by the dispenser? It is sent in by the usual routine. Mr. G. West,
M.D.
27 Oct., 1857.
33. *By Mr. Merewether:* The issue of the diet is left to the discretion of the dispenser; unless it is otherwise specially ordered by you the men draw their full allowance—a certain allowance of meat and bread? When they go into the hospital they are allowed the full ration, and when I see them, which I do when I visit them on my next visiting day, unless in important cases, when I go down at night, I immediately give orders as to diet, but I do not think the dispenser alters it.
34. Do the people get it? Yes, certainly.
35. Whether adapted to their complaints or not? If it is a very important case I am sent for at once, and I then give directions as to the diet at once; that is if it be a very serious case.
36. *By Captain Ward:* Then I understand you to say that the men always get full diet unless otherwise ordered by you? We have three diets,—the full diet, the middle diet, and the spare or low diet.
37. Do they always get full diet unless otherwise ordered by you? Yes.
38. When you give orders do you give them in writing? No; whatever I desire to have done I sign; it is written by the dispenser.
39. Have the men the means of seeing that they get the diet you order them? I constantly ask them—sometimes they ask for milk, and if I think it necessary I order it.
40. Have they any means of ascertaining whether they get the diet you order them? I do not know; I generally order it at their bedside.
41. You do not prescribe in the hospital book? No.
42. *By Mr. Merewether:* There are three scales of diet? Yes.
43. And the discretion of giving out these scales of diet rests with you? Yes; what I mean is, that I have the power of giving them what I think they need; I can also give them medical comforts, as brandy, wine, and eggs sometimes, but I must sign a requisition to the Superintendent, shewing that such and such is required.
44. *By the Chairman:* Do you receive a salary for your attendance? Yes.
45. What is it? It was originally five shillings a day, but then there is the gold increase.
46. How often do you visit the island? Twice a week, or oftener, if necessary.
47. Upon your requisition is a boat provided for your going to and fro? I do not make a requisition; it was arranged from the commencement that I should have a boat; formerly the Water Police boat took me down. When there was a new boat attached to the island, Capt. McLerie, the Visiting Magistrate, asked me on what days I would go; he said he would take Mondays and Thursdays, and I said I would visit on Tuesdays and Fridays, and these days have remained mine ever since.
48. Have you ever had any difficulty in procuring a boat in the performance of your official duties? No; I have never had any difficulty, unless the same thing has occurred as has occurred recently, when the Governor has required to visit the island; when you went to the island in the same way the boat was required by you.
49. You have never suffered any hinderance from the Superintendent of the island? The Superintendent has done everything to aid my comfort in that way.
50. Have any complaints been made to you by the people in the hospital of ill treatment? Never.
51. Have you ever observed anything like ill treatment of any of them? Never. I think the Superintendent is rather too anxious to interfere about them—for instance, the other day, a man wanted to get into the hospital; he was known to me as a malingering, and the dispenser refused to take him in; he shewed his leg, which was very much swollen; this had been caused by a ligature bound round the leg where there had been an old wound. The Superintendent was very angry about it, and sent an order that he should be instantly taken into the hospital. When I went I did not like to say anything to the old man about it, as it had been done out of kindness, but I ordered the man to be put under malingering treatment, to keep him to low diet for a few days, and then when he had had enough of it to let him out. When I went there again I spoke to the Superintendent about it, and told him he was wrong; he said he was very sorry, but that as I was not there, he was very anxious about the man.
52. You are aware that certain complaints have been made to the Government respecting the management of Cockatoo Island, and that we have been appointed a Committee to inquire into these complaints? Yes.
53. Do you desire to give evidence upon any points? I have no complaints to make.
54. Have you any information to give? I should like to say one thing with reference to what has appeared in the papers. One of the gentleman who has written a good deal in the *Empire* on the subject—the late clergyman—is a man who, from my own knowledge, is not trustworthy; it is a hard expression to use, but he wrote to the Government concerning me what was utterly untrue.
55. What was it? It is very simple. Every second Sunday in the month the Visiting Magistrate and the Surgeon, during Capt. McLerie's reign, visited and inspected the prisoners, and we had an arrangement that we would wait ten minutes for each other. Upon this particular Sunday morning I called upon Captain McLerie, and he said he was not coming, I therefore went without him, but I took young Mr. Davison, who is now my son-in-law, with me. When I left the boat and went up to the camp, the men were paraded for inspection. The Deputy Superintendent, Mr. Brown, asked me if I were going to inspect the men. I said I did not think I would, as it was a thing that had never occurred before. He said, "Well, they are all ready." "Yes," I replied, "I see they are, but I would rather not interfere." I then went into the hospital and found this gentleman, Mr. Pendrill, there. The men were then dismissed for parade, and sent in for his duty, for prayers. After he went away I went round the hospital and did my business, and then I took my son-in-law, Mr.

- Mr. G. West, M.D.
27 Oct., 1857.
- Mr. Davison, with me. I showed him the dormitories, I showed him the cells, I showed him the dock and other things. I then went up to Mr. Ormsby's, and got a message that the clergyman wished to go off in the boat with me, and I said that I would wait half an hour, as my professional engagements would prevent me staying longer. When I went down to the boat there was no appearance of the clergyman there, though the Roman Catholic clergyman was. I took out my watch, and said, "I do not think I can wait longer, as it will take us so long to get to Sydney, where I have an engagement." I did not conceive besides, as the Protestant clergyman did not come out with me, that he had any claim upon me. I therefore proceeded to Sydney without him. Upon this he wrote to the Government complaining of me. He said I had stopped the inspection of the men, that I had brought two gentlemen with me, and that, in place of going up to perform my business, I had been shewing these gentlemen the curiosities, or whatever I may call them, of the island. Now I did not bring two gentlemen with me, one of the parties with me was the dispenser. I did not inspect the men. I did not take Davison round to see the island till I had attended to my business.
56. Still you, in fact, took Mr. Davison? Yes, but that was after the clergyman went in to prayers.
57. Then the falsehood consisted in saying that you inspected more than you did, and that you had two persons with you instead of one? Yes; the Visiting Magistrate contradicted it all, without referring it to me.
58. Let me in candour, and for the sake of the character of the gentleman, put this question to you; was it not the fact that you showed Mr. Davison the place? Not till he went to his duty.
59. You did not inspect the men? I did not inspect the men.
60. Might not that be a mistake on the part of the clergyman, without being a wilful untruth? I thought if it had been a mistake he should have come to me and apologised.
61. There might be an error in what he did, but would you say a man was untruthful because he made a mistake? I cannot conceive how he could have made a mistake, for the hospital was just open, and he was sitting there.
62. By Mr. Merewether: Have you any thing to do with the physical classification of the prisoners when they come on the island—do you say, "That man shall go into such a gang"? Yes.
63. By Captain Ward: Is the state of the man's health taken into consideration by you when he is brought to the island? The first thing that is done when a man is brought to the island is, that he is taken before the dispenser, who inspects him; if he is in perfect health he is sent to work; if it is a case requiring further inspection, the man is reserved till he is brought before me.
64. By Mr. Merewether: You indicate the physical capabilities of the men? Yes, but they are very hard to manage; for instance, if they want to get off hard work they say they have a pain in their hip, or in some other place; there are a good many who mangle.
65. By Captain Ward: How are the medicines for the island obtained? In a very uncomfortable way; but it will be altered now. Formerly, my requisition went to the Medical Adviser to the Government, who reported upon it, and sent it forward to the Government; then it was sent to the Colonial Storekeeper, and in two or three months we got it.
66. Are the accounts for the medicines paid by the Visiting Magistrate? No; the medicines are sent from the Colonial Storekeeper's. The bill of the contractor, who is generally Mr. Morgan, the druggist, is sent to the Colonial Storekeeper, who forwards it to the island, and my dispenser has to check off every item, and to see that it is correct; when he says it is correct I sign it, and it is then returned.
67. Who pays the account? The Government.
68. By the Visiting Magistrate? I suspect the Colonial Storekeeper does; he gets the requisition, and advertises for contracts.
69. How often do you send in your requisition? It is supposed to be sent in only once a-year; sometimes they are very stringent, and curtail it, and I have to send in an additional requisition; sometimes they give it, sometimes they do not.
70. I understood you to say that you have no control over the dispenser if he chooses to alter the diet in your absence—that you have no means of ascertaining it? I have no means of ascertaining it.
71. He might give low diet when high diet was supposed by you to be given? He could do it, but I do not see what object he could have in doing so, or how it could be of any advantage to him.
72. By the Chairman: Have you no check upon the expenditure of the medicines? We are not allowed more than a certain sum for medicines, and we must keep within that.
73. The medicines are allowed very much like the diet, are they not—you do not know whether they are properly expended, whether they are thrown away or given away? No, I do not know.
74. By Captain Ward: Can you say what the annual expenditure for medicines amounts to? About £80.
75. Are all the free people on the island entitled to use the medicines? I do not think they are entitled; but we give them.
76. What, to Mr. Ormsby's family? No.
77. How does he get medical assistance? He sends to me when he wants me.
78. As a private practitioner? It is in that way I go; I would not take money from him.
79. He has no claim upon you? No.
80. Has he upon the medicines on the island? It was ruled in Ireland, when I had charge of the Longford Gaol, that it was merely a matter of courtesy—that the governor had no claim upon the services of the medical man. I had some misunderstanding with the governor, and

and in consequence the matter was referred to the Inspectors of Prisons in Ireland, and they wrote to say that, under the Act, he had no power to compel me to attend him.

81. Does Mr. Ormsby get the use of the medicines? I do not know; he may have done, once or twice—any small thing.

82. Or any of his family? He has very seldom required any thing.

83. Or any any of the free servants? They all do.

84. Are they entitled to it? I think they are; they were always entitled to it in Ireland.

85. *By Mr. Merewether*: If a record were kept of the prescriptions, would you not then be able to check the consumption? I think not; for instance, in making an infusion, the dispenser might burn it, and then it would have to be thrown away. Medicine, above all things, is one you cannot make a second use of.

86. *By Captain Ward*: What is your general opinion of Mr. Ormsby's government of the island? I must say I do not think any one could be more anxious to carry out the government of the island efficiently. He may err in judgment, but he is anxious to see the duties properly carried out.

87. Did you ever hear of Mr. Ormsby's life having been threatened, as stated in Mr. Pendrill's letter? I think Mr. Ormsby told me of some man going to attack him, and that he took up a ruler and knocked him down.

88. Has there been during your time an inquest upon a man who died there? There have been many, but I have not been at them.

89. *By Mr. Merewether*: Was there an inquest upon a Chinaman who was said to have been murdered, or knocked down from a wall on the works? I recollect I saw the man.

90. Were you called in? I was not called in.

91. *By Captain Ward*: Did you hear recently that a prisoner threatened the life of the Visiting Magistrate? I know they are a most diabolical set; one of them attacked the dispenser; but I never received offence from any man on the island. They are always civil and obedient, and I am generally very sharp with them. I do not give way to them.

The Reverend Philip Agnew was called in and examined, as follows:—

1. *By the Chairman*: You are a clergyman of the Church of England? Yes.
2. And are at present chaplain of Cockatoo Island? Yes.
3. How long have you been in charge of Cockatoo Island? I think about five months.
4. Have you any other charge? Yes; I am chaplain of Darlinghurst Gaol, and also to the Immigration Barracks.
5. Have you been long engaged in such duties? Yes; I was some ten years ago chaplain of Darlinghurst Gaol, and chaplain of immigrants. I have had a good deal to do with men of that class and description.
6. How often do you visit the island? Twice, and sometimes three times a week.
7. Always on the Lord's Day? Yes, always.
8. And if there be any urgency are you sent for? I have never been sent for particularly; but I always hold myself ready to go if I am.
9. Where do you perform Divine Service on the island? In the usual place; I believe it is used as a dining room; it is where the men mess.
10. Is that convenient for the purpose? Yes, very, considering the other accommodation there.
11. Do you go through the whole of the service? Yes, I go through the whole of the afternoon service.
12. Do you preach a sermon? Yes, every Lord's Day.
13. What is the conduct of the men during divine service? They are very peaceable and very respectful, but there is one peculiarity I have remarked about them. In the gaol at Darlinghurst the men stand or sit according to the portion of the service read, but at Cockatoo that is not so well observed; they generally sit.
14. Throughout the whole service? Yes.
15. Have you ever explained their duty to them in that respect? I have hinted it to them, but I have never made it a particular point to insist upon it.
16. Do you not think you should, in the case of people of that class, instruct them as to the proper attitude of devotion? It struck me as arising from this cause,—that at Darlinghurst the Principal Gaoler, when well, is always present, and the people follow his example as to rising and sitting. This is not the case at Cockatoo.
17. Does the Superintendent of the island attend your service? No, never.
18. And never has during your time? No. I think it would be as well if he did.
19. Do the civil officers of the establishment? Yes, several of them; three or four of them.
20. Does the Assistant Superintendent, Mr. Brown? No, Mr. Brown does not attend.
21. Do the overseers attend? Two of them pretty regularly.
22. Only two out the whole number of overseers? Yes; there is a person also who acts, I think, as clerk of the establishment.
23. Mr. Taylor? No.
24. Is there a man who officiates as schoolmaster? Yes.
25. Are the overseers free men or convicts? Free men.
26. Then on the part of the overseers it is a matter of choice whether they will attend or not? It is so.
27. Then there is no superintendence but of these men during Divine Service? No.
28. Are you aware whether Mr. Ormsby is a Protestant or not? He is.
29. And the other overseers of whom you have spoken, are they Protestants? They are Protestants.
30. Is Mr. Brown a Protestant? He does not attend, and I have never inquired.

* 17—N

The Revd.
P. Agnew.

27 Oct., 1857.

The Revd.
P. Agnew.

27 Oct., 1857.

31. What number of Bibles and Prayer Books have you on the island? There is a Prayer Book for each person. They are plentifully supplied with respect to Prayer Books, but they want a couple of dozen Bibles.
32. How many Bibles are there? About fifty.
33. Are there any other religious books? A few, but not sufficient.
34. Under whose care are they kept during the days you are not there? They are kept in an apartment under the charge of one of the overseers, who has a list of them.
35. Do you occasionally look into that department? Every week.
36. Are the books kept in respectable order? Yes.
37. Are they much dilapidated? Many are almost worn out, others are stained.
38. Have you lately made any requisition to the Government for any books? No.
39. Do you think it desirable that such a requisition should be made? I think it is.
40. Then why have you not made it—Do any of the men send for you to have private conferences on religious matters? Yes; but more particularly with reference to other circumstances connected with them.
41. Do they confidentially disclose the state of their minds to you? Yes.
42. Are there any upon the island whose minds are impressed with their state? Yes, several.
43. There are several there under the influence of conscience? Yes, there are, whom I believe to be honest, good moral men.
44. Men that are convicts, but whose minds are not utterly depraved? Yes, there are men whom I could point out.
45. Is there any difference of classification made with respect to these men? I believe not. I expect their conduct recommends them to some little post.
46. Otherwise they are kept in the wards with the others at night, and are worked with others by day? Yes.
47. What number of men are there of whom, as regards their state of mind and conscience, you have a hopeful opinion? I think I could point out twenty, or more.
48. Out of the Protestants on the island? Protestants—men brought immediately under my notice.
49. With whom you have communicated upon religious subjects, and of whose state of mind you are aware? Yes.
50. Have you ever recommended any separate employment for these people, or any subdivision? No.
51. There is no ward set apart for them? No.
52. Do you not think it would be desirable to separate them from the rest of the prisoners, in order that their religious progress might be more certain? Yes.
53. But you have never recommended such a course? Not at Cockatoo.
54. Do you think it impossible to effect it? Under present arrangements; it would involve such considerable alterations and further accommodation.
55. With respect to their personal accommodation, you have never made such a representation to the Government or to the Superintendent? Not to the Government. I generally speak to the Superintendent when I find men of that character, and recommend them to his notice.
56. Do you not think it desirable that it should be represented to the Government that there are men in a hopeful state of mind, and that it would be a great benefit to them to be separated from the other prisoners? I shall be very pleased to do it.
57. *By Captain Ward*: Do you ever take steps to lay it officially before the Superintendent? No; because I know there are no means at present of separating them; and I have always found that any recommendation for our department has utterly failed.
58. *By the Chairman*: It is, no doubt, a very delicate business, but might there not be a process by which those who are well disposed might be distinguished from the others—if you were Superintendent of the island would you think such a thing impossible? I would at once recommend a system of classification.
59. *By Captain Ward*: Did you ever recommend to the Superintendent those men whom you considered worthy of consideration? Not exactly. I have mentioned his name, and said such a one is a good man.
60. Has your recommendation been acted upon? I have found Mr. Ormsby willing to do so, so far as circumstances would allow.
61. *By the Chairman*: Is there a school on the island? Only for the children of the free people.
62. What number of children attend that school? I scarcely know the number.
63. You do not examine that school? No; because there are Roman Catholics among them.
64. Do you think the means of education for those children who are residing with their parents on the island sufficient? Yes. I have examined several of the children, and I think the course of education is very respectable.
65. What books have they for the purpose? I believe they are very good.
66. Are they in want of books? I believe not.
67. Do you think the education of the young people on that island should be a special object of attention on the part of the minister? It ought to be a special duty.
68. Do you ever report to the Government on the state of education of the children? No.
69. Perhaps you will think it advisable to do so? If I knew the circumstances of the people.
70. Do you not think that the state of the children on the island, although they are not immediately under the charge of the Government, situated as they are among a horde of convicts, must be a matter of grave attention and of christian observation? Yes.
71. Do you not think it desirable to represent their state to the Government? Yes.
72. Perhaps you will do so? Yes.
73. The schoolmaster is a convict I believe? No, I think he is a free person.

74. You are in error there—you had better inquire whether he is or not? I never considered myself as having authority to interfere.
75. But you were put in charge of a place where there were twenty-eight children, who, from their position, were peculiarly entitled to Christian sympathy and regard, and it is upon that ground I put the question to you.
76. *By Mr. Merewether*: You look upon the convicts as the special objects of your care? Yes.
77. *By the Chairman*: With respect to the convicts, there is nothing for their moral or spiritual improvement but your ministerial services? No.
78. There is no education for them if they are desirous of it? No; I have often asked them if they were desirous of forming a class and of receiving instruction, but they have said there is no time allowed.
79. Do you think, if there were time allowed, they would gladly avail themselves of it? Yes; I have inquired into that matter.
80. Up to the present time there has been none? Not while I have been there.
81. I will now leave those subjects and ask you whether you have had any hinderance from the Superintendent or the officers of the island in performing your duties? No.
82. Have you ever had to complain of not being able to perform your duties, in consequence of any of the arrangements at all? No, except from my own arrangements. For instance, I have to visit ships on Sunday sometimes; and on one occasion, through my own arrangements, I was prevented visiting the island.
83. Are you always able to visit the island for the purposes of your duty? Yes, with the exceptions I have mentioned.
84. Are you ever disappointed with respect to the boat? No.
85. Or by any other circumstance when you are going officially to perform your duties? No.
86. Is there any want of courtesy to yourself in the performance of your duty? No.
87. *By Captain Ward*: How often is the Sacrament administered on the island? It has not been since I have been there.
88. There is no regulation about it? No.
89. To whom is it left to name the day for the administration of the Sacrament? It would be to the Visiting Clergyman, at the request I should think, of the prisoners themselves.
90. Have you never urged Mr. Ormsby to have a Sunday set apart for that purpose? No.
91. He has never suggested it to you? No.
92. *By the Chairman*: Does any member of his family attend your service? No.
93. Neither male or female? No.
94. *By Captain Ward*: Have the men confined in the cells the use of bibles? Yes.
95. When they require it, or is it left with them as a matter of course? I think it is generally left there. Anything the men require in confinement they would have from the library.
96. Any religious book? Yes.
97. Are there any other books for the use of the men? Yes, a few.
98. If they asked for them would they be allowed? Yes.
99. Books of amusement? Yes, moral books.
100. *By the Chairman*: Did you ever know a man to have a bible in his cell? I visit the men in the cells generally on Sunday, and I generally see a bible with them.
101. *By Captain Ward*: Any suggestions coming from you would receive the attention of the Superintendent? Yes.
102. You feel confident of that? Yes.
103. You have given one part of your evidence in opposition to the statement of the Superintendent—are you quite sure the Assistant Superintendent never attends Divine Service? I cannot say who he is.
104. Mr. Brown? The person who works in the office?
105. No, that is Mr. Taylor? I was referring to him; Mr. Brown does attend always.
106. *By the Chairman*: When you said the Assistant Superintendent does not attend Divine Service, you were alluding to Mr. Taylor, the clerk in the office? Yes; Mr. Brown attends regularly; I have never known him absent, excepting when he has been sick.
107. *By Mr. Merewether*: How long do you stay on the island when you go on Sunday? An hour and a-half, and sometimes two hours.
108. Not more? No.
109. During the time you are on the island is it orderly? Yes, very.
110. There is no disturbance among the prisoners? No.
111. *By Captain Ward*: On a certain occasion, the 20th September, did you hear any noise—I allude to the case mentioned in the papers? I remember the day. I never saw anything of it.
112. Were you there in the afternoon? If it were Sunday, yes.
113. It is stated by Mr. Ormsby that it was about two o'clock—would you have been there at that time? Yes.
114. Did you hear any noise? No.
115. *By Mr. Merewether*: At what time do you go there? At one; the service generally occupies an hour.
116. The prisoners who are in the cells do not attend the service—do you visit them in their cells? They are not always in the cells; I think I see every one who is in the cells.
117. *By Captain Ward*: When you go to the island on service, do you generally go with the Chaplain of the Church of Rome and return with him? Never.
118. That is from your special choice? The service performed by me is at another part of the day; it would not be convenient for me to go at the same time, on account of my other duties.
119. Do you return with him? No.

The Revd.
P. Agnew.

27 Oct., 1857.

- The Revd. P. Agnew.
27 Oct., 1857.
120. Then the boat goes to and fro twice on Sunday? Yes.
121. *By the Chairman*: With respect to the prisoners in the cells, they do not attend Divine Service? No.
122. Has any prisoner in the cells asked you to obtain permission for him to attend Divine Service on the Lord's Day? No.
123. You have never been asked to obtain permission? No.
124. *By Captain Ward*: Would you not be prepared to request it? I think it would be a proper thing for them to leave their cells and to attend Divine Service, and to be taken back again, without communicating with the rest.
125. Is it possible to take them from their cells to Divine Service, and to convey them back without their communicating with the other prisoners? It is; when the general congregation were assembled, seats might be left near the door to which they might be taken, and they might then be removed before the rest.
126. Then they might attend Divine Service on the silent system as it were? Yes.
127. *By the Chairman*: You never make any requisition? No.
128. You may think it desirable to do so? I will now it has been mentioned; but I scarcely thought it proper to interfere with any arrangement I found existing.
129. But as Chaplain, the only comforter many of these people have, do you not think you should make your services as acceptable and beneficial as you can? Yes.

The Revd.
P. Kenyon.
27 Oct., 1857.

The Reverend Patrick Kenyon was called in and examined, as follows:—

1. *By the Chairman*: Are you upon the Establishment of Cockatoo Island as Chaplain? I have been, until within about the last three weeks.
2. How long were you in that capacity? Since last May twelve months.
3. Are there many people of your church in the establishment? Yes, there were about 150.
4. About one half the entire number, in fact? I do not know, in fact, the entire number of prisoners on the island.
5. How often did you attend the island in the performance of your duty? Twice every week regularly, and very frequently three times.
6. Were you ever specially sent for by any prisoner? No, I was never specially sent for, except in the case of sickness or death.
7. Then you have been sent for? Yes, I was on one occasion, to attend an old man who was sick, and who died subsequently.
8. Are you always prepared to go if you are sent for by any who require your attendance? Yes.
9. What are your duties on the Lord's Day? My duties on Sunday are to celebrate Mass and to preach.
10. To conduct the whole service of your church? Yes; to give catechetical instruction and moral instruction, and to celebrate Mass.
11. Do you give catechetical instruction before the service? No; at the close of the service I generally gave an exhortation, which was partly a moral exhortation and partly catechetical instruction, as the occasion called for.
12. You celebrate Mass every Lord's Day? Yes.
13. Are any of your people so far advanced as to partake of the Eucharist? Yes; I had nearly every Sunday, on the average, four or five.
14. Who habitually received the Eucharist? No, they were not always the same; I had, on the whole, about thirty persons who frequently partook of the Holy Sacrament.
15. I think you never receive any to that rite without previous confession? Never.
16. Are you much and confidentially spoken to by the men on the state of their minds and consciences? I have frequently exhorted them to more frequent application to myself; but I had about thirty or forty who visited me every month or three weeks, on the Saturday. This was the general number; but the individuals were constantly changing, as they were gradually drafted away and others supplied their places.
17. What was the conduct of the men of your church, generally, during Divine Service? I never had occasion to find fault with them except once, and then some persons were rather sleepy.
18. Do any of the officers of the establishment attend your service? Yes.
19. And partake of the Eucharist? Sometimes.
20. These men, into the state of whose minds you particularly inquire, how do they seem to be affected—I mean are these men whose progress towards repentance you think to be hopeful? I think generally, from my acquaintance with the Catholics, that any of these men who make an effort to be good, with God's help, generally succeed; they please me very much.
21. Do you take any means to separate them from other persons? There is no mode available.
22. At present? At present.
23. Can you conceive of no mode to be available? I can conceive of no mode under the present circumstances of the island; the number of wards is so limited that there can be no classification.
24. Taking the Protestants and Catholics together who are well disposed, might they not occupy an entire ward—might they not be numerous enough to occupy an entire ward? Perhaps they would, if you could segregate them sufficiently.
25. Have you never proposed any such thing to the Superintendent, or to the proper authorities? No.
26. Are the arrangements for the performance of your duty satisfactory, as far as they can be? As far as they can be.

The Rev.
P. Kenyon.

27 Oct., 1857.

27. Is there anything you wish to have altered in that respect? The want of cleanliness in the room where we celebrate Mass; but I think it is as clean as it can be kept under the circumstances.
28. It is used as a dining-room upon the very day on which you perform Divine Service, and is occupied by three hundred men for that purpose? Yes, and it has been cleaned up after breakfast, and sanded over just before.
29. And then, I suppose, can only be partially done? Not as well as I could wish.
30. Have you represented that to the Superintendent? I represented it at the beginning, as far as I can recollect.
31. Is there any hinderance to you in the performance of your duty—are you ever at a loss, for instance, to obtain a passage in a boat to and from the island? Never that I recollect.
32. You know of no impediment in the way of your performing your duties? None that I recollect.
33. Is there anything in the regulations or in the conduct of the officers of the island that throws any impediment in the way of the performance of your duties? Not in the performance of my duties.
34. Not in your personal accommodation? I was constrained once to take a long walk across the bush, as it is called—across Balmain.
35. How did that arise? Returning to Sydney in the boat regularly appointed for me, one of the officers sought a passage in it, and it was stated that he had no right to come in this boat; they said they had no right to let him unless he applied for permission; he refused to get out of the boat or to leave the boat, if the boat were to go to Sydney with me—he said if the boat were to go to Sydney he would accompany me.
36. Who was that gentleman? He was in the engineering department there.
37. Was it Mr. Thomas? Yes, that is the name. I had to leave the boat in consequence, to get into the guard-boat, and to come across to Balmain.
38. While he came on to Sydney? No; he came in the guard-boat, to which he had no right.
39. Do you ever visit the school upon the island? Very rarely.
40. Are there not some children there whose parents belong to your church? Yes, there are.
41. Do you supply them with books for their instruction? No; I applied to the parents to have them come to the celebration of the Mass, and they objected; their objections were very futile, I considered, and I had nothing to do with the children afterwards.
42. You are on the island during a great part of the Lord's Day, are you not? No; about two hours.
43. What is the conduct of the people on that day, orderly or disorderly? As far as I observed them on that day, as well as on any other, it was always orderly.
44. You never saw anything to complain of in that respect? No.
45. Is there any point in connection with the management and conduct of the convicts upon the island you would wish to submit to the consideration of the Board? Except that great and most difficult one of classification.
46. You think that is a subject which requires consideration and attention? Yes, and very serious attention, because of its importance and the very great difficulty of carrying it out.
47. Do you visit the men in their cells when they are put into solitary confinement? Only once have I visited one of them.
48. Perhaps none of your people have been there? I believe there have been members of the Catholic Church there, but only on one occasion did I go there when a man wished to see me. When I have been there I have found men in the cells, but they are there only for a short time.
49. You have never been applied to by any of them to be permitted to come out to Mass? There was one man who asked to be allowed, but I did not think he was very upright in his seeking; he merely sought to get away for the indulgence.
50. You did not apply for him? No; for otherwise he behaved very badly; he treated the wardsmen badly.
51. *By Captain Ward:* Are there books kept on the island for the prisoners' reading? Yes.
52. Have you any voice in their selection? I have the entire choice of the books for the Catholics, the Visiting Magistrate having a veto which he does not require to exercise. He said that such books as treat on controversy should not be allowed, therefore I guarded against such books.
53. Are these books allowed to the prisoners who are confined in the cells? I give them in charge to one of the officers who keeps them.
54. Are the prisoners in the cells allowed the use of them? I am not aware.
55. Have any recommendations coming from you in your capacity of Chaplain been generally attended to by the Superintendent? I think generally, as far as he could.
56. He has generally co-operated with you to carry out your views? Yes; but I have seldom applied to him; I have had anything I needed.
57. Does the Superintendent ever attend Divine Service? No; he is not a person of my profession.
58. What officers attend with you? Mr. Easton.
59. He is an overseer in the Civil Engineer's Department? Yes.
60. Does any officer of the Penal Department attend, to preserve order? I believe there is not a Catholic officer or free overseer. The free overseers are generally outside in the yard, and are immediately in care of the prisoners.
61. Then you consider their attendance inside unnecessary, if it is against their consciences? I think there is sufficient done to ensure order and regularity by their remaining outside.
62. But they do, as a rule, remain outside? Yes.
63. Does Mr. Ormsby remain there? Not Mr. Ormsby, but two of the free overseers. Two

The Rev.
P. Kenyon.

27 Oct., 1857.

of them are very attentive in seeing that the dining hall is cleared up, and in preserving order and regularity.

64. What are their names? Mr. Ferris is one.

65. Is Mr. Brown, the Deputy Superintendent, one? Yes; he is attentive, but not so remarkable as one other man, who has a brother in the police force there.

THURSDAY, 29 OCTOBER, 1857.

Present:—

SIR W. W. BURTON, KNT., IN THE CHAIR.

E. C. MEREWETHER, Esq.

CAPTAIN E. W. WARD.

Mr. Henry Parkes was called in and examined, as follows:—

- Mr. H. Parkes. 1. *By the Chairman*: You are the proprietor of the *Empire*? I am the proprietor.
- 29 Oct., 1857. 2. Our attention has been called to a leading article in your paper, and to letters published on the 26th of September, and on the 2nd, 5th, and 6th October, relative to the management of Cockatoo Island; have you anything you can state to us upon those facts and circumstances of your own knowledge? There are letters in the *Empire* newspaper on the 26th September, and on the 2nd, 5th, and 6th of October, and on other days, both previous and subsequent to those dates, on the management of Cockatoo Island. The whole of those letters were admitted by me on ascertaining who were the writers, and in the greater number of instances on having first a personal interview with them. I have the permission of the writers, with one exception, where I have not been able to communicate with the party, to give their names to this Board. The exception where I have not had that permission is in the case of the letter, inserted on the 26th September, by "N.B.," but I feel so assured that the writer in that case would not wish to withhold his name, that I venture to give his name at once. I have written to him but have received no reply. The writer gives his private address to me as "Charles Robertson, senior, Bleak Cottage, opposite Cockatoo Island." On that letter reaching my office, it called to my mind various other applications that had been made to me throughout a number of years, both as editor of a public journal, as a Member of the old Legislative Council, and as a Member of the Legislative Assembly, and on that account I paid more attention to it than I otherwise should have done. The writers of the letters, in addition to the one just named, are the Rev. John Pendrill, Mr. J. H. Thomas, Mr. Richard Thompson, a reporter of the *Sydney Morning Herald*, and Mr. Christopher Murray, who was formerly either one of the boat's crew or a constable on Cockatoo Island, and who resides in Princes-street, opposite the Wesleyan Chapel. I may say here that several of these letters were softened in expression by me, prior to publication—the manuscript would shew the charges were in stronger terms than they appear in the publication. In addition to these letters, I have had letters and applications from various other persons; some of them from persons who have been confined on Cockatoo Island as prisoners. In these cases I have neither published the letters nor communicated with the parties; but I have some of those letters here, which I think I might hand in to you as evidence, to be taken for what they are worth.
3. Are they known writers? Yes. As soon as the first publications on this subject reached Bathurst I got this letter from a Mr. Merewether, who was formerly, I believe sub-editor of the *Sydney Morning Herald*, who was slightly known to me in consequence of the necessary connection between the two newspaper offices, and who was confined on that island for some time, but whom I have never seen since his connection with the *Herald* ceased. (*The Witness read the letter. Vide Appendix A.*) I have not, since the receipt of that letter, communicated with Mr. Merewether upon the subject, but I have received a second letter from him. (*The Witness read the letter. Vide Appendix B.*) Besides the letter from Mr. Merewether, I have received a letter intended for publication in the *Empire*, anonymously, from William Henry Groom, storekeeper, of Drayton, Darling Downs, which I declined to publish, simply because I had not the means of judging for myself who Mr. Groom was, but which also contains specific instances of mismanagement, cruelty, and manslaughter. He charges the dispenser with causing the death of a man.
4. *By Captain Ward*: Is that the present dispenser? Yes.
5. Are you aware whether this man, Groom, was also a prisoner? I know nothing more of him than I have stated. (*The letter was read to the Board. Vide Appendix C.*) In the first letter addressed to me from your Board, I am asked to afford evidence concerning the facts particularly referred to in the leading article of the *Empire* of the 3rd October. These facts, as it appears to me, are—that the island is under very improper management; that the Superintendent, who has the general management of the island, does not possess the qualities that are absolutely requisite in the conduct of a great penal establishment—an establishment exclusively for the punishment and reformation of criminals. It will be necessary, I think, for me to say, that throughout my life I have paid considerable attention to the question of criminal management; that as a Member of the Legislature I lost no opportunity of doing all I could to promote the general improvement of the prisons of the Colony, and that, for some years past, I have lost no opportunity of visiting those prisons. Hence the publication of these letters, the writing of this article, and their publication, are merely parts, as I might say, of a life-long conduct, so far as I am concerned. Now, coming to this particular establishment, which I regard as of immense importance to the Colony, because I cannot conceive of any greater mischief that can accrue to the Colony than that of a number of hardened offenders—the most hardened the Colony produces—being sent here, and

and no proper attention being paid to the tempering of the system of punishment, with even-handed justice on the one hand, and no proper attention being paid to their gradual reformation on the other. And, moreover, that they should there get that worst of all impressions, that the persons placed in charge of them are as liable to unpractices as themselves. I can conceive of no impression so dangerous to get abroad as this, and none so likely to lead to consequences fatal to good order, and to the general and proper stability of society. It is hence I attach so very much importance to this matter. Now, coming to this establishment, I will state how I first became acquainted with Mr. Ormsby. Some years, I should think twelve years ago—it may perhaps be more—I held a subordinate situation in the Custom House, and was entrusted with the charge of a ship in the capacity I then filled. On that occasion I saw Mr. Ormsby for the first time. He came to visit the captain of the ship; he dined there, and remained, as far as my recollection serves me, till near midnight; and I had an opportunity of seeing that he was indulging in wine, or spirits, or both, nearly the whole of the time. Towards midnight, or between the hours of eleven and twelve, a police boat, manned by four hands, came to take Mr. Ormsby home. As I have already stated, I then filled a very subordinate situation, but the thought that came into my mind was that if I were the Governor Mr. Ormsby should not be Superintendent of that island five minutes longer. From that time to this I have never had any personal acquaintance with Mr. Ormsby but I have been in a position to hear much concerning him—have had opportunities of observing his conduct. I habituate myself to observing the conduct of every body who occupies a public position, and what I have seen of Mr. Ormsby leads me to the impression that he is one of the most completely unfit men to fill the situation that could be found. I wish to guard myself from being understood to mean more than my words properly convey. I do not say that Mr. Ormsby may not be a very upright man, a very excellent man, but he entirely lacks the qualities which are now generally acknowledged by all men who pay attention to the question of prison management as absolutely requisite for such an important situation as that. I avow myself the writer of this article in the *Empire* of the 3rd October. In that article there is this sentence,—“If illiteracy, the most confined views on social questions, a self-indulgent disposition, ungovernable passions and violent language were qualities desirable in the superintendence of a penal establishment, then Mr. Ormsby would be the very model of a public gaoler.” The article then goes on to state, in a very imperfect manner, what kind of man should be a governor of a gaol:—“But the interests of society demand a very different class of qualities. The man selected for such an office should be one of calm temperament and inflexible mind, with the severest notions of honor and justice, capable of much self-denial, and utterly incapable of any kind of favoritism or low manoeuvre; and one, moreover, possessing a good knowledge of the world and a sound discrimination in judging of character.” The article then states, with a desire not to be understood as denouncing Mr. Ormsby as absolutely bad, that he might make a very respectable tradesman and be extremely useful as one, seeking to carry out the meaning I have already tried to convey, that all the writer meant was that he was unfit for that particular situation. Now, my opinion was formed mainly by the opportunity I had had of judging of the Superintendent of Cockatoo Island, as already stated. There was also this circumstance, that in the month of July, or early in August last, the present Dispenser of Cockatoo Island, Mr. J. F. Peers, called upon me and asked my advice as to how he should act with reference to Mr. Ormsby's conduct towards him on a particular day, a little previous, on which occasion Mr. Ormsby called him “damned liar,” a “damned scoundrel,” “a villain,” and a “damned pimp.” Here is the original letters of Dr. West, the medical visitor, acknowledging that violent language did take place on the day alluded to. Here is the original letter of Mr. John Duff, the Clerk of Works, stating that he heard this disgraceful language and is ready to come forward and prove it. Here is the original letter of Mr. Ormsby, which is sufficient to shew that he is a man of extreme illiteracy, utterly unfit for this situation. (*The witness handed in the original letters and copies above referred to.* Vide Appendix.) In another part of this article there are these words,—“Hitherto it is alleged that any person in a subordinate position who has dared to breathe a murmur of complaint has been singled out as the object of a petty and unsleeping persecution, which, sooner or later, has cleared the scene of his presence, if it has not involved him in some fabricated disgrace. This species of tyranny has been systematised, it is said, by the employment of the basest of the prisoners as spies, who have been encouraged by the usual indulgences allowed for good conduct.” This has been stated on the authority of the gentlemen whose names I have already handed in to the Commission, namely, Mr. Thomas, Mr. Pendrill, Mr. Richard Thompson, and Mr. Christopher Murray. As to other facts within my knowledge, and my means of obtaining which I am not prepared to state, I believe that on Easter Monday, in 1856, Mr. Ormsby entertained a large company of friends at a picnic at Chowder Bay; that on that occasion seven constables belonging to the establishment at Cockatoo Island were employed as boatmen to convey his friends, and to perform other menial offices in connexion with the entertainment. The names of these constables were John Smith, Daniel Beattie, John Waltam, Richard Musgrove, Samuel D. Johnson, Richard Sadlier, and Christopher Murray, who, I presume, if they can be called before this Commission, will give evidence to that effect. I have reason to believe, as another evidence of the entire want of discipline on Cockatoo Island, that some time, not very far back, Mr. Taylor, who is son-in-law to the Superintendent, and fills some subordinate situation in the establishment on Cockatoo, obtained a convict named Sullivan as his house servant; whether the regulations of the island allow that or not I do not pretend to say; that Sullivan went to the house of a Mr. Horsford on the island, and represented to him that Mrs. Taylor was ill and wanted a bottle of gin; that the gin was thereupon supplied, and that Sullivan, the convict so employed, was found afterwards dead drunk with the bottle lying beside him. He was found so by one of the overseers, Mr. Byron. I do not of course pretend to know whether the subordinates on the island are allowed convicts to be distributed among them as servants.

Mr. H. Parkes, 6. *By the Chairman*: The regulations allow certain servants to the officers? I was not aware of that. I have reason to believe that the boat has been away on frequent occasions to picnics at Lane Cove, a considerable distance from the island; that it has on other occasions taken Mr. Ormsby and his friends to Homebush races, by going up the Parramatta River to a bay called Homebush Bay, and that the policemen whose names have already been given will be able to give evidence to that effect. I am assured, on information upon which I am inclined to rely, but the particulars of which I cannot communicate to the Board, that Mr. Ormsby keeps a very extensive establishment as to the production of choice vegetables, and poultry in great numbers; that the Visiting Magistrate and the Visiting medical man, the only checks there are upon the conduct of Mr. Ormsby in his isolated position, have repeatedly received presents of poultry, vegetables, and so on, from Mr. Ormsby on their visits,—to which I think the Board will, if it should find the fact as stated, attach a grave importance, considering that Mr. Ormsby is so isolated, as much so indeed as though he were a thousand miles off in the Pacific, and that the only regular checks upon his management are the visits of the Magistrate and of the medical man. I believe John Smith, a German, who is coxswain in the boat of the establishment, will satisfy this Commission that he has repeatedly conveyed presents of turkeys to Captain M'Leerie, to Dr. West, and to other gentlemen who occupy these very important positions as checks upon the management of the island. I have reason to believe that Mr. Byron, the penal overseer, Mr. Easton, overseer of the Engineer's department, Mr. Broderick, engineer, Mr. Cahil, foreman of works, Mr. Kelleher, foreman of works, Mr. Fitzgerald, foreman of works, will all give evidence of the very great difficulty they have experienced from want of discipline among the convicts employed under them, and that their complaints of this want of discipline, and consequent difficulty in the progress of their works, have been generally disregarded, to the injury of the public service, and to their great dissatisfaction. There is a person on the island of the name of Scott, a constable, who, I have reason to think, will give the Commission valuable evidence. I do not know that I have any thing else to add, unless there be any other question you have to ask respecting this publication. There is one thing I omitted to state with reference to my advice being asked in the case of the dispute between Mr. Peers and Mr. Ormsby. When the correspondence I have handed in was laid before me—and I should like Mr. Peers to be examined on that point—I advised him, unless he was prepared to risk all the consequences of bringing his case before the Colonial Secretary, which he did not appear to be prepared to do, to take back the correspondence, to put up with the indignity he had met with, and to go on discharging his duty so that no one could possibly call him to account, and to set all other parties at defiance by the exemplary course of his conduct.

FRIDAY, 30 OCTOBER, 1857.

Present:—

SIR W. W. BURTON, KNT., IN THE CHAIR.

E. C. MEREWETHER, ESQ., | CAPTAIN E. W. WARD.

The following letter from Mr. H. Parkes was received and read:—

"Sydney, August 30, 1857.

"Gentlemen,

"With reference to what I understood from the Board yesterday,—that Mr. Ormsby, though permitted to be present with his solicitor during the examination of the witnesses named in my evidence, will yet not know who those witnesses are till they enter the room, I beg to point out that it will be impossible to carry out this intention on part of the Board if my evidence is read to Mr. Ormsby before their examination. I do not suppose that Mr. Ormsby would seek, by any indirect means, to tamper with these witnesses in consequence of the knowledge so obtained, but it must be recollected that such things have been done, and that in this case the persons are his subordinates in office, and are placed in circumstances that offer peculiar facilities for the operation of improper influences.

"Standing, as I do, before your Commission in the capacity of a censor, I cannot, on mature reflection, admit the justice of being excluded from the examination while Mr. Ormsby is allowed not only to be present, with legal assistance, but to exercise the privilege of cross-examination. Any inquiry into the management of the penal establishment at Cockatoo Island will be unconsciously diverted from its great ends—the vindication of public justice and the promotion of the public welfare—if the personal character of any of the officers in charge be made the first object of concern. I respectfully submit that the character of those officials who have acted wisely and uprightly, and with an enlightened sense of their duties and responsibilities, must necessarily rise in the light of a thorough investigation, and are perfectly safe in the result without any special means of protection.

"I have, &c.,

"HENRY PARKES."

"The Hon. Sir W. W. Burton, Knt.

"E. W. Ward, Esq.

"Edwd. C. Merewether, Esq."

The Board resolved, "That there was nothing in the evidence given by Mr. Parkes which made it requisite to recall Mr. Parkes to be cross-examined by Mr. Ormsby, as there was no specific charge within that gentleman's own knowledge contained in his evidence, and that, therefore, his request should be complied with—that it should not be read."

The

The Reverend John Pendrill was called in and examined, as follows:—

1. *By the Chairman*: Are you a clergyman of the Church of England in the Establishment of New South Wales? I was.
2. And at this time? I am not.
3. How are you now employed? I am helping Mr. Savigny in the conduct of his school.
4. Were you Chaplain of Cockatoo Island? I was.
5. For what period of time? From July, 1856, to the end of March in the present year.
6. Will you be kind enough to look at the *Empire* newspaper of the 26th of September last; you will there find a letter signed "N. B."? (*The Witness referred to a newspaper.*) Yes.
7. Have you seen that letter before? Yes.
8. Do you know the writer of that letter? No.
9. Do you, of your own knowledge, know anything of the circumstances there stated? No, I do not.
10. During the time you were Chaplain of the establishment were the arrangements made for the conducting of your duties such as to be satisfactory to you? Not altogether.
11. Will you tell us in what respect they were otherwise.—I mean now particularly with reference to the actual performance of your duty in your ministrations in conducting Divine Service? On one occasion I was turned out of the dispensary, and on another occasion I had a message brought to me from the schoolmaster—I believe he is also called the taskmaster—saying he wished to see me in the schoolroom. I went up to him, and he gave me a letter without any address, but which appeared to be a letter addressed to Mr. Ormsby, by the Colonial Secretary. I said I could not receive that letter as it was not addressed to me. He said he had been instructed to shew me that letter, and to require me to put on my surplice there, and to go down from there to the place where the service was held. I said I should not do anything of the kind, that it was too far to walk from the top of the hill to the yard, and I ordered the gown to be taken down to the Assistant Superintendent's Office. There was considerable hesitation, and at length I went down and said that if the surplice was not brought down I should be compelled to go through the service without it. I believe that was done with the intention of affront.
12. When did this occur? On the 15th February, it appears from my note.
13. Was Mr. Ormsby present at any part of that discussion? No.
14. Then the message was given to you by the schoolmaster—what is his name? I do not know.
15. One of the prisoners on the island? No; one of the free officers—the taskmaster I think he is called. There was a case previous to that which I may as well mention. There was a prisoner on the island of the name of Cockerill. Shortly after his arrival I saw him in the yard. The last time I had seen him previous to this was at the baptizing of his child at Christ Church, of which place I was Curate. I went up and spoke to the man, and said, "I am very sorry to see you here; you are now in a very different position from that in which I saw you last." The man was very much affected, and tears came into his eyes. He talked of the circumstances of his case, and said what caused him the most grief was the position he had brought his wife and family into, and that he did not know but that all his things would be sold, and his wife be turned into the street. I said I feared that might be the case, but that I would see his wife. I went to his wife, but it was a perfectly voluntary act; having known the people before I felt justified in doing so, and even had I not known them, I did not suppose that my being Chaplain of Cockatoo Island should prevent my doing a christian act. I saw a man, when I went into the room, who I learned was in the police, and he asked me who I was. I told him I was the Chaplain at Cockatoo Island, and stated plainly that I had seen her husband, who was greatly distressed about her. The man offered me a chair, took out a piece of paper and wrote down all that was said. Shortly after, when I went to Cockatoo, Mr. Ormsby came up to me, and said, "I have a charge against you for carrying messages from prisoners to their family." He then added that Captain M'Lerie had been informed, by a detective, that I had carried a message from Cockerill to his family. I was much astonished and annoyed, and said the charge was unfounded. I was going to write to Captain M'Lerie, to ask him whether I was to be subject to the reports of the Detective Police because I was Chaplain of Cockatoo Island.
16. *By Captain Ward*: It was made a charge against you? That I was carrying messages from the prisoners to their friends, which was unfounded.
17. What was the result? There it ends.
18. *By the Chairman*: We are upon the subject of the arrangement for the performance of your duties, more particularly with reference to the arrangements for the performance of Divine Service, and of giving spiritual instruction? There was very little opportunity for that, except on the Saturdays. I requested the use of a room where I might see the prisoners.
19. Was that always granted? I had one afterwards. I had the use of the school-room, but it was not a room for my own use.
20. Upon those occasions, when you have had to confer with the prisoners? There were men smoking in the adjoining room, and there was no accommodation. I applied for that room, in consequence of having been turned out of the dispensary by Dr. West. I had been in the habit of using it as a vestry on Sunday; but one Sunday Dr. West sent his assistant to request me to leave it, as he said he wished to see his patients there; I left, but had no place to go to; I went out and sat on the wall.
21. Was there any place when you went over to the island which you could use as a place of retirement, or as a vestry? None, but the dispensary.
22. You used that by a kind of permission? I was shewn to it when I went there at first, but I was turned out of it afterwards. I applied for a room, and it was refused me.
23. To whom did you apply? To Mr. North. I had a correspondence about it.
24. You applied for a room to be assigned to you? Yes.

- The Rev.
J. Pendrill.
- 30 Oct., 1847.
25. Was it granted? I was granted the use of the school-room, of which I had the use before.
26. What means of retirement had you? Mr. Brown's office, the Assistant Superintendent's.
27. With his permission? Yes.
28. For the purposes of robing and retirement? There was not much retirement there; the place was not above eight feet square. On Saturdays I had the use of the school-room to see the prisoners, but it was not what might be called private, for there was a room adjoining where the convicts attached to the office went, and sat and smoked, and there was only a slight partition between the two, so that prisoners who came to me might fear they would be overheard.
29. The convicts, I suppose, were, many of them, in the habit of requiring your advice and instruction? I gave notice to Mr. Brown to receive the names of any convicts who wished to see me from time to time; but very few applied to me, and it was considered not a recommendation to a man if he desired to see the Chaplain very often.
30. Were you in fact consulted by some of them upon their spiritual state? Yes, I was. I proposed last Easter to administer the Sacrament; at least one of the prisoners requested that I would.
31. Was the Sacrament administered? I left before the time.
32. You were in charge from July to the end of March? Yes.
33. During that time, was it usual for the Superintendent to attend Divine Service? Never.
34. Did any of the family of the Superintendent attend? No.
35. Did the free overseers of the establishment? Mr. Brown attended regularly.
36. How did the men conduct themselves during their attendance? Some of them used to attend; some of them lay with their heads on their hands half asleep.
37. They all attended, did they not? No, a great many did not attend that should have attended; it seemed to be optional, I understood.
38. *By Captain Ward*: Are you aware whether any who ought to have attended did not attend—do you know of your own knowledge? I have known the schoolmaster not to attend from time to time.
39. But the convicts? He was a convict; there was a second schoolmaster; I refer to him.
40. Was there any one else? Not to my knowledge.
41. *By the Chairman*: How long used you to remain on the island when you visited it? I used to go after dinner on Saturday; the men dined at two, and I got to the island about half-past two or three o'clock, and left at four, when the men had their supper or tea.
42. Then you went again on the Lord's Day? Yes, on the Sunday.
43. And were there for how long? At one time, when I first went there, I had a service for the free officers, and I used to have a few of the free children in a class, and generally left for Sydney between two and three o'clock.
44. How long were you there on the Lord's Day? At this time I had two services.
45. Two services every Lord's Day? I had at first, but latterly I was obliged to have only one.
46. But you had in fact at one time two services? Yes, and then the free officers did not attend; then the military volunteered to have a service, but they did not come to the service then.
47. Did the military attend any of your services? I used to have a service in their own apartment. I had previously a service over the cells, which any free officer so disposed used to attend.
48. In what manner was the Lord's Day observed during the time you were there, so far as you had an opportunity of noticing? The men were ranging about the yard, or sleeping about the yard; during the time I was there I was employed in my duty.
49. Was there any desecration of the Lord's Day shewn in your presence while you were on the island? I never had an opportunity of observing the conduct of the men, except when they were engaged in the service.
50. You may say whether it appeared to you that the Lord's Day was properly observed on the island during the time you were there—did you observe any desecration of it? No.
51. Were you assisted by the Superintendent and officers of the establishment in your work among the prisoners? No.
52. Were you thwarted? It is difficult to say that I was positively thwarted, but in my opinion very little encouragement was given to the Chaplain.
53. *By Captain Ward*: Did you ever demand assistance and have it refused? I had so much unpleasantness that I could not ask it.
54. Then you never did ask it? No. I once asked for slates for the prisoners, and my request was refused.
55. *By the Chairman*: Did you ever hear indecent yelling and hallooing on the Lord's Day, when you were there on that day? Not when I was there.
56. I put into your hands a newspaper, the *Empire* of the 2nd October; will you be good enough to look at a letter in that signed "Witness"? (*The witness referred to the paper.*)
57. Do you know the writer of that letter? Yes.
58. Who is it? Myself.
59. With respect to the disturbances on the island on the Lord's Day mentioned in this letter, you say—"It is a fact to which the attention of the Government has frequently been called"—do you know of your own knowledge of the attention of the Government having been called to such facts? I have called the attention of the Government to the general fact.
60. With reference to the disturbances on the island? Not to the disturbances on the island, but to the general state of the island.
61. Have you any copy of your communications to the Government upon that subject? I produce the draft of a letter, dated 19th February last, addressed by me to the Colonial Secretary. (*The letter was read. Vide Appendix A.*)

62. It appears from this letter that there must have been a prior communication? Yes, The Rev. J. Pendrill. there was one in November. On the 13th November last I wrote a letter to the Colonial Secretary, to which I received no answer. On the 17th December I wrote to the Governor.
63. Did you receive an answer to that? Yes, dated the 24th December. (*The letter was read. Vide Appendix B.* 30 Oct., 1857.)
64. Was the letter of the 19th of February in reply to that? Not exactly in reply—in continuation of the same subject.
65. Were you furnished with a boat for the performance of your duties at that time? No; only very irregularly.
66. Was there any impediment thrown in your way? In the first instance I did not know how far I was entitled to use the boat, and I got no answer to my letter to the Colonial Secretary requesting information. I then wrote to His Excellency the Governor General, calling attention to the fact, and received the reply that the boat should be placed at my disposal when I required it; that was not carried out, and that was the cause of my letter.
67. Was there any special occasion when you were refused the boat when you required it—how did you make known that you required it? On several occasions I was refused a boat; indeed it was so frequently the case that myself and the Priest of the Church of Rome made a coalition, in order that we might secure a boat between us, and I agreed, at much inconvenience, to go with him to the island at eight o'clock in the morning, to visit the hospital, and attend a small class I had formed; that he should have his service first, and then I should have mine, and that we should return together at twelve o'clock. In accordance with that arrangement, on the 9th of November I went to the King-street wharf, and found no boat; I hired a boat, went across to Balmain, and then walked across the mainland opposite Cookatoo. I then hailed the guard-boat, and was conveyed across to the island. On my arrival I saw Mr. Ormsby, who made no apology for what had occurred. I then requested that the boat might remain at the island until I was ready to return, but it did not; it went away without me to fetch the Visiting Magistrate. When I came down I found the boat gone, and the Inspector of Police stated that he had told Dr. West to wait for me. I took the boat across again and walked through the bush. No apology was offered for this, and I complained to the Colonial Secretary. Then there were several times, on week days, when I have been on the island, and the boat has left for Sydney without the compliment being paid me of asking me whether I would proceed in it. On one Sunday particularly, after declining the use of the boat to take me back to Sydney, with the view of saving the men the trouble of a second trip, as they complained of being so much engaged on the Sunday, the boat was sent to Sydney with some one else, and it was not intimated to me that the boat was going. In a letter to the Colonial Secretary, dated the 10th of September, I complained of the inefficiency of the service, and of the impertinence I was subject to from the coxswain of the boat. The boat was sent to me in a disorderly manner. I know what Government service is, for I have seen something of it in various parts of the world, and I know what ought to be done; and I saw that that was not done with respect to me in this boat. I complained to the Inspector of Police, and asked him whether the boat belonged to him. He said, "Well, Sir, it does belong to me, and it does not belong to me." I perfectly understood what he meant. The boat, as I said to him, to be sent to me in a way as if they thought "anything would do for the parson;" and I was positively assured that that was the language the boat's crew used when they used to come for the parson. I frequently used to walk across, because the men complained to me that owing to the heavy nature of their services on Sunday they had no time to themselves; and I expected in return for that, that when I did want the boat I should have it.
68. Was there any particular occasion on which the boat was refused to you, that you were aware of its having been employed in other service? Yes; on the 7th February I was sent to Sydney with the Chaplain of the Church of Rome, and the convict Garbut in irons. I protested to the Sergeant of Police against being sent in a boat with a convict in irons; I said I had no objection to the man Garbut, but I considered that it was a personal insult, and as such I resisted it. At this time the proper visiting boat was sent away on a picnic, a party of pleasure, a fishing party, or something of the kind—at all events it was sent away on a private excursion.
69. Did you see that yourself? I can prove it.
70. That the proper boat was at that time away? It was at the island when I arrived, and it left after I arrived. I was put into another boat with this convict in irons. The boat was very small, and it was blowing very fresh at the time. The convict was placed in the bow of the boat; but as the water broke over the bow, and the man had on the ordinary convict canvas clothing, I said, "That man cannot sit there—he will get wet through;" and as he was going to Maitland to give evidence in a case of horse-stealing, he would have had to wear them all night. The sergeant said he had orders to keep him in the bow, but that if I directed it he might come aft. I told him to do so, and accordingly he came and sat to leeward opposite me. This brought the boat very much down by the stern, and the man pulling the stroke oar said he had not room to pull.
71. You went in the boat? Yes; I had no alternative.
72. Have you any other case to mention? I think it is as well to stick to one or two cases that I can specifically prove. I wish to state specific facts, and to prove them. I do not wish to occupy the time of the Board unnecessarily.
73. Have you any other complaints to make with respect to the boat? If you think that is not sufficient.
74. Do not appeal to us, but state what you think necessary? I name that as a specific instance.
75. Is that then the usual course of proceeding? It is a sample of the usual course.
76. By Mr. Merewether: When you required to leave the island, what was the usual course?

The Rev.
J. Pendrill.
30 Oct., 1857.

I do not know; I applied to the Colonial Secretary for information upon that point, and had no information given me.

77. If no intimation were given by you, how could they know that the boat would be required? That was the fixed day; that was after the specific arrangement that I should have the boat on Saturday. It was a definite arrangement, that on that day I was entitled to have the boat. That I can prove; I gave my order on one occasion to Mr. Ormsby, respecting the boat, and that order was not attended to.

78. *By Captain Ward:* How do you mean that you gave your order to Mr. Ormsby? I told him I required the boat on Saturday.

79. Are you entitled to the boat on any particular day? Yes, certainly.

80. How do you prove that title? I presume that is the title. (*The Witness handed in two letters. Vide Appendices C. and D.*)

81. Mr. North places the boat at your disposal on Saturdays and Sundays? Yes.

82. When you applied for the boat on those occasions whom did you ask? The boat was always sent; that was the understanding.

83. It came as a matter of course? It was understood as a permanent order, that the boat was to be there when I wanted it.

84. When you wanted it? I always wanted it.

85. Were you there on any occasions on Saturday or Sunday after this date, the 29th of January, when the boat was not there? On that particular occasion I refer to, the 7th of February.

86. The boat should have been for you at what wharf? At Cockatoo Island, on the occasion I have referred to.

87. *By the Chairman:* You do not complain of not having been taken to the island on that occasion, but of not having been brought back in the boat? There was a case of not having been brought back, but that was after this.

88. *By Captain Ward:* The letter goes to this, that the boat should attend at King-street wharf, for the purpose of conveying you to the island; does that imply that the boat should be at your disposal for the whole of the day? Certainly, until I returned.

89. On Saturday and Sunday, for the whole time the boat was at your disposal? Yes.

90. That was your interpretation of the letter? Yes.

91. *By the Chairman:* Have you anything more to say as to the accommodation of the boat? After that, I gave the following notice to the Inspector, Mr. Dunning. (*The Witness read the same as follows*):—

“ February 21st, 1857.

“ Sir,

“ As the Superintendent on Sunday last refused to allow me the use of the boat provided by Government for the officers of the establishment, I have referred the matter to the Colonial Secretary; meantime I am not prepared to accept any inferior boat which the Superintendent may of his own caprice think fit to substitute.

“ When it is distinctly understood that the visiting boat is not provided by the vote of Parliament as a pleasure boat for the Superintendent and his friends, but for the public service, I shall avail myself of it; until this is settled, you need send no boat to fetch me from Sydney.

“ I find that the boat's crew are rated as police on the Parliamentary Estimates, and the boat service therefore belong to your department. It is my intention, if necessary, to have the subject brought before Parliament, and I trust you will, in this case, be prepared to show that you are in no way answerable for the mismanagement which prevails in this branch of your department.”

“ I have, &c.,

“ JOHN PENDRILL.

“ The Inspector of Police.”

That notice I gave to Mr. Dunning to shew to the Superintendent, and told him to keep it for reference. He afterwards told me that the Superintendent had taken it from him.

92. On the 7th of February, was the visiting boat being painted or not? No.

93. *By Captain Ward:* By whom were you informed that it was being painted? By one of the boat's crew.

94. Not by Mr. Ormsby? No.

95. You say in your letter—“ On Sunday last, November 15, the small boat having been sent for me to Sydney, I refused to return in it, and desired the coxswain to have the proper boat ready after service, but Mr. Ormsby positively refused to let me have it, and I, in consequence, returned to Sydney, through the bush”—did the circumstances occur as there stated? Yes.

96. How do you know the fact that Mr. Ormsby refused to let you have it? Because I sent a man and waited till he brought back an answer.

97. *By the Chairman:* Referring to this letter, I would ask you are you aware that there are printed rules and regulations? I have never seen any—none were ever shewn to me.

98. Do you yourself know a policeman of the name of Gleadall? Yes.

99. Do you know the fact of his being discharged from the force? Yes.

100. Do you know the charge upon which he was discharged? For being “disgustingly intoxicated but not drunk,” that I believe was the precise wording of the charge.

101. Do you know any of the facts of that charge yourself? I believe the man was dismissed, and that he was sworn to be perfectly sober.

102. Do you know that he was drunk? No; he never was drunk, as far as it was stated to me.

103. Do you know, of your own knowledge, whether he was drunk or sober? I was assured ———

104. I ask you, do you know, of your own knowledge, whether the man was drunk or sober? I know, of my own knowledge, that the man was sworn by the Inspector of Police to be sober. The Rev. J. Pendrill.
105. Did you hear the Inspector of Police sworn? No. 30 Oct., 1867.
106. Then, of your own knowledge, you do not know the fact? I do know so far as this, that it was a statement made to me upon which I could rely—I was not a witness.
107. You could not swear to the fact? I could swear that it was told me as a fact.
108. Did you ever know an instance of a person being punished in any way for demanding to see the regulations—of your own knowledge? Well, I was told that man was punished for that.
109. That fact is stated upon your own knowledge? I do not think it is stated upon my own knowledge; it is mentioned among the other matters for inquiry.
110. You say, "A demand to see the regulations, though an unpunishable offence, is a matter to be punished indirectly as soon as an opportunity offers,"—of your own knowledge do you know that? It was stated to me by one of the police that Gleadall was punished on that ground.
111. "The prisoners likewise complain that they are punished for violating rules and regulations without having the means of knowing what those regulations are"—Do you know that of your own knowledge? That statement has been made to me by the prisoners.
112. Do you know of any Chinaman having been confined to a cell? It was my custom when I went to the island to inquire what prisoners were in the cells, and on a certain day I was told there was one man there. I inquired who he was, and the reply was that he was a Chinaman. I then asked what he was there for and was told that this man—
113. This is not a case that comes within your own knowledge? No, of course, I had no means of communicating with the man; the man could not speak English.
114. We must not have hearsay evidence? I am prepared to call evidence in support of what I state.
115. Who is the person? If I give the name of the party will he be guaranteed the protection of the Court? (*The Chairman stated that would be a matter for the future consideration of the Board.*)
116. You say, "When prisoners are consigned to the cells the Superintendent refuses to allow them to attend Divine Service on the Sabbath?" Yes.
117. Have you ever applied for any to be allowed to attend? Yes.
118. Will you mention any instance? At the time the "Claremont" was discharging, when there was some disturbance on the island, there were sixteen men in the cells; of these, I think, seven were members of the Church of England; on Sunday morning, when I went on the island, I sent a written requisition to the Superintendent to ask if the men could attend the service, and if not why not. The answer sent me was that the request was a very unusual one, but that he would ask the Colonial Secretary on the following day. When I went over the next Sunday the men were still in irons, and I was told they could not attend, for it would be breaking the period of their confinement.
119. In the sixth matter referred to in your letter you mention a case of "mortal sin"—do you know anything of that except by hearsay? It was a statement made by a prisoner that a case had occurred, which he could bring evidence to prove, and he said that he did not venture to mention it because if he did he should be confined to the cells. He said a case had occurred previously where the person who had perpetrated the offence had not been punished, but the man upon whom it was perpetrated was punished. He said if I could give him protection he would mention the case.
120. You say, in the seventh, "A certain party was accused, some time since, of appropriating the rations of the prisoners"—who is that party? I will tell the story as it was told to me.
121. To whom do you allude as "a certain party?" I should like to know what protection is guaranteed to the parties?
122. I want to know the party to whom you allude? I will state that when you have settled the question of protection.
123. Then you decline to answer the question? Yes. (*After some hesitation.*) Well, I alluded to the Superintendent. I am prepared now to state the case.
124. What was the case? At the time of the disturbances connected with the "Claremont" there was a prisoner put in irons as being a party to that transaction, and I saw him; he was not kept there for the same term as the other men, as he himself stated he was put in unjustly, and he was released. When I saw him, I said, "I am surprised you should get yourself into fresh trouble, seeing your time for going out has nearly arrived." His answer was, "I was put in unjustly; I was put in because the Superintendent has a down upon me." I said, "what do you mean?" (*Mr. Dillon objected to the witness repeating conversations affecting the Superintendent when Mr. Ormsby was not present.*)
125. Do you know any of the facts stated in that article of your own knowledge, or merely from hearsay from the prisoners? Of course I know them only by hearsay.
126. *By Captain Ward:* Do you know whether the prisoner was confined by authority or without? The man was confined, but he was released upon evidence being given that he was not one of the parties; he was found not to be guilty of the offence for which he was confined.
127. The case came before the Visiting Magistrate, and the Visiting Magistrate adjudicated upon it? Yes. The man was accused of being a ringleader of the mutiny, as it was called, upon the island, which took place with regard to the "Claremont."
128. You say the whole case went before the Visiting Magistrate? Whether he was the ringleader or not.
129. Was that the only case that went before the Visiting Magistrate? Yes.
130. Are you sure of that? No.

- The Rev. J. Pendrill.
30 Oct., 1857.
131. You do not know that the whole case was not considered by the Visiting Magistrate and adjudicated upon? I have reason to believe it was.
132. You do not know that? No further than that I was told, and I do not suppose the person told me an untruth.
133. Then the statement is simply hearsay? It is a statement made to me as Chaplain of the island.
134. *By the Chairman*: Have you anything else to state upon the matters contained in that letter—I have pointed your attention to all that is specific, will you add anything as a matter of fact, of your own knowledge? Of course there are many things which may be considered as matters of knowledge, as they are derived from ordinary means of information, but I cannot swear to things that took place when I was not on the island. All I say is, that they are cases that should be inquired into. I am prepared to call evidence in support of them, if I have the opportunity. It is to be ascertained from the examination of those witnesses whether I have stated the truth or not. I may add that our salaries were usually paid at the beginning of the month; and, after I had left the island, I met Mr. Taylor, and said, "I would go to the island and receive my last month's salary, and that I wished to see 'some persons on the island.'" I received a notice from the Superintendent that I could not be allowed to land without an order from the Visiting Magistrate; I regarded this as an insult, because I knew the clergy had landed on the island without an order. Mr. Stephen and Mr. King when they went to perform my duty took no order, and at Darlinghurst no order is considered necessary for the admission of a clergyman. I understood an order was given to the police not to allow me to land.
135. You wished to go to the island to receive your salary, and you were told you could not land without an order? Yes. There is another fact I would wish to state. A prisoner requested me to get him a German Dictionary, and he informed me he would pay for it out of his earnings. I inquired whether the man had earnings, or whether it was possible for him to have the sum properly in his keeping; I was told it was; and I bought the dictionary, but when I went again to the island the man was in one of the cells, and I left the dictionary in the assistant Superintendent's office, which I used as my room. I have been told that the book has been taken out of that office, and that it has been endeavoured to concoct a charge against me of selling books to the prisoners.
136. Was the charge ever brought against you? No; but the book was taken out of the office.
137. How do you know that it was endeavoured to concoct a charge against you? I am informed that the book was taken possession of and carried up to the Superintendent's office.
138. What further was done? Nothing further was done; I only mention it as one of those things intended to damage my character.
139. All that was done was that the book was taken possession of? Yes; the book was taken possession of and never returned to me, but I understood that use had never been made of it.
140. *By Captain Ward*: I want to ask you about the case of Cockerell—you say you went to see his wife at the man's instance? Not at the man's instance; I volunteered to see her.
141. When you went to the island again you communicated to him? No, the man was in the cells, and I did not speak to him for a month or more; he always seemed to avoid me.
142. You say a charge was brought against you by Mr. Ormsby—in what manner was it brought? He said, "I have got a charge against you from Captain McLerie of carrying 'messages from the prisoners to their friends.'"
143. That is to say, he verbally charged you with this? Yes.
144. Was the matter carried any further? No, it then and there rested. I was going to carry it forward, but I was told that not having any written evidence it was not well to do so.
145. On your explanation Mr. Ormsby let the matter drop? Yes; nothing more was said about it.
146. *By the Chairman*: You state in a portion of your letter in the *Empire* of October the 2nd, that "the prisoners complain that their letters are read aloud in the office and made a 'matter of joke, and that the contents of their letters to their friends are thus made known 'to their fellow prisoners'—do you know any facts in support of that charge? Yes. One of the prisoners, named Beer, called on me one day, and said he wished to make a communication to a gentleman in Sydney, who was a friend of his family, and he wanted me to take it. I said, 'If you have any communication to make, you write and send it through the 'Superintendent.'" He said, "No; it is of a kind that I cannot send through him." I replied, "If it is a communication not proper to be sent through him, it cannot be proper for 'me to take it.'" He said, "Well, Sir, I will tell you what it is. My family are Swiss, and I 'have had a letter from my father, who is a very old man; he wishes me to assure him that 'I am innocent of the charge, and says if I will do so he will be perfectly satisfied. I wish 'to assure him of that, and to state what are my feelings.'" I said, "Write the letter." He replied, "I cannot; it will have to be passed, with the other letters, through the hands 'of the Superintendent.'" I told him that it would be like letters opened in the Dead Letter Office—a perfect secret, confined to the Superintendent. He said—"I some time 'since wrote a letter to my sister, and although I have not been what I ought to have been, 'I have been religiously brought up, and in my letter I quoted some psalms which had been 'a consolation to me in my imprisonment. The Superintendent met me shortly after, 'and said, 'What have you got to do with writing psalms?'—naming the psalms—and 'stating that the letter had been read in the office, and ridiculed by other prisoners as 'canting humbug.'"
147. *By Captain Ward*: Do you know, as a matter of fact, that this letter was read in the office? I cannot know that, but I know that a letter had been written by that man to his sister.
148. You do not know, of your own knowledge, that any letter was read in the office? No further than I knew from the information of others.

149. Could you name any person who would give evidence upon that—any free man? I beg to say that it has been stated that the writers of those letters have been conspirators, and actuated by evil feelings towards Mr. Ormsby. Now, I beg to say that I am no conspirator, and that I have no personal feeling whatever in the matter I can declare on my honor. (The witness then wrote the following as the list of persons he desired to call in support of his statement):—

The Rev.
J. Pendrill.

(The 30 Oct., 1857.)

"Mr. Dunning, Inspector of Police, respecting Gleadall's case, also respecting the use of the visiting boat when I was sent to Sydney with convict.

"Mr. Thomas, late Resident Engineer, can affirm that he has heard letters read aloud in the office.

"Mr. Brown, Assistant Superintendent, can give information respecting the Chinaman who was confined unjustly for refusing to work when the interpreter did not come.

"Dr. Beer stated about his letter being read, and his being reproved for quoting psalms.

"Merewether made the statement respecting rations; that is, as far as his being unjustly confined for 'voting against the Government' on the question of appropriation.

"Assistant Superintendent may be asked what assistance I had in my duties.

"Inspector of Police, respecting the irregularity of the boat service."

150. *Cross-examined by Mr. Dillon:* Is there any one single instance within your personal knowledge of misconduct on Mr. Ormsby's part to justify a complaint of any kind by you? Yes, certainly. I should not have made a complaint unless I had thought so.

151. What instance is there which you intended, by the evidence given by you to-day, to shew as being within your own personal knowledge? I shall go into nothing that has already been gone into before the Board.

152. If you will allow me I will repeat the question, which you do not appear to understand, and, with the permission of the Board, I will require an express answer from you—What portion of your evidence to-day do you intend to put forward as that on which you rely for any fact, within your personal knowledge, of fair ground of complaint against Mr. Ormsby? The refusal of the boat on the 7th February.

153. And is that all? Oh no! I complained of the manner in which I was treated when I was required to go to the school to robe. I believe that was done as an express mark of disrespect. There was a case on the 15th of November. Another refusal of the boat on the 9th of November, when the boat left the island without taking me.

154. With the leave of the Commissioners, I will put my question to you again, which at present you either do not understand, or, have not given a correct answer to, or, I have not known how to put properly. Give a plain answer to this question.—Is there any instance, except that on the 7th of February, in which you had personal knowledge of any impropriety on the part of Mr. Ormsby, which you intend to convey as matter of complaint in your evidence before the Commissioners to-day—any instance of your personal knowledge? Yes. I once made an entry in the Visitors' Book, respecting the removal of a tract—one of the tracts sent over by the Bishop of Sydney. That complaint was cut out of the Visitors' Book and the names were written over again, upon another page.

155. Was that done by Mr. Ormsby? It was cut out and re-written.

156. My question is a plain one—can you tell the Commissioners, or inform me of one single fact, one single incident that you can state as the cause of complaint for anything wrong done by Mr. Ormsby, in your evidence now given? I can state that the complaint I entered in the Visitors' Book was cut out of it.

157. *By Captain Ward:* In that particular case, was that done with Mr. Ormsby's knowledge? I presume names are not cut out of the Visitors' Book without his knowledge.

158. Was it done with Mr. Ormsby's knowledge, that is what I understand Mr. Dillon to mean? If Mr. Dillon wants to go into any other thing, I am perfectly willing to do so.

159. *By the Chairman:* You complain that a page was cut out of the Visitors' Book, by whom, and by whose orders you do know? No; you can refer to the Visitors' Book.

160. *By Mr. Dillon:* Do you recollect, with regard to what you say was cut out of the Visitors' Book, whether the substance of it was not calculated to lead to some controversy between you and the Roman Catholic Clergyman? That is not the question at issue.

161. *By Captain Ward:* You can answer that? I do not know that it was.

162. *By the Chairman:* What was the remark made? It was simply to the effect that he had stepped out of his own department when he had taken the tract out of the hospital.

163. A tract you had put there? No; my predecessor.

164. That was the remark in the book? Yes; and I requested him to attend to his own affairs; that was cut out of the book.

165. By whom you do not know? No.

166. *By Mr. Dillon:* Are you the writer of a letter published in the *Empire* of the 5th of October, signed "Another Witness?" No.

167. Do you know who is? No. I did not know the writer of any letter at the time; I have heard since.

168. Do you know the writer of the letter in the *Empire* of the 6th October, signed "A Third Witness?" No; all I know I confess to.

169. You spoke of the case of Cockerell? Yes.

170. Were you not aware that it was contrary to the regulations for messages to be taken to the prisoners' friends? No; I never heard of any regulations on the island.

171. Did you not know that it is against the regulations to carry messages from Cockatoo? No, I do not, and I carried no message from Cockatoo.

172. Did Mr. Ormsby ever personally refuse you a boat? I personally requested him that the boat might remain for me on the 9th of October, and it was not attended to.

173. *By Captain Ward:* What was his reply? That it should; it did not, and no apology was made.

The Rev.
J. Pendrill.

APPENDIX A.

Sydney, 19 February, 1857.

To the Honorable the Colonial Secretary,
Sir,

30 Oct., 1857.

By a communication from you of 24th December (No. 56-9186,) enclosing a letter from the Visiting Magistrate of Cockatoo Island, on the subject of the visiting boat, and other matters connected therewith, I was led to hope that I should receive from the Superintendent of that establishment, in his future arrangements of the boat service, that courtesy and respect which I feel assured (as your letter indeed states) it is the desire of the Government should be shown to Ministers of Religion by the officers of the establishments which they visit. I am sorry to be obliged to complain that the intimation to this effect, given to the Superintendent of Cockatoo Island, has been as yet without result. Notwithstanding the disavowal of intentional discourtesy, expressed by him, through Mr. North's report, he persists in refusing to me the boat specially provided for the use of the establishment. As this refusal involves a prominent principle of Mr. Ormsby's administrations, namely a constant disposition to make his *arbitrary will* and *pleasure* the only recognised law on Cockatoo Island, I am not prepared to pass it over without remark.

The subject of complaint may seem a small matter, but it is just one of those small matters which illustrate the petty and overbearing spirit in which the Superintendent discharges his duties on Cockatoo; and by the abuse of the unlimited authority, which he has either received in trust or else usurped, creates a feeling of general dissatisfaction throughout the whole island.

In a penal establishment, where the law vindicates its claim by inflicting its severest penalty, the general administration, even in its minutest details, ought to be conducted in most entire submission to law on the part of its officers, or, in other words, on fixed and definite principles. Even prisoners have certain rights, and when these rights, small though they be, are respected, when no petty and extra-judicial inflictions are added to their just judicial sentence, it is felt that justice reigns supreme, and the criminal feels that whatever he suffers he suffers justly.

But if an administrator, whose office it is to exact from others the penalties of violated law, himself continually violates the principle of law in little things, because his position enables him to do it with impunity, he degrades justice, and leads the criminal to complain that her ways are not equal,—general dissatisfaction will be the result, and this dissatisfaction will not be the less deep and sincere because a pressure is applied to prevent complaint and redress.

It is for reasons of this kind that the present administration at Cockatoo is obnoxious to every one on the island, whether bond or free, except the special objects of a capricious favoritism.

I am, therefore, induced to enter a protest against the Superintendent's proceedings in respect to myself, as this merely forms part of an arbitrary and vexatious system, which presses severely on many whose dependent position on his absolute sway prevents their offering any complaint.

I conceive that I am entitled to require, not merely such conveyance to and from Cockatoo Island as the Superintendent in his caprice may think fit to offer, but such proper and suitable conveyance as the Government arrangements enable him to provide. I believe that the Chaplain at Cockatoo formerly received an allowance for boat hire. It was thought desirable to withdraw this allowance, and in lieu of it a suitable and well appointed boat was appointed for the general use of the officers of the establishment.

At present, about £400 (beside rations) of the sum voted by Parliament on account of the Police Estimates of Cockatoo Island are set apart for the maintenance of this boat and crew. The crew are indeed rated as police, but they do no police duty; their only duties are the boat service. In thus furnishing the means for providing an effective crew and good boat, it is obviously the intention of Parliament that the officers of Cockatoo Island should be served in this respect in such a manner as becomes a well ordered Government establishment. A good boat is provided that there may be no excuse for a negligent and slovenly performance of the service.

I consider that the Superintendent is in no way justified in contravening this arrangement of his mere caprice; he is not justified in substituting an inferior boat; still less is he justified for so doing, that the proper one may be reserved for the special service of himself and friends in their parties of pleasure or visits to Sydney, to the hindrance and detriment of the public service.

On February 7th, I was informed that the visiting boat was being painted, and that the coxswain was at work on her, and that for this reason he would not accompany the boat sent for me to Sydney. I was on that day sent back to Sydney in the small boat without the full crew; the Chaplain of the Church of Rome returned in same boat, and there were sent with us a convict, in double irons, and the sergeant of police; it blew a stormy breeze, and the boat was so deep in the water that one of the crew complained that he could not work his oars. Mr. Ormsby had given orders that the said convict should be placed in the bow of the boat, but as the sea was so rough that it sent the spray over the boat, and he had no provision against the wet beyond his prison dress, we did not feel justified in permitting the Superintendent's most inconsiderate order to be obeyed.

The crowded state of the boat and the roughness of the wind and tide made the passage most uncomfortable.

The proper boat (said to be painting) was, in fact, sent up to Lane Cove, or some other place, with a party of pleasure from the Superintendent's a short time before we left the island.

On Sunday last, November 15th, the small boat having been sent for me to Sydney, I refused to return in it, and desired the coxswain to have the proper boat ready after service, but Mr. Ormsby positively refused to let me have it, and I, in consequence, returned to Sydney through the bush.

Whether the boat was again required for a party of pleasure, or whether the refusal was purely a matter of caprice and intentional discourtesy, I cannot pretend to say.

I must, moreover, remark, that the small boat is so short, and lies so low in the water, that it is much heavier to pull than the proper boat, and the use of it unnecessarily imposes on the crew double labor, and, from the same causes, when the weather is rough, as is frequently the case, it dips so much into the sea as to inflict on crew and passengers an uncomfortable amount of salt water.

I consider that the Superintendent is guilty of a gross dereliction of his duty when he thus abuses his control of the boat service, not only by hindering its efficiency, but by raising up obstacles in the way of those who are entitled to it. This system is, doubtless, much to his own personal advantage and convenience. By making the use of the boat as uncomfortable and as disagreeable in every way as possible, he prevents others from using it, and thus secures a more exclusive command of boat and crew than ever for himself and friends; yet, at the same time, it must be admitted that the system is little creditable to the establishment in which it exists with impunity.

This, however, is but one small item of that general system of arbitrary misrule and abuse of power which prevails at the establishment at Cockatoo Island.

I am persuaded that the Government is not aware of the extent to which this power is made to bear oppressively, and, I fear, unjustly in the lesser details of internal administration; nor indeed can the Government be aware until a full inquiry into these matters be instituted; and, by inquiry, I do not mean an inquiry with closed doors, conducted by the Superintendent, with power to conceal facts, suppress evidence, and intimidate subordinates fearful of losing their situations, but an open and impartial inquiry, with a single desire to ascertain the truth and place the establishment on such a footing that none may have cause to complain of its unjust, impartial, and capricious administration.

I have, &c.,

JOHN PENDRILL,
Church of England Chaplain of Cockatoo.

APPENDIX B.

Colonial Secretary's Office,
Sydney, 21st December, 1856.

The Rev.
J. Pendrill.

30 Oct., 1857.

Reverend Sir,

With reference to my letter of the 23d instant, I am now directed to transmit to you the copy of a Report, received from the Visiting Magistrate of Cockatoo Island, on the subject of your representation of inattention and want of courtesy from the Superintendent of that Establishment, and to express the hope of the Colonial Secretary that the arrangement which you will observe Mr. North is prepared to make, for providing you with a boat to visit the island, will prevent any further cause of complaint.

The Reverend John Pendrill,
Sydney.

I have, &c.,
W. ELYARD.

APPENDIX C.

Colonial Secretary's Office,
Sydney, 23rd December, 1856.

Reverend Sir,

I am directed to inform you that your letter of the 18th instant has been referred to the Visiting Magistrate of Cockatoo Island (Mr. North) for the purpose of inquiring into and reporting on the arrangements for furnishing a boat for the use of the clergyman visiting that establishment. 2. I am desired to add that, in consequence of your former letter, a reference was made through the Visiting Magistrate to the Superintendent, who stated that he always felt pleasure in meeting, as far as possible, the wishes of official visitors; and it did not appear that any disrespect was intended. A communication to this effect was intended to have been written to you at an earlier date, accompanied by a statement of the days and hours at which boats from the island are available for such visitors; but the Visiting Magistrate has again been referred to, and a further letter will be addressed to you on the receipt of his report. It is, of course, the desire of the Government that every respect should be shown to Ministers of Religion by the officers of the establishments they visit; and this has been already intimated to the Superintendent of Cockatoo Island.

The Reverend John Pendrill.

I have, &c.,
W. ELYARD.

APPENDIX D.

Office of the Visiting Magistrate of Cockatoo Island,
29th January, 1857.

Sir,

In compliance with your letter of the 24th instant, a boat will attend at the King-street Wharf, for the purpose of conveying you to Cockatoo Island, every Saturday and Sunday, at 2 o'clock, p.m.; but I could have wished you had named any other day instead of Saturday, as the boatmen have always had that day allowed them for cleaning themselves and boats. I have no doubt that every respect will be paid to you in the performance of your duties, and I trust you will not find me unwilling to enforce it whenever any instance is brought under my notice.

As I am not aware to what your last paragraph alludes, it is impossible for me to reply to it.

I have, &c.,
S. NORTH,
W. P. M.

George West, M. D., was called in and further examined, as follows:—

1. *By the Chairman*: Do you remember a man named Daniel Dunmore having been a patient in the hospital in March, 1856? I could not recollect it unless I could refer to the books. G. West, M.D.
30 Oct., 1857.
2. A young man who died of pleuritis? I think I begin to recollect something about it.
3. A communication has been made to us to this effect:—"A young man named Daniel Dunmore was attacked with pleuritis, and complained to the dispenser, asking to be taken into the hospital; the dispenser refused him admittance and sent him to the exempt ground—a damp bank—where he was exposed to rain, and his disease was doubtless much aggravated by this treatment. He became so much worse the next day that he was literally carried from his ward to the hospital, and in three days died"? I have some recollection of it, but not so particularly that I could give the evidence respecting it I could wish; I have this recollection, that the dispenser told me he got a great deal better of it, and, at his own request, left the hospital.
4. You could not, at this moment, give the particulars? No.
5. *By Captain Ward*: Who was the dispenser at that time? The same person. I have a perfect recollection that he told me he was a great deal better for the treatment he had had, and that he had left at his own request.
6. Do you remember the case of an old man named Murphy—the statement we have received is that "an old man named Murphy also died from neglect not very long ago. The register in the hospital was altered to suit the story trumped up to meet the emergency, and a different treatment of Dunmore inserted"? This is the first time I ever heard of this.

Mr. James H. Thomas was again called in, and further examined, as follows:—

[The evidence given by Mr. Thomas on the 23rd instant was read.]

1. *Cross-examined by Mr. Dillon*: You spoke awhile ago of your having made a complaint of some prisoners threatening you? Yes.
2. And I believe you, on that occasion, returned them to the penal department? I do not recollect.
3. They refused to work after hours? No; that was not the case.
4. Do you recollect the Visiting Magistrate requiring you to bring this case before him? No; that is not the case; that has been settled before.

* 17—R.

Mr. J. H.
The as.

30 Oct., 1857.

Mr. J. H.
Thomas.

30 Oct., 1857.

5. You spoke awhile ago of Spencer working for Mr. Ormsby—do you not know, is it not within your own personal knowledge, that what he did was by order of the Resident Engineer—in fact by your own orders and directions? No.
6. You state that? I state that.
7. *By Captain Ward*: Are you aware what Spencer did upon that occasion? No; I never could be aware what Spencer did, as I had not access to Mr. Ormsby's premises.
8. How long ago was that? There were several occasions.
9. Was that case of Spencer brought before the Government? There have been one or two cases; I do not know whether that is the particular case.
10. *By Mr. Dillon*: How long have you been on the island? Nearly four years. I have stated that.
11. You speak, to your own knowledge, of Mr. Ormsby or of his family having used this boat twenty or thirty times during that? Yes, more.
12. Are you aware that he has an authority to use that boat one day in the week? I have no knowledge. I do not know what the orders are. I know nothing of that; I have no means of knowing. I only state that he has used it; whether he has orders I have not the means of knowing.
13. You spoke of Mr. Ormsby having allowed his friends to land on the island without an order, is that within your personal knowledge? I only know from two gentlemen who have told me so—Mr. Spain and Mr. Macdonald; they told me that they were allowed to land without an order when they went to see Mr. Ormsby.
14. You do not know, as a fact, that they had no order? No, because Mr. Ormsby might say he had an order. When they came to see me they were not allowed to land, for I was on the wharf at the time.
15. *By Captain Ward*: How long was this ago when Mr. Spain and Mr. Macdonald came to the island? About six or eight months ago; but Mr. Dunning will be able to say.
16. *By Mr. Dillon*: Then, in point of fact, you do not know whether Mr. Ormsby had an order. Is it not a common occurrence for Mr. Ormsby to have authority for persons to land before they come to the island—do you not know that? No; how is it possible for me to know?
17. You profess to know one way, and, as you know what has been the case with respect to yourself, you may know something in the other direction? I have never seen the orders.
18. Have you not had orders for your friends to land before they have come to the island? Yes.
19. Then the same thing may have happened in Mr. Ormsby's case? Yes, that may be. I am only giving you the names of persons who have told me it was not so.
20. Are you and Mr. Ormsby on good terms? No; we never have been from the day I landed.
21. In your evidence you state that it is in your power to give evidence to his prejudice. On this occasion you profess to do so from a sense of duty to the public? I have no interest in the matter; I am out of it now.
22. Then you come forward from a sense of public duty, and not from any personal ill-feeling? From a sense of public duty. I give the names of persons, and in my letter I state certain matters as things to be inquired into.
23. You are guided altogether by a sense of public duty, without any personal ill-feeling? There has never been any private quarrel between us; our disagreements have been over matters of public duty. There has never been any chance of personal quarrel.
24. Did you ever on any occasion send a very offensive message by any police officer on the island? I do not see that that has anything to do with this. What does that refer to in the evidence?—I decline to answer that.
25. Do you ever recollect sending any message by one or more of the policemen on any occasion, to this effect, or in these words—really the words are so offensive that I do not like to repeat them to this Board, and wish to be quite certain as to the precise words—that “the police would kiss Mr. Ormsby's arse,” but that Mr. Ormsby might “kiss your arse, and they might tell him so”? No.
26. Do you swear that? I swear it; I swear that was not the expression.
27. Or to that effect? That is another thing.
28. What was it you said? I said Mr. Ormsby might kiss my backside, in reference to some impertinent allusion made to me in reference to Mr. Ormsby. If that may be allowed I will bring other things to shew that the same thing has been expressed with reference to me. I can instance a number of cases where I have met with insult and annoyance. I will go into them if you wish, but I should like my legal adviser to be present.
[*The Chairman said the presence of Mr. Thomas' legal adviser was not necessary, as he did not stand in the position of one accused.*]
29. Did you ever, in the presence of the prisoners on the island, or to any of the prisoners, use an expression to this effect, on one or repeated occasions, “Damn Mr. Ormsby”? No, never to a prisoner.
30. Or within the hearing of a prisoner on the island? No—at least I will not swear that I may not have said it within the hearing—I never said it to a prisoner. But I do not see that I am here to answer these questions.
31. You speak of noises on the island on the Sabbath-day—did you ever make a complaint on that subject? It was not my duty.
32. Did you, or did you not? No, I did not.
33. Are you aware whether any of these singings you speak of did or did not proceed from the military guard? Yes, I am quite sure of it; I am quite positive of it, as I have been walking round the prison and could distinguish.
34. What I ask plainly is this—will you undertake to say that on none of these occasions, when you heard these noises you speak of, they proceeded from the military guard, from the men in their barracks? Yes, I will.

35. You speak of a cedar plank having been taken, and you say also very positively that Mr. Ormsby was on the island on that day? I did not speak so very positively.
36. Now will you undertake to say whether he was or was not present? To the best of my belief he was.
37. You will not be certain? I would not take an oath that he was.
38. Was it a cedar plank or two boards? A cedar plank.
39. Do you recollect whether there was not an inquiry by the Visiting Magistrate as to the fact that it was put there, or as to the supposition that it was put there in Mr. Ormsby's absence—do you remember an inquiry upon that point? That might have been, but I never knew of it.
40. Do you know Mr. Cahil? Yes.
41. Do you think him a person worthy of belief—that his evidence is worthy of belief? Yes, I think so; I have no reason to doubt him.
42. With respect to the opening and reading letters, it was only on a single occasion you were present at an occurrence of that kind? No; I was there on two or three occasions.
43. Has the result been the same on all those occasions—that is, that Mr. Ormsby has ridiculed them? Yes, that I am ready to swear to.
44. Do you recollect the passages in the letters? No, but the substance; they were made matter of ridicule.
45. You do not state, as a matter of certainty, who was in the office besides Mr. Ormsby and the clerk? No, there might have been the two prisoner clerks there; I was standing in such a way that it was impossible to tell.
46. It was in reference to what was written in the letters that Mr. Ormsby smiled? Yes.
47. You never knew, of your own knowledge, of his keeping back any letters, or of his invading the privilege of the prisoners to write to whom they pleased? Not of my own knowledge, but I have heard of cases.
48. I suppose you are aware that no letters should go from the island without being examined by Mr. Ormsby? I do not know that is the regulation; I have heard that it is.
49. *By Captain Ward*: Is it not down in the regulations? I do not know.
50. *By the Chairman*: Have you anything you would desire to add to the statement you have already given? At the time I was examined I imagined that it would be to state generally as to the state of the island. For the first two years that I was upon the island I kept two diaries, in which a number of entries were made; and if I were allowed to go to the island and refer to the books in the Engineer's Department, I could refer to dates on which I was subject to the system of annoyance and opposition which prevailed.
51. *By Captain Ward*: Do you mean previous to the former inquiry? Yes, and I think cases have occurred since.
52. All these have been brought under the notice of your superior officer, Captain Mann? Yes, in every case.
53. And Mr. Mann has dealt with them? No.
54. They have been under his supervision? Yes; when I had reported to him I had done my duty.

Mr. J. H.
Thomas.

30 Oct., 1857.

WEDNESDAY, 4 NOVEMBER, 1857.

Present:—

SIR W. W. BURTON, KNT., IN THE CHAIR.

E. C. MEREWETHER, Esq, | CAPT. E. W. WARD.

Mr. Ormsby.

Mr. Dillon, Solicitor for Mr. Ormsby.

[A letter was read from Mr. Dillon.—*Vide Appendix. The Board deliberated, and resolved that the requests contained in the letter could not be complied with.*]

The Chairman to Mr. Dillon: We have had a letter handed to us by you, containing several requests. First,—that you should have a list of the charges against Mr. Ormsby. With respect to that I must tell you, by desire of the Board, that you are already in possession of as much as they, as these charges, whatever they may be that affect him, are in the different papers that have been published. With reference to the second,—that the Board will allow Mr. Taylor to be present to assist you in the arrangement of your papers,—they can do no such thing. Thinking that in the course of this inquiry into the general management of the island the evidence of some witnesses might affect Mr. Ormsby, it was considered just to him to allow him to be present, and, in consequence of his apparent infirmity, you were admitted to assist him, but the Board can yield no further.

Mr. Joseph Francis Peers, was called in and examined as follows:—

1. *By the Chairman*: You are the dispenser upon Cockatoo Island? I am.
2. How long have you been there? Nearly two years.
3. Are you a regularly educated medical practitioner? Yes.
4. Have you been a surgeon in the Navy? I have been an assistant surgeon, not full surgeon.
5. During the time you have been on the island you have, of course, made yourself acquainted with the state of penal discipline there? Yes, to a certain extent.
6. Do you remember the case of two prisoners who concealed themselves for a time upon the island? I do.

Mr. J. F. Peers.

4 Nov., 1857.

- Mr. J.F. Peers. 7. How long were they absent from their duty? I think not more than twenty-four hours, as near as I can recollect; I am not certain on that point.
- 4 Nov., 1857. 8. Was either of them brought to the hospital after being recovered? Yes—the boy Roberts.
9. What age was this boy as you call him? He was a lad, I should think between sixteen and seventeen—quite a boy.
10. Was he long in the hospital? Off and on for some time.
11. How many weeks or days? Exactly, I could not answer; but about a month or two at least, I should think.
12. Did you ever see the other prisoner who absconded with him? Yes.
13. Do you know his name? Clarke.
14. What aged person was he? A young man, I should think about twenty-seven or twenty-eight, as far as I could judge from his appearance.
15. Have you seen this paper, the *Empire* of October 5th, in which there is a letter signed "Another Witness?" Yes.
16. Will you look at No. 1,—you observe that it is stated that two prisoners concealed themselves for forty-eight hours on the island, as it was supposed, for the purpose of committing a nameless offence; do you know of any reason for supposing that they concealed themselves for that purpose? No, indeed I do not.
17. Were you present at any inquiry upon the case of those two persons? No.
18. One was a boy of tender years, sixteen or seventeen? He might have been more, but he could have been but very little more.
19. Can you give the Board any information respecting that case? No.
20. What punishment was inflicted? I do not know.
21. Whether there was any or not you do not know? I do not.
22. With respect to the Superintendent, I would ask you, "Did the Superintendent upon a recent occasion call the dispenser, in the presence of the Visiting Surgeon, the clerk to the dry dock, and several prisoners, a name unfit to repeat, and make use of other foul expressions to him, for having reported something to the superior officer." I presume you are the person alluded to as "the dispenser"? I suppose so.
23. Has there been any correspondence between you, Mr. West, and Mr. Ormsby on that subject? There was some correspondence.
24. Was there any occasion upon which such a name was used to you, and what was it? There were some words between me and Mr. Ormsby. I cannot give a direct answer, as I am not asked what it was.
25. Was there an occasion on which a name was applied to you "unfit to repeat"? Yes.
26. State what that was, and who were present? If you will ask me any question about it, I will answer it.
27. My question was a very full one; did the Superintendent upon a recent occasion, call you in the presence of the Visiting Surgeon, the clerk to the dry dock, and several prisoners, a name unfit to repeat? Yes.
28. What was that name? Do you wish me to go into that.
29. I ask you a simple question—what name did he call you? He called me a pimp.
30. What other foul words did he use? He said I was a damned liar, and in fact the three successive words were, that I was a damned liar, a vagabond, and a scoundrel.
31. Where was that—at your dispensary, or in his office? Close to his office.
32. In the street, or rather in the open space by his office? Yes.
33. Who was present on that occasion? Dr. West.
34. Was Mr. Duff present? I believe Mr. Duff was present.
35. Any other persons? There are always persons round there—prisoners.
36. Do you know the cause of your having such epithets applied to you? I had never given any cause.
37. Did Mr. Ormsby say there was any cause? Yes, there was a misunderstanding between Mr. Ormsby and myself, as regards Dr. West. The day previous for Dr. West's visit he did not come, and Mr. Ormsby expected him, I believe. Mr. Ormsby told me that he was disappointed that the doctor did not come, and I fully understood from Mr. Ormsby, from his manner, and I still believe, that he wished me to inform Dr. West that he was annoyed that he had not come. I, fully understanding Mr. Ormsby to that effect, told Dr. West. Dr. West was very vexed about it, and went to Mr. Ormsby and said, "What you have to say I wish you would say to myself, and not to my dispenser?" Mr. Ormsby asked what I had said, and I replied that I had told Mr. West what he had said to me about his not coming, as I believed he intended me to do. Mr. Ormsby got in a passion, and applied this language.
38. He applied these epithets to you? Yes.
39. Look at that correspondence (*handing witness Appendix B to Mr. Parkes' evidence*) and see if that is the correspondence which passed between you and Mr. Ormsby with reference to that matter? That is correct.
40. Do you wish to add anything upon that particular point? No.
41. This is the *Empire* of the 2nd October (*handing the paper to the witness*)—"A certain party was accused some time since of appropriating the rations of the prisoners." Who is the party alluded to in that letter—do you know? No I cannot say that I do.
42. Do you know the circumstance there alluded to? There was a circumstance occurred some time ago about the rations.
43. Can you tell us with particularity what the circumstance was? I can tell you as far as this, that some rations were supposed to be taken to the Superintendent's; but I was present at some investigation which appeared to fall to the ground; it was some refuse rations.
44. That is a little too incoherent to be taken down. When did this circumstance occur—tell us only what you know yourself? If it is to speak positive, I cannot.

45. Were you ever made aware of such a circumstance—did you ever know a charge to be made against Mr. Ormsby of having appropriated a part of the rations of the prisoners? There was such a charge, but I cannot tell the date. Mr. J.F. Peers.
4 Nov., 1857.
46. Who made the charge? A number of the prisoners.
47. What was the charge? Of appropriating the rations of the prisoners.
48. To what amount? I do not know.
49. Was there an inquiry made? Yes.
50. By whom? By the Visiting Magistrate.
51. Were you present? I think I must have been—I am not sure.
52. What was the result? The result I believe was, so far as I saw, that it was satisfactorily explained there was no appropriation.
53. What did the Visiting Magistrate do with the case? He cautioned the men against taking matters of this kind into their hands without being properly prepared to go on with the charge, and to substantiate any charge they might bring.
54. What did he do with the charge itself? I think it was dismissed.
55. By Captain Ward: You are quite sure it was examined into before the Visiting Magistrate? Yes.
56. By the Chairman: Will you look at the *Empire* of the 26th September, to a letter signed "N. B.," and tell the Board if you know the writer of that? (*The witness referred to the paper.*) I have seen this letter before.
57. Who is the writer of it? I do not know.
58. Are you the writer? No.
59. Did you see it before it was published? No.
60. Do you know the writer? No.
61. Do you know the circumstance referred to? After seeing this I knew to what it alluded. One Sunday afternoon there were two old fellows in the yard playing, or skylarking, as we say at sea, and there was some fun or other, and there was a general roar of laughter—that was all.
62. Was that of long continuance? Not very long—not longer than a minute or two.
63. You reside upon the island? Yes.
64. Are you generally there upon the Lord's Day? Sometimes, except in the morning.
65. What was the observance of the Lord's Day; was it generally decently and properly observed? Yes.
66. Were you ever disturbed by frightful yelling and hallooing? I never was.
67. At a late hour at night did you hear singing and choruses? I was never disturbed; I have heard the men singing little ditties in the ward, but nothing to call indecent noise or confusion.
68. Then, whoever wrote the letter signed "N. B.," the facts stated are not true? Inasmuch as I have stated they are true—I heard this laughing.
69. And that was all? That was all.
70. Have you ever known upon any occasion a man to be taken into the hospital who has been reported by the doctor to be fit for work? No.
71. That is with reference to the fifth charge in the letter of the 5th October? No.
72. Do you remember a carpenter named Spencer being taken from the hospital for any purpose? No, I do not remember his being taken from the hospital for any purpose whatever.
73. Do you remember a carpenter of the name of Spencer being taken from the hospital by the Superintendent to work at his own quarters? I had a man in the hospital of the name of Spencer, and the only thing I know about that is, that as I was coming back to the hospital—he was a patient in the hospital at the time—I found him just coming in. He had been out, but where he had been I could not say.
74. Did he say where he had been? Yes.
75. What did he say? He told me he had been up to the office.
76. Merely up to the office? Merely; that is all.
77. Will you now tell us what you know of the case of the young man Daniel Dunmore? Yes.
78. Did he die in the hospital? Yes.
79. What was his disease? Consumption, or disease of the lungs rather—pleurisy.
80. Was he admitted into the hospital in the first instance? No, he was exempted from work at first; he was put into the exempt list.
81. What were the symptoms of his disease? At first it was merely an inflammatory cough. At this time there were a great many men sick with influenza, and there were, therefore, a great number of cases of the same kind.
82. What you do with him? I treated him for inflammatory cough.
83. How did you treat him? He had the usual treatment; I have it here—I could not say *extempore*.
84. Have you the treatment here? Yes.
85. Let me see it? (*The witness produced the day book.*) This is my certificate that he is exempted by the authorities on the island.
86. Where does he appear in the book? (*The witness referred to the book, and pointed out the several entries relating to Dunmore.*) "Daniel Dunmore presented himself at the hospital "on the 25th of March, for a pain in the chest." We gave him lobelia and æther.
87. At what time in the day was that? About nine in the morning.
88. Was his breathing oppressed? Yes; he had the general symptoms of influenza at that time.
89. You felt his pulse? Yes; I fully examined him.
90. And exempted him from duty, not considering his case worthy of more attention at the time? Yes.
91. And sent him to the exempt ground? And sent him to the exempt ground.

- Mr. J.F. Peers. 92. What kind of weather was it at that time? Something like it is now—sometimes hot and sometimes cold.
- 4 Nov., 1837. 93. When did you see him again? He came three times a-day to take his medicine.
94. When did he come again? The next day. I gave him cough mixture—camphorated opium, ipecacuanha, and ammoniacum.
95. This is your own prescription (*referring to the book*)? Yes.
96. When did the Visiting Surgeon see him? I cannot say.
97. The next time you saw him laboring under the same symptoms, and gave him the same treatment as before; on the 27th he came again? Yes.
98. Then he was not in the hospital? Yes; I took him in to watch the case. I took him in during the day, but discharged him at night.
99. You gave him cough mixture on the 27th? Yes, and I sent him back from the hospital to the exempt ground. Then I think Dr. West must have seen him, for I see “digitalis” is added.
100. By Captain Ward: Where are the prescriptions taken from that I see tacked on here (*referring to certain slips of paper pinned to the pages of the book*)? They are taken from another book.
101. By whom are they written? By myself.
102. By the Chairman: On the third day he went again to the exempt ground? Yes.
103. And on the fourth day? He was admitted into the hospital. Now his name ceases in this book. His treatment ceases in the day-book, and is entered in the hospital-book. (*The witness produced the hospital book.*)
104. He was taken into the hospital on the 28th? Yes. That is Dr. West's prescription.
105. On that day you say the Visiting Surgeon saw him? I suppose so; I believe this prescription is Dr. West's.
106. Where does he appear again? On the 29th he is still under treatment, and a blister is added.
107. On the 30th he is still in the hospital? Yes: ammonia acetate—that prescription is Dr. West's.
108. On the 31st? He was still under treatment.
109. On the 1st April? He died on the 1st.
110. At what time of the day? I must refer to my private journal for that. (*The witness referred to his journal.*) I bring this forward voluntarily; it is my own journal.
111. This is only from the time of his coming into the hospital? Yes.
112. I think you told us that the prescription on the 28th was Dr. West's? I am not positive. I have not the visiting book here.
113. By Captain Ward: I see in this book that you mark down Thomas Edgar to see Dr. West, but there is no such mark against Dunmore's name at all. What record is there that he saw Dr. West? For instance—sometimes a man comes to me and says he has symptoms of a certain disease, and that he should like to see Dr. West when he comes, and I put down his name; that is the cause of that man's name being written down in that book.
114. By the Chairman: When did Dr. West certainly see him? He saw him several times, but I could not positively say.
115. You say he came into the hospital on the 28th of March, and died on the 1st of April; how often did Dr. West see him from the 28th of March to the 1st of April? I should think two or three times at the very least, even if he attended him only on his ordinary visiting days.
116. He gave a new prescription for him? Yes.
117. By Captain Ward: I suppose Dr. West will be able to tell us himself? Yes.
118. By the Chairman: Was a post mortem examination made? Yes.
119. Who conducted that examination? Myself.
120. Alone? Yes.
121. Was any inquest held upon him? No.
122. When was he buried? I think on the same day, or the day after.
123. By whose order was he buried? By the Visiting Magistrate's.
124. I observe that this book (*the private journal*) has been sealed up in the previous pages—is there any entry in the former part of this book sealed up concerning Daniel Dunmore? None whatever.
125. And there is none in any other part? None whatever, only in this particular part.
126. I must now ask you for that extract from your private journal to annex to the proceedings? Certainly. I have brought that book to refute the charges as they affect me. (*Vide Appendix.*)
127. I must now ask you respecting the case of William Murphy (*The witness produced the hospital book.*) William Murphy was an old man? Yes, he was of great age, I believe above eighty.
128. When was he admitted to the hospital? At half past ten on the night of the 3rd of December.
129. What was his complaint? Asthma.
130. How long did he continue in the hospital? I think a very short time. (*The witness referred to the book.*) He died at 2 P.M. on the 7th December.
131. Was he seen by the Visiting Surgeon? Yes.
132. You think this man was of the age of eighty? He was very old, so much so that I would not allow him to go down the steps.
133. What kind of asthma did he labor under—spasmodic asthma? Yes.
134. And he was treated both by you and Dr. West? Yes.
135. When was this treatment inserted (*referring to an entry in the book*)? First by myself, and then apparently Dr. West must have seen him, for there was not room to insert it, and it is crowded in.

136. When was this entry made by Dr. West? On the very day upon which it is dated. Mr. J. M. Peers.
137. That you are sure of? Yes, I will pledge you my word. 4 Nov., 1857.
138. By Dr. West? By both.
139. Was there any *post mortem* examination of that man? No, because we knew exactly what he died of.
140. He died of spasmodic asthma, and was a very old man? Yes.
141. Was there any Coroner's inquest held upon him? No.
142. Had you any other death on the island during your time? None.
143. Was there the death of a man who fell or who was thrown into the dock? That was not in my time.
144. You do not know of any other death in the hospital during your time? Yes, from chronic diseases.
145. How many deaths occurred in the hospital during your time? Five, in the two years I have been there.
146. Have there been any Coroner's inquests held upon them? No, because all the diseases could be accounted for.
147. Whose handwriting is this (*referring to the entry of Dunmore's death*)? That is my handwriting; it is all my own, and was done on the same day.
148. There appears to have been a dash in the line originally, afterwards written over? It is very likely that in the morning, when I make up my books, I made those dashes across the line, and that the man died in a later part of the day, and I then wrote over the dashes.
149. With respect to Dunmore's case, was the entry which appears under the date of the 28th entered on that day? Upon that very day.
150. You are positive? Yes.
151. It has not been entered since? No.
152. And also that on the 29 Enplush: myttæ,—was that entered on the same day, and not since? Yes, certainly not since.
153. This ammonia acetate, was that entered on the same day? Yes.
154. Were all these entries of the treatment of Dunmore entered at the time? Yes, at the time they are headed, and not since. I speak most positively and distinctly. Here is proof, you see so many entries made afterwards.
155. But the treatment of Hugh Duggins, which follows, is in a large hand, this is written in a small hand? Yes; but the case of Dunmore is a difficult case, and there is more writing to be got into the space.
156. *By Mr. Merewether*: There is a difference in the writing and in the ink? I might write one way to-day and another to-morrow.
157. I do not doubt your word, but there have evidently been alterations,—there are some words in brackets, and there is a difference in the ink? There has never been any alteration, I pledge you my honor.
158. *By the Chairman*: I wish to ask you some questions upon another point: will you look at the 11th paragraph in the letter of "Another Witness"—do you know of any such circumstance having occurred as is there mentioned? No.
159. Have you any reason to believe that any such circumstance ever did occur? No.
160. *By Captain Ward*: That is with regard to borrowing money of the prisoners? Yes. If I could not speak positively I would not answer at all.
161. I wish to understand your position on the island relatively to Mr. Ormsby; that is to say, is Mr. Ormsby answerable for your conduct on the island? No more than as regards the police regulations.
162. Are you subject to his control, and if so, in what way? Merely in this way: he sees that I do my duty, and I cannot leave the island without his permission.
163. Do you receive any orders from him with respect to the prisoners? None whatever.
164. Then, as far as your treatment of the prisoners is concerned, Mr. Ormsby is not responsible? No.
165. If you treated a prisoner in a manner different from that which his case required, would it be his duty to bring the case to the notice of the Government? Exactly.
166. What would he do, would he report it to the Visiting Magistrate or to the Government? In the first instance to the Visiting Surgeon.
167. You were asked just now whether Spencer was ever taken out of the hospital for any purpose; I would now ask you whether he was ever taken into the hospital when he was reported to be fit for work? No; Dr. West took him into the hospital in every case himself. Dr. West took him in, I never did.
168. I want to ask you with reference to a specific charge, whether Spencer was ever taken into the hospital when the doctor reported him fit for work? Not to my knowledge.
169. Can you speak positively to that? Yes.
170. You stated to the Board verbally, when they were upon the island, but it has not been taken down in your evidence, that it was left to you to give what diet you chose to the prisoners, notwithstanding what might be issued to them by the contractors; for instance, if full diet were issued for them you might give them only spoon diet? Yes.
171. Did you make any record of the diet given? No; except I may have done so in my private journal, for my own benefit at a future day.
172. With respect to the meat that may be left, what do you do with that? Some are upon low diet and others require nourishing diet; we therefore take what may be left of the rations of the one, put the meat into a boiler, and make beef tea for the rest, so that one man has to assist the others.
173. Has the residue ever been sent away? No.
174. Never to Mr. Ormsby's quarters, or anywhere else? Never, that I am aware of.
175. Would you have allowed such a thing to have been done? Decidedly not.
176. How many prisoners are in the hospital, on the average, throughout the year? There is an average of seven daily. 177.

Mr. J. F. Peers.

4 Nov., 1857.

177. How many of these are generally upon spoon diet? When we receive a man into the hospital we generally put him upon spoon diet, excepting the cases of convalescents, and we feed them up to keep up their strength.
178. How long do you generally keep them upon low diet? Until the fever abates, or whatever their symptoms may be.
179. Take the cases of Dunmore and Murphy? One case being hopeless, we gave him whatever we had.
180. Do you not think it would be better, both for your own satisfaction and the satisfaction of the Government, to record what diet was given? Yes.
181. And also for the satisfaction of the prisoners, in order that they might know they had all that was allowed them? Yes, I think it would be better to keep such a book.
182. To keep such a record as is kept by you in your private journal? Yes.
183. There is a treatment book kept on the island? Yes.
184. But that treatment book does not include the diet? No.
185. *By the Chairman:* Still the diet is part of the treatment? Yes.
186. But the treatment book does not include the diet? No. Certainly no man would give meat to a man labouring under fever.
187. *By Mr. Merewether:* With respect to the first charge—that contained in the letter signed "N. B."—you say you reside on the island, and that you sometimes hear singing in the dormitories? In the wards, not in the dormitories.
188. What do you mean by the wards? The dormitories are the single sleeping places, the wards are the general sleeping places.
189. Did that occur frequently? No.
190. At what hour of the evening? Never after the lights were put out.
191. At what time were the lights put out? At eight o'clock.
192. And you never heard singing after that? Never after that.
193. Was it at any time loud enough to be heard on the south shore? I could not say.
194. To the best of your opinion? I have heard it at my own house; I do not think it could be heard much further.
195. How far is your house? It is very close.
196. How far is the south shore? About a quarter of a mile.
197. Could it be heard at that distance? They would have to sing loud.
198. Was it loud enough to be heard at that distance? I never heard it.
199. Are you on the island every Sunday evening? Generally. Yes, decidedly; I am never absent in the evening.
200. By whose permission do you leave the island? By Mr. Ormsby's.
201. And only by Mr. Ormsby's? Only by Mr. Ormsby's.
202. You do not get the permission of Dr. West? No; still, if I neglected my duty, I should be reported to him.
203. However, you are on the island every Sunday evening? Yes; I do not think I have been absent above one or two Sunday evenings.
204. If there had been these disturbances on the island you would have had opportunities of hearing them? Yes.
205. With regard to the fifth charge, about Spencer, has the Superintendent, upon any occasion, told the dispenser to take any man—I do not now refer to Spencer, but any other man—into the hospital, whom Dr. West has pronounced fit for work? Quite the reverse. I have been most anxious to send the men to their work as soon as possible, and to keep them at work.
206. I want a plain answer to my question — ? Never.
207. With regard to Spencer, I do not quite understand the answer you gave to a question at an earlier part of your examination: you said that one day as you were coming to the hospital you found him returning to it—at what time was this? About one o'clock.
208. When did you see him last in the hospital previous to that? In the morning at eight o'clock.
209. He was then a patient? Yes.
210. Then he might have been absent from the hospital from eight to one o'clock without your knowledge? I scarcely think it possible, because I should have heard of it if he had been.
211. Do you think he was long enough absent from the hospital to have been employed at work, as it has been stated, at the Superintendent's quarters? I think not.
212. He might have been absent from eight to one, but you do not think he was? No; in fact I can almost speak positively that he was not.
213. *By the Chairman:* Did you ever know any sparring on the island between any two of the prisoners? No; I never saw any such thing take place.
214. Did you know of anything of the kind? I have heard of such things, but I cannot speak positively. I have never seen it.
215. Did you know a man named Perry? Yes.
216. Are you aware that he was a pugilist? Yes.
217. Did you know another man named Sinclair? That was before my time.
218. Then you never saw any sparring between Perry and Sinclair? No.
219. Or knew that it was going on? No; because, the day that was reported to have taken place, I took advantage of the holiday and was absent from the island.
220. *Cross examined by Mr. Dillon:* With reference to the language on the part of Mr. Ormsby towards you, I believe it originated in a misapprehension, on his part, as to a complaint made by you to Dr. West? I believe there were, perhaps, misunderstandings, or mistakes, on both sides.
221. It grew out, I believe, of the anxiety of Mr. Ormsby to see that the duty of the Visiting Surgeon should be properly discharged? It had all that appearance, I must say.

222. And it did not at all grow out of any negligence of duty on the part of Mr. Ormsby, Mr. J.F. Peers, but the contrary—the language that took place? I do not clearly understand.
223. Mr. Ormsby seemed to understand that there had been some neglect on the part of ^{Mr. J.F. Peers} 4 Nov., 1857. Dr. West? No, I can not admit anything of the kind.
224. *By Captain Ward*: What was the misapprehension of Mr. Ormsby, as far as you understood? It was inasmuch as this,—Dr. West did not visit the island according to the expectation of Mr. Ormsby; he appeared to be annoyed, and made some remarks which I fully believed he intended me to repeat to Dr. West. I did so. Dr. West was annoyed to think that Mr. Ormsby should mention anything of the kind to me, I being his subordinate, without going to him, and went to Mr. Ormsby. He said, “I wish, Mr. Ormsby, if you have anything to say respecting the performance of my duties, you will say it to me and not to my dispenser.”
225. *Mr. Dillon*: It grew out of Dr. West having imagined that Mr. Ormsby had found fault with him for his non-attendance? Yes.
226. And the thing passed away from your mind, and from that of Dr. West afterwards, when there was an explanation among you all? There was no explanation.
227. There was a conversation between you, Dr. West, and Mr. Ormsby? I am not aware.
228. *By the Chairman*: Did Mr. Ormsby apologise to you afterwards? No, never.
229. Will you tell me whether Mr. Ormsby was in the habit of using such words as those you specifically declare were used by him on this occasion? I never heard him use such words before or since.
230. *By Captain Ward*: I would ask you with respect to the general management of the island—into which the Board is appointed to inquire—whether you have reason to suppose that the duties have been misconducted? I will tell you the exact impression made upon my mind. I have been some years in Her Majesty's Navy, where I have been used to strict discipline; and I believe the only fault to be in the matter of discipline—the men have too much their own way. I allude to the prisoners. They are kindly treated in every way, and are well looked after; but I believe they are not—to my simple idea, it is my mere individual remark—that they are not kept so strict as they ought to be as regards leading them to reformation or well-doing. The men behave themselves, certainly so far as I see, very well.
231. What I want to know is, whether you consider that Mr. Ormsby, on the whole, discharges his duty faithfully as a public officer? I have never seen anything to the contrary.
232. What is your opinion? I believe Mr. Ormsby does his duty, as far as I am able to judge of the duty of a Superintendent; but I never was at such a place before.
233. As to the regulations, are you acquainted with them? I applied for them, and read them on a particular point as regards myself.
234. You could not say, then, from your own knowledge, whether Mr. Ormsby carried them them out? No; I merely read these regulations as regards that particular point.
235. You say you have been two years engaged in the discharge of your present duty—is there any modification of your instructions which you think might be beneficially adopted? No, I am not aware of any. I think the hospital could not be in a better state than it is in at present.
236. *By the Chairman*: You would recommend that a diary, similar to that kept by you for your private information, should be kept as a public record? Yes; there might be a column added to the present book, in which the diet might be inserted.

George West, M. D., again called in and further examined:—

1. *By the Chairman*: Were you present upon an occasion when Mr. Ormsby spoke to Mr. G. West, M.D. Peers, the hospital dispenser, about some message he had delivered to you? Yes.
2. Without going into particulars, the fact was that the dispenser reported something to ^{Mr. G. West, M.D.} 4 Nov., 1857. you? He did.
3. Was Mr. Ormsby made aware of that by yourself? I asked Mr. Peers would he allow me to mention what he had said to Mr. Ormsby. He said he would rather not, as it might make things uncomfortable for him on the island. I said I would rather hear no messages that were conveyed to him unless I were allowed to bring the matter forward, and I insisted upon doing so. I did so. Mr. Ormsby denied the thing, and there were angry words.
4. What words did Mr. Ormsby use towards Mr. Peers? He told him he was a damned liar, that he had never said such a thing. Mr. Peers said, upon his honor, but, before he said any more, Mr. Ormsby said, “Upon your honor, Sir, you have no honor, you are a ‘great blackguard’”; and I think he said he was a pimp and a mischief-maker on the island, carrying stories backward and forward. I went away, as I did not wish to hear any more of the quarrel. Mr. Peers followed me shortly after, and wanted to accompany me, but I said, “Go to your quarters, Sir, I do not wish you to accompany me.” I did not wish to hear any more of it.
5. With reference to the case of the man Dunmore, who died in the hospital—here is the hospital book; will you be kind enough to refer to it and see when you first became acquainted with the case? (*The witness referred to the book*) I think the first day I saw him was the day on which he entered the hospital. I was then sent for, late at night, to see him; I think at eleven o'clock at night.
6. That was on the 28th of March? Yes. I think I ought to mention that there was a round-robin got up among the convicts and sent to the Visiting Magistrate; that an investigation was held on this case; that the persons who came forward were severely reprimanded by the Magistrate, who said he was inclined to commit them all to the cells, and that, if they brought such a charge again, he would punish them, as there was no foundation for the charge.

G. West, M.D.

4 Nov., 1857.

7. What was the charge? Principally against the dispenser for the treatment of this man, but of course it was against the medical establishment altogether.
8. Under what was Dunmore laboring when you first saw him? Inflammation of the lungs, as was proved afterwards by the *post mortem* examination.
9. Were you made aware that he had been complaining for three days before that? I was made aware, by the dispenser, that he was exempt, and that, at his own request, as he was so much better, he was allowed to go out, and then he had a relapse.
10. We are told that he came to the hospital on the 25th, complaining of a pain in the chest, that the next day it was increased and accompanied by a cough—do you think the exempt ground a proper place for persons laboring under these symptoms? The report I got was that there were no bad symptoms, no violent symptoms; the first bad symptoms would appear to have been on this day; he was taken into the hospital late at night.
11. He had been labouring under certain symptoms for three days, and was kept on the exempt ground, with the men who are exempt from work,—are you aware where they are kept? They are kept on a bank on one side of the island.
12. In what situation, what aspect has it—is it exposed? It is immediately as you come out of the gate from the camp.
13. Is it on the north, south, east, or west side of the island? I am stranger here to the cardinal points. It is on the side looking towards Balmain.
14. You cannot say whether it is on the east, west, north, or south? I cannot indeed.
15. Do you remember what sort of weather it was at that time? I have not the most distant recollection. I think it was fine. I think going over I remember remarking what a beautiful night it was.
16. The month of March is usually cold and sometimes rainy? I quite recollect now; it was a delightful night.
17. That is on the night of the 28th, when you were sent for, but supposing he had been for three days previous to that on the exempt ground, under some kind of treatment, was that a proper place for him,—or was the mode of treatment proper? It is hard to answer that question. I did not see the man, and he might have had some insidious symptoms which might have escaped the notice of the dispenser. He thought it a common case of cough or cold.
18. Cough or cold could hardly be considered as properly treated by requiring the patient to stand about the exempt ground? There are some chronic cases that we hardly know how to deal with.
19. He was a young man, and his was not a chronic case? No.
20. You prescribed for him? Yes.
21. Is your prescription there (*referring to the book*)? Yes.
22. Was it entered at the time? Not at the time; it was late at night when I went there. I dictated it to the dispenser, who wrote it down on a piece of paper folded like a book, and entered it afterwards.
23. When did you first see it entered? That I cannot tell you.
24. Did you ever see it before this day? Yes, I did; we had an investigation about this matter before, and I saw it entered then.
25. Was it entered before the man's death or after? Before.
26. That you are positive of? I could not say positively, but that is my belief.
27. You have already said it was not entered at the time, but was it entered subsequently either the following morning or the day after? I think the dispenser would be the proper person to examine upon that point.
28. We have examined him? He can say when he entered it.
29. *By Captain Ward*: Will you describe what is the usual practice? It is to have the books made up every evening.
30. *By the Chairman*: Look at the next entry where his name appears. (*The witness referred to the book.*) Is that your prescription? I could not tell.
31. The next—is that yours? I dare say it was; I could not tell.
32. Now look to the 1st of April, the day on which he died? (*The witness referred to the dispenser's private journal.*) I prescribed again on the 29th, and again on the 31st.
33. How often did you see him before he died? I think only on those days when I prescribed.
34. Did you see him on the day of his death? No.
35. Did you see him after his death? No; his death was reported to me.
36. You did not attend the *post mortem* examination? No; I never do unless it is something important.
37. Was there no inquest held? No.
38. I now wish to ask you about a man named Murphy,—do you remember that person being in the hospital? Yes, I do now. I did not the other day.
39. When did first you see him? He was brought before me for classification when he was not ill at all. I was told that he was the man who built the light house. He was a very old man, and unfit for work. I was told he was 79. It was one of those cases reserved for classification, and I exempted him without medicine.
40. You did not prescribe for him? No, not at that time.
41. What was he laboring under? Hernia and great debility.
42. Was he suffering from asthma? At this time he did not appear to be laboring under it—I am speaking of his first coming on the island.
43. When he first came under your notice in the hospital, what was he suffering from? It was not asthma, though it was entered by the dispenser as asthma. There are cards over the beds on which are written the names of the diseases.
44. Had he the disease called asthma? I think he had bronchitis; he had great difficulty in breathing, and the dispenser called it asthma.
45. It might have been old age, in fact? I think it was bronchitis attacking an old man;

he

- he was exempt a good many days, and going about without medicine before getting seriously ill; when he became so ill I went to see him. G. West, M.D.
46. In what state did you find him? I found him very low; it was a very rapid case. 4 Nov., 1857.
47. How soon after you saw him did he die? (*The Witness referred to the private journal.*) It is marked bronchitis here; he died on the 7th.
48. He is marked asthma here (*referring to the hospital book*) and I think æther was given? Æthereal mixture of lobelia. That is not my prescription, but the prescription of the dispenser. Here is my prescription, half-past ten, the 3rd of December.
49. With reference to the case of Dunmore,—I find that on the 25th he complained to the dispenser; on the 26th he was treated; on the 27th he was treated, and on the 28th, as he was much worse, he was taken into the hospital, and you were sent for—did you approve of his being kept out of the hospital for three days? The statement made to me was, that he was going on very well, that indeed he was so much better that he had been allowed to go out on his own request.
50. That was what you were informed on the 28th, when you were called for? That was the statement made to me.
51. He was then in an alarming state? He was taken seriously ill.
52. *By Captain Ward:* From that statement you thought Mr. Peers was justified? Yes, and I did not question it at all.
53. He did not appear to you to have been acting rashly? No.
54. You did not think he had done wrong in allowing Dunmore to go out? They are only allowed out in the warm part of the day; they are on a sunny bank. I made a suggestion with respect to that which, I believe, has been followed out,—that when it was a cold day, or the sun was not on that part of the island, they should be removed to some other place.
55. About the practice of prescribing—as I understand your prescriptions are copied into that book—where do you prescribe? I dictate the prescription to the dispenser; he has a small book, or a piece of paper folded like a book; he takes this round when he accompanies me, and writes in it what I prescribe; he then copies from that into the hospital or treatment book.
56. Then we can, by an examination of that book, ascertain which are your prescriptions? I cannot say. I am quite satisfied this is my prescription. I recollect the thing very well now. If you look at the treatment I think you will see it has been very accurate.
57. *By Mr. Merewether:* What portion of this entry (*the 4th December*) belongs to you, and what to Mr. Peers;—hot fomentation, mustard poultice, æther, and so on? The entry is all in Mr. Peers' handwriting.
58. *Cross-examined by Mr. Dillon:* This conversation that has been alluded to—this violent language—I believe grew out of your having understood the dispenser to say that Mr. Ormsby had said something about you that Mr. Ormsby denied? Yes; if you wish me to mention what it was, I will do so. I was not well on the visiting day previous, and I did not go there. When I went to the island Mr. Peers asked me why I was not there, and said Mr. Ormsby had made some observations about my not being there, and “whatever he said, “I think he intended me to convey to you.” I said—“I am very much annoyed that Mr. Ormsby should have made any remark to you about it; if he feels that I am neglecting “my duty, he should speak to me about it, or else report me to the proper authorities.” I asked him to allow me to speak to Mr. Ormsby about it; he said he would rather not, as it would make the island very uncomfortable. I said that when things came to my knowledge in that way I considered I was at liberty to make use of them. I was going away, when Mr. Ormsby came up to me, and said—“Where are you going, Doctor?” I said—“I feel very much annoyed that you should make any complaint or observation to a subordinate officer, and that you should not come to myself.” He asked what it was all about, and when I told him he got very angry, and the words I have repeated followed.
59. *By Mr. Merewether:* The dispenser is under your orders, is he not? Yes.
60. What did he mean by saying “it would make the island uncomfortable”? I suppose he meant that Mr. Ormsby might object to his leaving the island.
61. *By Mr. Dillon:* The dispenser, I think, stated in his examination that he had never heard such language as that you have referred to from Mr. Ormsby before or since. I believe you have not been in the habit of hearing him use such language? No, I never did. I was sorry, for I thought he had lost his temper. It struck me he was a little too hasty in losing his temper; but he felt annoyed at this being reported to me.
62. What did it grow out of—did it not arise out of excess of zeal? It arose from excess of temper.
63. Was Mr. Taylor present on that occasion? I do not think any one was present, except my son.
64. Did Mr. Ormsby say that any conversation he had had with Mr. Peers was in the presence of Mr. Taylor? I think he said that whatever had been said was in the presence of other persons, and he could prove what he had said from them.

Daniel Dunmore's case. Copy from the Private Journal of Mr. J. F. Peers.

DANIEL DUNMORE, aged 21, “Mary Anne,” admitted March 28th, 1856.

DISEASE, WITH DETAILED SYMPTOMS.

Pleuritis.

March 28th.—This man was admitted complaining of great heat, thirst, and restlessness. During the last night a violent acute pain on one side, so much so that he was unable to lie on it; difficult breathing; flushed countenance; expectoration bloody; tongue coated; pulse strong.

March 29th.—No improvement; slight diarrhoea.

March 30th.—Febrile symptoms abated; great dyspnoea; tongue much coated.

March

March 31st.—To-day there was a marked improvement, less difficulty in breathing, pulse quieter, tongue cleaning, and appeared in better spirits. At eight o'clock p.m., on my visit, this alteration for the better had ceased; great dyspnoea, and accession of febrile symptoms: ordered the calomel, ant., and opium every four hours. Twelve o'clock sent for—symptoms still aggravated; delirium, with quick pulse, and great difficulty of respiration; ordered him to be watched. At six o'clock this morning suddenly raising himself, and asking for a drink, he laid down, passed a considerable quantity of mucous, and expired so quietly it was difficult to say when breath ceased.

TREATMENT.

Dec. 28th.—Cerat. Ant. Tart. } Pulv. Jacobi. gr. iii. Vene sectio ad. 3xvii.
Foment Caliae. ad. pect. } Hyd. Chlor. gr. iv statum. Emp. Ly. Hæ.
Dec. 29th.—Hyd. Chlor. gr. ii.; Popii, gr. p. Ant. Pot. Tart. gr. ½. 4 horis. G W pœs.
Dec. 30th.—Rep. Pulvis. Liq. Ammon. Acet. 3vi; Vin. Ipecac 3ii.
R Opio. Camp. 3ip. M. Camp. 3vi. Nd. 3ip. sexh's horis.
Sumeno. Emp. Ly. Hæ.
Dec. 31st.—Rep. M. st. 8 o'cl. Rep. Pulvis. Hyd. Chlor. gr. iii. Ant. Tart. gr. ½.
Pulv. Opii. gr. p. 4 horis.

POST MORTEM APPEARANCES.

Heart natural and healthy; very small quantity of fluid in the pericardium. Pleura and mediastinum preternaturally red and inflamed; lungs, particularly right lobe, preternaturally red, and air cells crowded with coagulated lymph and blood; slight adhesion on the lower part of the right lobe to the pleura. Liver healthy. Gall-bag large. Stomach healthy—distended with flatus.

J. F. PEERS.

William Murphy's case. Copy from the Private Journal of Mr. J. F. Peers.

WILLIAM MURPHY, aged 79, "Canada," admitted December 3rd, 1856.

DISEASE, WITH DETAILED SYMPTOMS.

Bronchitis.

Dec. 3rd.—This man who has been perpetually exempt since his arrival on the island, and who is very much debilitated and suffering from scrotal hernia, applied to me at 10 o'clock p.m. for the first time; he complained of chills and oppression of the chest, with quickened and laborious respiration. I at once admitted him to hospital, applied mustard plasters, and cupped him; and, considering his advanced age, and debilitated frame, that there was considerable danger, sent for Dr. West.

Dec. 4th.—Dr. West attended; approved the treatment pursued and prescribed.

Dec. 5th.—Symptoms aggravated; pulse higher; cough, expectoration, and febrile symptoms increased.

Dec. 6th.—No improvement. Dr. W. ordered treatment to be continued.

Dec. 7th.—Breathing with the greatest difficulty; copious tracheal rattle; all the symptoms of acute suffocative catarrh developed. Death ended his sufferings at 2 p.m.

TREATMENT.

Dec. 3rd.—Foment Calia. Emp. Sinap. ad. pect. scarificat ad. 3viii.
Inhale Ether. Mist. Lob. Inf. Æth. 4 horis.

Dec. 4th.—Emp. Ly. Hæ. R Mist. Ammoniaci 3vi.

Ant. Pot. Tart. gr. ii.

Nit. Pot. 3i.

R Camp. Co. et Syrup Limp. ad 3i. hd.

Coch. i. 2 ant. 3rd horis.

Dec. 5th.—Rep. Mist. 6 Rep. Mist.

POST MORTEM APPEARANCES.

The bronchial tubes preternaturally red and inflamed; the submucous cellular tissue and mucous membrane itself appearing injected with red fluid. The inflammation shewing most towards the termination of the trachea and commencement of the bronchi; the posterior part of the lungs infiltrated, and the lungs generally congested.

J. F. PEERS.

Mr. Thomas Easton was called in and examined, as follows:—

- Mr. T. Easton. 1. *By the Chairman:* What office do you hold on Cockatoo? I am Foreman of Works.
4 Nov., 1857. 2. Under Captain Mann? Yes.
3. How long have you been on the island? Eight years and four months.
4. You have lived on the island the whole of that time? Yes.
5. With your family? Yes.
6. Are you subject in any manner to the Superintendent of the island? In none at present.
7. He has no control or authority over you? No.
8. Then you are under no apprehension with respect to any evidence you may give here? I am not aware of any.
9. It is only my duty to tell you, that if you should be—or if any person coming to give evidence should require to be so told—you have no need to be afraid to give evidence before this Board; because, if we discover that any consequences should follow disagreeable to any witness, we should recommend the officer causing it to be removed from his office? I am obliged to you, but you will get nothing from me but the truth, in any way.
10. Do you remember the circumstance of a sparring match on the island, between Perry and some other person? I saw it; I do not recollect the date.
11. Where did it take place? Inside, in the camp.
12. When was that—how long ago? I dare say over two years ago.
13. Who else was present? There were a great number of people; a few of the free officers were present at that date, but I do not remember seeing any one else.
14. Were any of the prisoners there? Yes.
15. These two men, the sparrers, were prisoners, were they not? Yes.
16. It was in the prison yard, in fact? Yes.

17.

17. Were they stripped to the waist for sparring, or not? They were in that position. I will not exactly say that it was a prize fight, or anything of that; they might have had their Guernseys on. Mr. T. Easton.
4 Nov., 1857.
18. They were not stripped to the waist, then? No; they were not in what we term boxing style.
19. They had their Guernsey frocks on? Yes.
20. How long were they sparring? I should say about half an hour.
21. It was a regular match? Pretty well; they both seemed pretty well sized.
22. Was the Superintendent himself present? I did not see him on that occasion.
23. Were any of his sons? If I were sworn, I could not say that they were on that date.
24. Were you present at any other boxing match? If it were named I might recollect.
25. You have told us of one occasion? I shall tell you the plump and plain truth. I have been there on many occasions to see them spar.
26. In the same place? Yes, in the same place.
27. When the prisoners were present, and their free officers? Yes.
28. On any of these occasions was Mr. Ormsby present? I never saw him in my life.
29. Or his sons, or either of them? I cannot bear in mind that I saw Mr. Ormsby's sons or himself particularly present ever. I never saw Mr. Ormsby there in my life, at any such employment or exercise.
30. How frequently have these exhibitions taken place on the island, do you suppose? Well, Sir, they have taken place many times; I could not exactly tell you the number.
31. For whose amusement were they got up? That I cannot say, by whose authority or whose amusement it was for.
32. Were any of the overseers or officers of the penal establishment present? Yes.
33. At what time of day have these transactions taken place? In general in the afternoon.
34. Upon what days—the ordinary days of the week or the Lord's Day? Some afternoons on the Sabbath-day.
35. And on other days—ordinary days? Providing they were holidays—the Queen's Birthday, or something of this.
36. *By Captain Ward:* They took place after working hours? I cannot say.
37. Were they not ever kept away from their work for the purpose of sparring? Not to my knowledge.
38. On these occasions they were sparring in their leisure hours? Yes; I do not mean to say in their working hours.
39. *By the Chairman:* From the officers of the establishment and the free overseers being present, was it not pretty well known on the island when a sparring match was going on? Well, your Honor, I should think not.
40. No one on the island could be off knowing it? Occasionally.
41. How often do you suppose these things have taken place? They must have been four or five times.
42. *By Captain Ward:* Have you ever seen Mr. Brown? Yes.
43. He has been present at these sparring matches? Yes.
44. Have you seen Mr. Dunning, the Inspector of Police, present? Yes, he has been there also.
45. Do you know that as a fact? I am not aware of speaking to Mr. Dunning, that I could positively swear.
46. Have you seen Mr. Taylor, the clerk, present? No, I never saw him there. I cannot say, but he might have been there.
47. *By the Chairman:* Do you know anything about cedar plank having been taken from the stores of the Engineer's Department? No, only from what I have heard.
48. You know nothing but what you have heard? That is all.
49. Do you remember the circumstance of its being found? I heard tell of its being found.
50. You only heard tell; you were not present? I was not.
51. Do you remember the circumstance of a number of the prisoners leaving the works? I remember once particularly—there were seventeen of my own gang.
52. Did you report it to the Superintendent or his Assistant, Mr. Brown? Yes.
53. What was the cause of their leaving the works? Mr. Thomas—on the day I am going to mention it was near bell ringing, and my men had been quarrying above, for generally I was foreman over the gang that was quarrying the stone—Mr. Thomas, as clerk of the works, or acting engineer, requested that the men should go down to the dock for to work; and these men that I made mention of requested they should have shoes or trowsers.
54. *By Captain Ward:* Was that the working in the water question? Yes.
55. Which was inquired into by a former Board? Yes.
56. It was inquired into by myself and Captain Mayne? Yes; I believe it was.
57. The men objected to go into the water without proper shoes or boots? Yes.
58. *By the Chairman:* Was there any other occasion? Yes; but the men did not exactly belong to me.
59. You remember the circumstance? Yes.
60. Do you yourself know that that was reported to the Superintendent? Yes.
61. What was done in that case? As well as I recollect, the prisoners were brought before the Visiting Magistrate.
62. Do you remember any of them going to the office of the Resident Engineer, and using threatening language to him? Yes, I do.
63. *By Captain Ward:* Can you describe what took place on the occasion of the men going to threaten Mr. Thomas? If it was mentioned in any time, I may recollect it.
64. Do you recollect it now? Not the date.
65. It was the time the men refused to work, and went up to Mr. Thomas' office in a riotous manner; can you recollect that? Not unless it was respecting the hand-cart.

- Mr. T. Easton. 66. Will you describe that occurrence? It has generally been the rule since I have been on the island, which is eight or nine years close up, that there used to be five men to draw the hand-cart up that hill always, and I believe Mr. Thomas gave orders for four men to draw it up, and they were third-class men—not able-bodied men. To one individual, I believe, he gave the order to do it, but I was out of the way, at the top of the blocks, and he did not put me in possession of the rule. The men said they would not draw the hand-cart up the hill without five men, and the person who received the order went up to the office with the men. I was reported myself for that.
67. By whom? By Mr. Thomas to Captain Mann.
68. By Mr. Merewether: It would have been your business to have carried out the order if you had received it? Yes.
69. By Captain Ward: Do I understand you, then, to say, that you think the men had reasonable cause of complaint in being required to draw the hand-cart up the hill with only four men? Yes.
70. By the Chairman: And, in fact, instead of their going up in a body, they were taken up to the office? I was not present on that occasion at first, but when I heard of it I went up to the office and saw Mr. Thomas and another foreman of works, and the men were standing opposite the gate, ranked up two deep. I did not see any man go up to strike or assault Mr. Thomas.
71. Was there any unbecoming behaviour on the part of the men towards Mr. Thomas, or any threatening language used? Not while I stood there. None but this man, who was something rather insane, I believe, and he walked towards Mr. Thomas, but never attempted to strike. I believe he was taken before the Visiting Magistrate for the same, but I am not certain. I believe Mr. Thomas declined to come forward upon that.
72. By Mr. Merewether: You say there were men sparring on the island on one particular occasion—who were these men? There was one of the name of Perry.
73. Who was the other? The other was named Sinclair.
74. Where were they sparring? In the camp yard.
75. Give us some better description; what do you mean by the camp yard? Inside the iron gates.
76. Where the prisoners are lodged? Yes.
77. Was Mr. Ormsby on the island at the time? That I cannot say.
78. On what days of the week did these exhibitions occur—you say they occurred five or six times? As I should suppose, in the generality on holidays, or perhaps it may be on Sunday afternoon.
79. Should Mr. Ormsby have been on the island at these times; under ordinary circumstances would he have been on the island? I would be very sorry to state except what I could swear to.
80. If he had been on the island could this sparring have gone on without his knowledge? I believe it could.
81. Was it accompanied by any noise? No, I could not say it was. In the general run, there is great silence when such a thing is going on.
82. Did you see any strangers, persons not employed on the island, present on these occasions? I could not say.
83. Do you mean to say that you could not have noticed if there had been any strangers present; I do not want you to say that there were any present, I merely want a straightforward answer? So I would give it if it was a thing I knew; if you will name any name I will tell you.
84. I do not want the name; I ask you if there were any strangers present? I do not know whether Mr. Thomas was present, he might have been.
85. Do you call him a stranger; by stranger I mean any person not connected with, or employed on, the island? I did not belong to the establishment.
86. That is not an answer to my question. I ask you whether you saw any strangers present at these sparring matches, persons unconnected with the island—that is a plain question? It is a plain question. I cannot say I did, that I did not know any person that I saw there.
87. By the Chairman: Did you ever see any person there not belonging to the island—did you ever see any visitor of any kind, any person unconnected with the island? I would not tell a falsehood, but for me to know whether there were visitors or strangers I should know the date, and I do not know the date.
88. Did you, or did you not, see any person unconnected with the island present at any of these sparring matches? There might be plenty of them for me.
89. Did you ever see any one? I cannot say.
90. By Captain Ward: Do you know as a fact that any strangers were present? If I was sworn I could not say.
91. By Mr. Merewether: Will you say yes or no? I mean to say there might have been.
92. By the Chairman: Cannot you form a judgment upon the matter, whether you did ever see any strangers there, or persons unconnected with the island? If it was not a customary thing for strangers to be there I would know, but it is customary for persons to be there every Sunday.
93. By Mr. Merewether: Do you think there have been any persons unconnected with the island present on these occasions? If I had seen them I should tell you in a minute; I am not aware, but I say they might have been.
94. Were there so many people in the camp that you could not see who were there? I am not upon that intention when I go to look at two men sparring.
95. Was the camp so full, I ask you, that you could not see who were there? If I understand, it was pretty crowded with the men at there.
96. Then this occurred when the men were all mustered in the camp? On these occasions.

97. I cannot help expressing my opinion that you are decidedly trying to evade my question? *Mr. T. Easton.*
I beg your pardon.
98. You have been nine years on the island, and are, I suppose, perfectly acquainted with the rules and regulations? No, not with regard to the rules; I never saw them.
99. *By the Chairman:* With reference to the persons resident on the island, if you have been there eight or nine years you must know them all—you are simply asked whether there were any persons present who did not reside on the island? There were the soldier officers.
100. *By Mr. Merewether:* Was the soldier officer in command present? Yes, and other officers that were on a visit there.
101. You have been beating about the bush, I believe; these were strangers on the island? I have seen them.
102. *By the Chairman:* You have seen military officers there? Yes, besides the officer on guard; but I never considered them as strangers, for they were there themselves every other fortnight.
103. *By Mr. Merewether:* You are pretty certain that the Assistant Superintendent was present at these exhibitions—Mr. Brown? I never saw him.
104. You stated just now that you had seen him? Yes, and so was his assistant.
105. You never saw Mr. Ormsby there? No.
106. You have been a long time on the island—nearly nine years? Yes.
107. What is your opinion as to the general discipline during that time—I confine myself principally to the last two years—what is your opinion of the management during that period? That it is very leaning.
108. What do you mean by "leaning"? I mean something leaning rather to the prisoners.
109. Am I to understand that if there are regulations they are mildly carried out? I am not aware of any regulations.
110. But if there are any regulations they are mildly carried out? I mean to say they have been mildly carried out.
111. That is the only interpretation you put upon the word? Yes.
112. You say you are not aware of any regulations, and therefore cannot say how they are carried out? No.
113. From your own observation, do you consider that any one prisoner is favored more than another? I believe so.
114. How can they be favored? In many instances.
115. How? They can commit themselves in some way, and then in two or three days after they will be appointed to some place.
116. You mean that after the commission of some offence they may be appointed to some post on the island? Yes.
117. *By Captain Ward:* Can you state any particular case where that has occurred? Yes, I think I can in one instance. I will shew you how there was laxity of discipline. I had an occasion to find fault with one man in particular; I reported that man three times for disrespect in every way that he could treat me, and that man held the office as constable of the Superintendent's office. He treated me with contempt and disrespect in every way. I had to caution him twice about taking the hand-cart off the work, and he said he would do it as often as he liked from a sub-overseer. Another time I took a man to the office, and told this same man to go to the Superintendent; he wanted to know what charge I had to prefer. I said, "I cannot tell you anything of the sort; you are a prisoner as well as the man I am bringing." He said "I do not care a damn whether you do or not." That man I reported, and he continued in his situation afterwards.
118. *By Mr. Merewether:* Did you prefer any charge against him? Yes.
119. To whom did you report him? To Mr. Ormsby twice, and after a lapse of fourteen or fifteen days he was brought to Court.
120. Was the offence dealt with by the Visiting Magistrate? Yes.
121. Was the man discharged? Yes; by Mr. Ormsby giving him a recommendation as a creditable man.
122. What was Perry on the island? I believe he was a carpenter by trade, but he was once over the cells, and once over the cook-house.
123. What was Sinclair? He was barber in the camp.
124. Were there any instances, besides the one you have mentioned, where you think favoritism was shewn? No further than men who have been punished have been put in office very shortly after.
125. They have been placed in offices on the island very shortly after they have been punished? Yes.
126. Can you name any other instance—you are speaking generally now? Well, I really believe myself there were many instances.
127. You cannot name them? Not at present.
128. You say you reside on the island? Yes.
129. Are you there all day and every day? Yes.
130. Are you there on Sundays? In general.
131. On Sunday evenings? On Sunday evenings in general.
132. Is the island quiet and orderly on Sunday evenings? Well, it is quiet.
133. Do you ever hear any noise of singing? Yes, after hours.
134. Where? In the camp.
135. Loud singing? No, not loud singing; in a mild regular manner.
136. What do you call a mild regular manner of singing—were they singing Psalms? Well, there is no disorder or shouting if a man be singing a song.
137. Do you call that regular, singing songs in the yard on a Sunday evening? Yes.
138. Is that a frequent occurrence? Yes, generally, on working days; but I have heard them on Sunday.

- Mr. T. Easton. 139. Is it usual for the prisoners to sing in their dormitories? Yes.
140. Does it ever cause you annoyance? No; if I went out of my house I —
- 4 Nov., 1837. 141. You do not mind the prisoners singing? No.
142. It does occur frequently on Sunday as well as on week day evenings? Yes.
143. Is Mr. Ormsby on the island on Sunday evenings? In general; in fact he is seldom off the island on Sunday evenings.
144. *Cross-examined by Mr. Dillon*: I believe that after the lights are put out there is nothing of that kind allowed? No.
145. I think you were going to say something as to your being able to hear the noise of singing when you would come out of your place—could you hear it if you did not come out? I could not hear it inside my house; but if I went out I could hear it quite plain.
146. You stated, in a previous part of your evidence about these sparring matches, that you have seen them four or five times? Yes.
147. And not more? I could not say for myself being present more than that.
148. Were they accompanied by any violence or noise that would cause apprehension or disturbance to the business of the island? I said before that it is in silence all such things as that is done.
149. There was no disturbance, no noise? No; for their own diversion they keep silent.
150. Was there anything unusual in such an amusement as that being practised by the men in after hours—was there anything unusual, offensive, or riotous—there was nothing you would have found fault with as a breach of discipline—if the men had been under your orders would you have found fault with this sparring, as calculated to produce disorder? If your Honor wishes me to answer the question I shall. I have not been in the power to see whether I should or not.
151. Do you recollect the officers of the guard being present at one of these occasions you speak of? They have been there more than once, I believe, to my eyesight.
152. Was that in the officers' quarters? No; I have never been in the officers' quarters.
153. What did occur in that way was in the prisoners' after hours? Not exactly in the working hours, by no means.
154. *By Captain Ward*: Did these sparring matches take place with boxing gloves or with fists? Always with boxing gloves.
155. *By the Chairman*: Always with gloves? Yes.
156. Who provided the gloves? I believe the men themselves subscribed and purchased the gloves—they were brought by some means to the island.
157. What means had they of getting them? Your Honor I am not particularly aware; I believe they could be purchased and brought to the island.
158. *By Mr. Merewether*: Whom do you mean by "the men"? I mean the prisoners.
159. *By Mr. Dillon*: Did you ever hear of Mr. Ormsby having these gloves seized? Yes.
160. *By the Chairman*: This is a very important point which has been raised respecting the boxing gloves—you say you think the prisoners may have had means of getting them there? Yes.
161. Had the prisoners the means of getting anything else they liked? Well, I could not exactly swear, but there are many things, against the regulations, got for the prisoners.
162. What have they got? Clothes, neck-ties, and braces.
163. They can get these things easily? Yes.
164. Indulgencies? Yes.
165. You say contrary to the regulations—do you mean contrary to the written regulations, or to your own idea of what prison regulations should be? I never saw the regulations.
166. You mean contrary to your own idea of prison discipline? Yes.
167. What sort of things? Comforters, handkerchiefs, braces, and parcels of different descriptions, and, as far as I know of discipline, for the last six and twenty years I never saw it permitted.
168. Can the prisoners get paper, pens, and ink? Yes; the Superintendent himself issued them.
169. Can they get these things otherwise? Yes.
170. Can they get letters from their friends, paper, pens, and ink? Yes.
171. Do they ever get the indulgence of a newspaper? I believe I have seen them frequently reading a newspaper.
172. Have you seen the prisoners in the presence of overseers and persons of that description reading newspapers? Yes, I have.
173. Commonly? I have seen it several times.
174. Have they any indulgencies in the way of food? I believe that is allowed.
175. Tea and sugar they are allowed to buy out of the money they earn from their task work; I am asking you with respect to indulgencies they obtain on the island out of the regular way—in some clandestine way? It might be the case, but I am not in possession of it.
176. You say they get braces and newspapers, that must be clandestinely? I do not know whether they are in the habit of getting them, or who may be the purchaser.
177. *By Mr. Dillon*: As to the things you say the prisoners get, do you not know that when any of their friends go there they take parcels with them, of whatever they think right, and give them to Mr. Ormsby to be delivered to the prisoners, if he thinks right? But I am well aware the purchasers are not the friends or relatives.
178. I suppose Mr. Ormsby will not allow them to have newspapers? No; I have known him to seize them.
179. How do you suppose they can get these indulgencies without the Superintendent's knowledge? I am not aware whether they come from the boat that brings the stores, or what boat brings them. There is a prisoner receives the things from the boat every morning, and brings them to the office—that is, anything they pay their money for into the office is purchased.

Mr. T. Easton.

4 Nov., 1857.

180. That is for tea and sugar? Yes, and for these braces.
181. Then they are brought by the Superintendent's permission? Yes.
182. *By the Chairman:* Newspapers, articles of dress, and such things? Yes.
183. Did you ever see the boxing gloves—were they brought in that mode do you suppose? I have seen them once or twice when they have been handed over to these two men.
184. Who handed them over? Some other prisoners.
185. I think you said the discipline was lenient towards the prisoners—do you mean by that that it was mild? Well, with respect to that, what I mean is that it is not strict discipline.
186. I understand you to mean that is what we should call loose discipline? In some degree.
187. I think you said there was favoritism as regards discipline—that some men were favored and others were not? Well, I believe so still.
188. Do you know any instance of favoritism toward any particular person? I know some men have been taken to the office to be punished, and in three or four days they have got some employment.
189. Were these men, Perry and Sinclair, stout men, men capable of hard work? Yes, more so than any other men on the island.
190. Did you ever know either one of them to be at work on the island? Yes, for a short period.
191. Take Perry—when was he at hard work? The last time he was on the island I believe he was at hard work.
192. When he was there the first time was he at work? For a short period.
193. What work was he employed upon? He was some time over the cells.
194. That is not hard work? He was employed at carpentering.
195. How long was he there? Many months—a long time.
196. Where was he taken to from that? I think he went over the cells.
197. As overseer of the cells? Yes.
198. How often has he been upon the island? Three times to my knowledge.
199. Sinclair—what was he there? He was barber at the camp.
200. Was he a strong or a weak man? A strong man, an able-bodied man.
201. Capable of hard work? Yes.
202. Was the situation of barber reckoned an easy and indulgent post? Yes, it was easier, but he had nothing the better pay for it.
203. But he was excused from hard work? Yes.
204. These two men, in fact, were not usually employed upon hard work? No.
205. Was it at the time he was overseer of the cells that these sparring matches took place? Once or twice they did.
206. Then he must have been taken from his duty at the cells to have been present at these sparring matches? I cannot say for that.
207. Do you know whether some one relieved him for that time? I know it was a general thing for some one to relieve him if he was wanted for sparring.
208. Have you known that? I have; on one occasion I saw a man go in his place when he went to sparring.
209. Who sent the man in his place? I think it must have been, in my opinion, one of the free overseers in the department; there is no other man got any control.
210. Did you ever hear such a thing said as that there was reason to fear if any prisoner reported any circumstance he would be liable to the displeasure of the authorities? I heard it said, but it is a thing I cannot prove.
211. Did you ever hear of an unnatural offence being committed on the island? I have heard it.
212. Were any means taken to bring the parties to justice? I never knew either of the parties to be brought to justice myself; I am not in possession of it.
213. Did you ever know any reason for the parties not being brought to justice? I cannot say.
214. Was there any reason for any to fear bringing it forward? I heard it rumoured as such, but that is all. I did not belong to the department.
215. You say the discipline toward the prisoners was what you call "leaning," and by that word you mean something loose or lax. With regard to the conduct of the free people on the island—more particularly to the conduct of the Superintendent—was that to be denominated loose or lenient, or was it strict? I cannot say with respect to the free officers under the Superintendent, for I believe they have no control. If a man be brought before the Superintendent, it depends upon him whether he shall be discharged or not.
216. It is left to his discretion to bring the matter forward or not? It may be.
217. Were you ever in the Superintendent's garden? Yes.
218. What is its extent? I dare say it is about from three to four acres, if not more.
219. Are there walls and considerable buildings in it that must have taken considerable time in their erection? There are a few buildings inside.
220. Have you ever seen any part of it cultivated? Yes.
221. What number of persons have you seen employed in that garden? I suppose I have seen two and three at a time.
222. Is that an usual thing or has it been only an accidental occurrence? No; it has been continued, to my knowledge, for some time.
223. Do you think there have been more than three at any time employed? Yes, as many as six sometimes.
224. Have you known more than six to be employed there occasionally? I will put your Honor in a right position: If a man came to the island in the evening late he would not go down to the Engineer's Department at once, but he would be sent to work in the garden, and then the next day he would go into the gang.

- Mr. T. Easton. 225. By "the garden" do you mean the Superintendent's garden or the public garden? I did not know it was a public garden; I thought one was Mr Ormsby's garden as well as the other.
- 4 Nov., 1857. 226. I am speaking of the garden round Mr. Ormsby's house—how many men do you suppose it would have taken, and what period of time, to build the walls in Mr. Ormsby's garden? I would say it has taken, within the last three years, over a hundred men.
227. To build all these walls? To keep up the breaches in different parts of the walls: In wet weather parts of the walls would fall, and then we had to send up six or eight men to mend the breaches in the walls.
228. In the walls in Mr. Ormsby's garden? Yes; I believe that is Mr. Ormsby's garden.
229. In the cultivation of the garden attached to Mr. Ormsby's house, and which runs down the side of the hill, how many do you suppose were employed? In the general way, the men are removed from the prisoners' garden to Mr. Ormsby's, and if there is any work to be performed in the prisoners' garden they go back to it again. That is only occasionally.
230. You are aware that Mr. Ormsby's private garden is a very extensive one, and has a great many walls in it? There are a great many divisions.
231. Which it must have taken a large number of men to erect? Yes.
232. Have you known any of them to be erected in your time? Not to my knowledge; only when they have fallen they have been built up again.
233. To whom has Mr. Ormsby reported that they have fallen? A requisition has been sent to the Engineer's Department.
234. How many men have been sent up to repair the walls? According to the nature of the breaches. I have known ten or twelve men to be sent. I have sent ten or twelve men myself. Within the last three years that has happened six or seven times, for three or four days. In heavy weather they fall down.
235. They are built without mortar, and fall down in rainy weather? Yes.
236. During this time the men are taken off the works? Yes; by a requisition of the Superintendent.
237. Do you think the allowance for the prisoners is larger than they consume—the quantity of hominy, for instance? It was some time ago. They have not consumed what was prepared. I have seen buckets and barrows full taken out.
238. What has become of that? I have seen it in a heap, partly at Mr. Ormsby's gate, and more of it divided among the free officers.
239. Does that take place now—has it occurred within the last six months? No, nor within the last nine or ten months.
240. Do you know as to the assistance afforded to the Engineer's Department by Mr. Ormsby whether there has been reason to complain of the assistance afforded to your department by the Superintendent? Well, I shall tell you that directly. In the first instance, if I took a man with a charge to Mr. Ormsby, he decided whether he would take the man before the Court or whether he would reprimand him.
241. Did that interfere with your duties? Sometimes it did, in some cases. In many cases it interfered with me; I found I need not take the man again.
242. Do you mean that it was of no use for you to take a man before Mr. Ormsby? Yes; I was of that feeling.
243. By Mr. Merewether: Whatever a man did it was of no use to take him up? Yes; in some cases they were actually sent away to the works by Mr. Ormsby, and not brought before the Magistrate.
244. By the Chairman: Let me understand you perfectly with reference to the requisitions for the repairs of the walls—were these made to the Engineer's Department by Mr. Ormsby? Yes.
245. Were these the walls of his private garden? Yes. Sometimes he would not ask for the men, but would take from four to six men out of a gang without making an application for them.
246. At other times he would make a requisition for men to repair the walls, which walls were in his own garden and for his own private use? I cannot say that it was his own private garden, for there were very few officers of the island but got the benefit of it. They all get some vegetables occasionally.
247. By whose gift? I believe it is an understood thing with the Government.
248. Who supplies them? The gardener, or, at least, a prisoner we call the gardener.
249. At Mr. Ormsby's desire? Yes.
250. And upon his authority? Upon his authority.
251. And at his will? Yes.
252. Not a regular allowance by order of the Government? No, I cannot say that it is a regular allowance. I know the garden was once called the public garden.
253. You are aware that there is a prisoners' garden? Yes; but every man, by the regulations, is supposed to have a share in the other garden, and is allowed to walk in it as well as Mr. Ormsby.
254. By Captain Ward: I see in the regulations that—"All requisitions and applications which, either directly or indirectly, lead to the expenditure of public money on account of the penal establishment are to be countersigned by the Visiting Magistrate."—Are these requisitions sent by Mr. Ormsby to the Engineer signed by the Visiting Magistrate? I never saw them so signed.
255. On what authority then does the Civil Engineer send up the men? On Mr. Ormsby's application.
256. He is not authorised to do so without the signature of the Visiting Magistrate? I never saw that.
257. If the Resident Engineer or Captain Mann sent the prisoners up without the signature of the Visiting Magistrate he acted against orders? I am prepared to say I never saw this signature.
- 258.

258. When these men are sent and employed in building these walls, is their time taken down as though they were employed on the public works? If the men are employed on the convict department we do not return them at all.
259. How are these men paid? By the Superintendent of the island—a penny a day.
260. Out of the public money? Out of his own contingency I suppose.
261. Do you know how they are paid? I do know that we do not pay them.
262. You are quite sure that you strike them off your list? Yes.
263. *By the Chairman:* Are you sure they get their task money from the Superintendent—that they get their penny a day? No.
264. *By Mr. Merewether:* You stated a short time ago that, in addition to the prison luxuries which are allowed, other things were brought to the island for the prisoners? I named the other things.
265. And that they were handed over to the convict who received the general luxuries? Yes.
266. What became of them—where did they go to? They were taken to Mr. Ormsby's stores, or to his office, I believe.
267. *By Captain Ward:* You say you believe, do you know that? I have seen them there.
268. *By Mr. Merewether:* You have seen them taken to the Superintendent's office? Yes.
269. I ask you this question, to carry out Sir William Burton's last point of examination, and I want you to be quite sure of it;—do you consider that you have had all the convicts available for the works handed over to you in the morning? That I could not say, by no means. There is a lot of men fall out every morning, and they are examined by the doctor or dispenser, and, of course, I do not know about the number that fall out, whether they are sent to the exempt ground, or what is done with them—of course, what I get upon the works I number.
270. Are you one of the persons who receive all the prisoners in the morning? Yes.
271. Are you the next man under Mr. Thomas? No, I am the second.
272. You receive your own men? Yes, for gangs.
273. Are they the same number of men each morning? Sometimes there are more, sometimes there are less; this morning there may be a hundred men, to-morrow there may be ninety-six or ninety-seven.
274. Do you know any reason for the difference—are you told why the men are kept back? No.
275. Therefore you cannot say whether you have all the men who are available or not? No, I cannot, by no means.
276. You have nothing to do with the workshops? No, unless occasionally.
277. Who is the Foreman of Works? Mr. Cahil.
278. *By Mr. Dillon:* The walls you have spoken of as having been repaired have been built a great many years, I believe? Yes, a great many years.
279. Is it not the fact that the prisoners and free people get from that garden the use of the vegetables just the same as they do from the other, or prisoners' garden? Yes, the prisoners and free overseers.
280. What men have been sent to the garden from the Engineer's Department have been sent on Mr. Ormsby's requisition? Yes, on his signature.
281. Can you state to me any case of the favoritism you have alluded to? I said just now —
282. Can you state one single instance? I could state many if I had kept a memorandum.
283. Tell me the name of any one person? I will tell you—Keogh; after reporting him three times to the Superintendent —
284. You got no redress? No. He was taken before the Visiting Magistrate; Mr. Ormsby gave him a recommendation, and the man was dismissed.
285. Mr. Ormsby gave him a character? Yes.
286. And because Mr. Ormsby gave the man a good character the Visiting Magistrate dismissed him? Very likely it was for that.
287. Have you a doubt that it was for that? I know he was a useful man.
288. Just answer the question, if you please.—Have you any doubt that it was because Mr. Ormsby thought it his duty to give that man a good character that the Visiting Magistrate dismissed the case? I do not know what his motives might be.
289. Can you name any other instance of favoritism? Yes.
290. What is the name of the party? There was a man of the name of Paddy Murray; he was in the workshop, and I took him up on a charge of abusing the overseer; he was sent back again, and the result was, when he came back one of them drew a knife and stabbed the other.
291. How long ago was this? Three or four years ago.
292. Was there any inquiry about that at the time? No, I do not think so; for I took the man before Mr. Ormsby for abusing his overseer, and he was dismissed, and the result was that he stabbed him.
293. What was the other man's name? He was a sub-overseer.
294. What was his name? I cannot say. He was a real good character, for he was hanged since, if I do not mistake.
295. What reason did Mr. Ormsby assign for not punishing this man? That I cannot say.
296. He assigned no reason that you can give? No.
297. You brought this man up on a formal complaint to Mr. Ormsby? Yes.
298. What did he do? He cautioned him.
299. Did he refuse to punish him? He did not punish him.
300. What was the complaint you made against this man? I complained of Murray for abusing the sub-overseer and using threatening language, and when he returned Murray stabbed the sub-overseer.

Mr. T. Easton.
4 Nov., 1857.

- Mr. T. Easton. 301. Were you ever dismissed from the service by Colonel Barney? No.
 302. Were you ever under his orders? Yes.
 Nov., 1857. 303. Were you dismissed by him? No, never.
 304. Was there any complaint made of you to Colonel Barney on any occasion? None; never in my life; I believe Colonel Barney can certify to that.
 305. *By the Chairman:* You have spoken about indulgencies being obtained by the prisoners, and brought in some mode or other to the island; I presume you mean by some of the boats that come to the island? I must think nothing else.
 306. In what mode do these indulgencies reach the island—how do they come, and in what boats? There are so many come to and go from the island, back and forward, that I am not prepared to answer; whether it is by the men that bring the rations to the island, or whether it is by the police boat or the visitors' boat, I cannot answer.
 307. Did you ever see anything come in the visitors' boat? Not to my knowledge.
 308. Or in young Mr. Ormsby's boat? No; I do not remember anything coming to the island.
 309. You have spoken of indulgencies coming to the island; now, do you know of anything going from the island, in the way of presents, or anything of that kind? Well, I have seen some things leaving the island; I cannot exactly say what—poultry, vegetables, and many things.
 310. In what boat or boats? In the police boat.
 311. In what other boat? I think in Chandler's boat, the man that supplies us with every thing of that sort.
 312. Were these things sent to Chandler? They were given over to Chandler to be taken to Sydney; but what I have seen was in the police boat—vegetables.
 313. You have said poultry—what kind of poultry? All kinds of poultry. There have been young poultry, ducks, and different things from time to time taken in that police boat.
 314. In what quantity? I should say half a dozen, eight, ten, or twelve there might be, altogether.
 315. For instance, of turkeys? No. I have seen some of them going over, but not such a number of them. There might be one or two of them.
 316. There may have been six, eight, ten, or twelve chickens sent over at a time? Yes.
 317. Or ducks? Yes.
 318. Sent over to Sydney? I do not know where they went.
 319. Vegetables? Yes.
 320. In the police boat—how often have you seen that? If I must speak certainly, I have only seen it twice.
 321. Within what period? Within the last twelve months.
 322. Who sent them? I am not aware; the prisoner always brought them down to the boat.
 323. What prisoner—was it the prisoner employed in the office of the Superintendent? Yes, this man Keogh.
 324. How was he employed at this time? He was employed by the Superintendent.
 325. Keogh brought these things down to the boat, and they went away? Yes.
 326. Do you know to whom they went? No.
 327. Has there been any transmission of that kind lately? Not of late days.
 328. Within the last three or four months? No; I should say not within the last ten or twelve months.
 329. Has Chandler taken away any poultry, or things of the kind you have described? I am not always there when the boat comes in, and I cannot say.
 330. At what time does his boat come in? At eight, nine, or ten o'clock.
 331. At what time does it go away? About half an hour after.
 332. What things has he taken away? I cannot state.
 333. Have you ever seen him take any thing away? I cannot prove that I did.
 334. Can you say that you did? No; but I have seen him bring many things.
 335. What quantity and kind of vegetables have you seen taken away; have you seen any great quantity? I cannot say exactly; as much as a large basket would contain.
 336. *By Mr. Dillon:* You have said you have seen this twice within twelve months? Yes, I think so; if I said more I think I would be something right.
 337. The things you have seen landed have been taken possession of by the Inspector of Police, and by him have been sent up to the office—do I understand you to say so? The Inspector is not always there.
 338. Or the serjeant? Yes.
 339. Have you not seen these things taken possession of by one or other of them, and by them sent up to the Superintendent? Yes; the police, of course, were present, but I was speaking of the man who took them up.
 340. Have you sent poultry off the island? Yes.
 341. *By the Chairman:* To whom have you sent them? I have made presents of them whatever I have sent.
 342. Poultry brought up by yourself? Yes.
 343. *By Mr. Meredith:* Whatever you have sent you have made presents of; do you mean to say that others who have sent them have not done the same? I am not prepared to say.

APPENDIX.

To the Honorable the Commissioners of the Cockatoo Island Inquiry.

Sydney, 4th November, 1857.

Honorable Sirs,

I respectfully acquaint you that I find it impossible to do justice to Mr. Ormsby without my thus trespassing on your forbearance.

2. I solicit then, gentlemen, that you will be pleased to give me a written memorandum of the charges which, acting for Mr. Ormsby, I am to meet.

3. And I ask your leave to inquire whether the various things hitherto disposed of by previous inquiries are now to be reopened, or may I conclude that Mr. Ormsby need not enter on these transactions which have been examined into and dealt with by the Government or its officers previously to the present inquiry.

4. I earnestly solicit you will allow Mr. Taylor, the Assistant Superintendent, to assist me before your Board in referring to details and answers to the evidences as being given, which, if the charges were classified, could have been easily done, but which it now embarrasses and incapacitates me from doing my duty, by the excitement and hurry of these references, and disarrangement of my papers, which attends my own personal efforts to refer to the points in question from amongst the mass of written matter (given as my instructions) at one and the same instant of time that I am endeavouring to take notes of the evidence as well as to watch the deportment of the witnesses.

I have, &c.,

JOHN DILLON.

THURSDAY, 5 NOVEMBER, 1857.

Present:—

SIR W. W. BURTON, KNT., IN THE CHAIR.

E. C. MEREWETHER, Esq.

CAPT. E. W. WARD.

Mr. Ormsby,
Mr. Dillon.

Mr. William Augustine Cabil, was called in and examined, as follows:—

1. *By the Chairman:* Do you hold an office upon Cockatoo Island? Yes.
2. What is it? Senior Foreman of Works.
3. Under Captain Mann? Yes.
4. How long have you been on the island? Six years, less about two months—I shall be six years, if I live until the 29th of December, on it.
5. Did you know any prisoner named Perry on the island? Yes.
6. A pugilist? Yes, I believe so.
7. Did you know another of the name of Sinclair? Yes.
8. Also of the same profession? Yes.
9. Were they in any of the working gangs under you? Yes; one working at the forge, under my direction—that was Sinclair; he was in the blacksmiths' shop.
10. How long was he at work there? I cannot exactly say; I believe nearly twelve months.
11. What became of him then? I am not certain whether he went to a ticket-of-leave, or whether he got into the convict department.
12. Perry—was he ever employed under you? Yes, up to the last time that he was upon the island; but this has been his second time on the island.
13. Was he under you all the first time? Yes, I think he was.
14. The last time, what was he? He was under my direction, working as a sort of rough carpenter.
15. Was he removed from that employment at all? Not on the last occasion.
16. On the first occasion? My memory is not very correct about that; but I know this, that he was in the convict department.
17. You mean by that that he was employed in some other way upon the island? Yes; not in the Engineer's Department.
18. Are you aware of there having been any sparring matches on the island between these two men? I have heard of such things, but I have never seen them; I never attended the camp once the business of the day was done.
19. You were never present at any such match? Never.
20. Did you know at the time that a match of the kind was going on in the camp? Not of my own knowledge; I heard of it.
21. Did you hear of it at the time the sparring match was going on in the camp? I heard there was a match there.
22. More than one? I cannot say that I heard there was more than one—I cannot say positively.
23. I now wish to ask you respecting a cedar plank said to have been taken from the stores of the Engineer's Department—do you know anything of that circumstance? Yes, perfectly well.
24. Will you state what those circumstances were? On one of those days when the men were at dinner—about one or two o'clock—
25. How long ago? I think I should refer to some memorandum to find it. (*The witness referred to a memorandum book*) At all events, not very long before Spencer left the island—I do not know that I have got the date exactly—but that the occurrence did take place is quite certain. I cannot say that Spencer was the man who took it, but it was he I suspected.
26. There was a man on the island named Spencer? Yes.

* 17—Y

27.

Mr. W. A.
Cabil.

5 Nov., 1857.

Mr. W. A.
Oahil.

5 Nov., 1857.

27. What was he? A carpenter.
28. How was he employed? He was generally employed for the Engineer's Department, but upon certain occasions Mr. Thomas allowed him to Mr. Ormsby.
29. Were those occasions frequent? They were.
30. For how long a period? Perhaps for a day or two at a time.
31. You mentioned his name just now in connection with a cedar plank? He was the man suspected of taking it.
32. Was he at that time working for Mr. Ormsby? He was.
33. How did you miss it—you say it was between one and two o'clock? The planks were in the yard when the men were turned out to dinner. They were all placed in such a way that one could not be taken without being missed. Directly I came from dinner I missed two planks from the heap; I looked round the yard, and could not see them, but I observed foot-marks over the wall that led to Mr. Ormsby's place.
34. To what part? To the garden. I reported it to Mr. Thomas; whether he reported it immediately to Captain Mann I could not say; but he spoke of it to Mr. Ormsby when he came home.
35. Was Mr. Ormsby on the island at the time? No; he was at Sydney on that day.
36. When did Mr. Ormsby return? Some time in the evening, and, I believe, the following day Mr. Ormsby made a search for the cedar through his yard, and returned it.
37. That is the circumstance of the cedar to which reference has been made? Yes.
38. Have you anything else to say in connection with that? No, I have nothing to say in connection with it.
39. *By Captain Ward:* You said just now that Mr. Thomas often allowed Spencer to work for Mr. Ormsby? Yes.
40. Can you tell us the description of work for which he was allowed? For carpenter's and and joiner's work—anything he could do for Mr. Ormsby.
41. Do you consider that it was for Mr. Ormsby's private work? I believe so; I cannot positively say.
42. Do you know what work he did—do you know whether it was Mr. Ormsby's private work or not? I believe it was some work for Mr. Ormsby's residence.
43. You do not know that? No.
44. The house belongs to Government does it not? Yes.
45. You do not know whether it was private work, or the repair of the house? I cannot say whether he was employed on furniture or on the repair of the house.
46. Was Spencer obtained by requisition? No.
47. Was it by a requisition made to the Engineer's Department? Not in the official way that requisitions are made.
48. Was it as a matter of favor or of duty he was granted? As a matter of favor, I consider, when it does not come through a requisition.
49. Did it rest upon Mr. Thomas to refuse or to grant it, as he chose? Certainly. I do not know that Mr. Thomas had the power to grant it.
50. Mr. Thomas was not bound to send a man to Mr. Ormsby upon his order? No.
51. Then it was left to Mr. Thomas' discretion? Yes, I believe it was left to Mr. Thomas' option, and I believe he exceeded his power, for I do not think he had the right to grant it.
52. When this man was so lent, do you know how he was paid for? I do not think at the time he was charged on the books; he was struck off the public works, to the best of my recollection. That can be proved, however, for I have the greater portion of the dates. (*The witness referred to his memorandum book:—* "Spencer at work for the Superintendent, "Saturday, May 10. Tuesday, May 20, per order of the Resident Engineer.")
53. Was he struck off the public works as far as his pay was concerned? I think to the best of my recollection he was.
54. Do you think, as a general rule, he was struck off the works? Yes.
55. Do you know how he was paid, or whether he was paid at all? During that time not to my knowledge.
56. From any other public funds? I am not aware.
57. *By the Chairman:* Are you acquainted with the Superintendent's quarters—his house—you know the form of his house, and the accommodation? I know the exterior, I am not very well acquainted with the interior.
58. The garden? I have been through the garden.
59. It is extensive, is it not? Yes.
60. And must have cost a great deal of labor in making it? No doubt it has.
61. In what manner has that garden been cultivated? By prison labor, of course.
62. You are aware that a gardener is allowed to Mr. Ormsby for the cultivation of the garden? Yes.
63. A gardener? Yes.
64. Is one gardener sufficient for the cultivation of that garden, or have more been employed? I cannot speak very correctly upon that, but I believe one gardener is scarcely sufficient to do what is requisite.
65. Are there not many walls in the garden? There are a great many—at least the extent is very considerable; they are very thick, and are built of loose rubble stone.
66. Would they have taken great labor to accomplish? Yes.
67. And many men? Yes.
68. Did you ever see any of them built? I have seen breaches in them—breaches that have been caused by bad weather.
69. What has been the consequence? Perhaps twenty men at a time have been taken to repair them.
70. How was that done? By requisitions to our department.

71. I am speaking of Mr. Ormsby's private garden? I think they are all Mr. Ormsby's private garden. Mr. W. A. Cahil.
72. I speak of the one which is unequivocally so—the one round his house—what use is made of the vegetables out of that garden? Some of them are distributed among the free people, such as cabbages. 5 Nov., 1857.
73. Is it his custom to distribute them every day, or so long as they are in season? Generally they get a sufficiency of them.
74. Are any of them given to the prisoners? I believe the prisoners are accustomed to get vegetables.
75. Was there a great quantity of poultry kept? Yes, I believe a large quantity.
76. What became of them? I cannot say; they have disappeared.
77. Up to what period were there a large quantity kept? Some months since; to the time there was an order made to throw the waste homminy into the water.
78. Since that a number have disappeared? Yes.
79. Had that any connection with the disappearance of the homminy? I do not know whether it had anything to do with the disappearance of the homminy, but it has had with the disappearance of the fowls.
80. There have been less kept since that time? Yes.
81. Perhaps you are aware that by the regulations the Superintendent may keep four milch goats and thirty head of poultry, and each free officer two milch goats and twenty head of poultry? I think I have heard something to that effect; but if a free officer feeds his poultry himself, is there any objection to his keeping any quantity?
82. *By Captain Ward:* Did Mr. Ormsby exceed the number allowed by the regulations? I should be rather inclined to think he has had something more than thirty.
83. What became of this poultry when it was diminished? I cannot tell you.
84. You know nothing about it? Certainly not. They have been sent to Sydney or disposed of. I could not tell you how Mr. Ormsby disposed of his own property.
85. You may know? I have no knowledge.
86. With reference to the repair of the walls of the garden—when a requisition is sent to Mr. Thomas, is it generally understood that he is justified in acceding to this requisition? It was customary for Mr. Thomas' authority to be limited. Any weighty matter requiring serious consideration Mr. Thomas is not to act upon till Mr. Mann has seen it.
87. Would Mr. Mann grant such a requisition? He has, frequently.
88. Then, if Mr. Ormsby's garden wall had fallen down from rain, when a requisition was sent to Mr. Thomas he would have been justified in refusing to grant it? Captain Mann has given his consent to do so.
89. Often? Yes.
90. In that case how are the men paid? From the Engineer's Department.
91. You still kept him on check? Yes; the time they are at work is marked down as being expended on the convict department.
92. Then who pays? Captain Mann.
93. As belonging to the works on Cockatoo? Yes.
94. You are quite sure of that? Yes.
95. You are quite sure the Visiting Magistrate does not pay for it on account of the penal establishment? I never heard of it.
96. You are the foreman of works on Captain Mann's department—have you seen some of these men charged in his pay list? I have no doubt they were.
97. *By Mr. Merewether:* Do you return them as employed by you? No; they are not immediately under my control, but under the control of another foreman, and he returns the time. They are paid, but the time is marked against the convict department.
98. *By Captain Ward:* Were they paid on account of the Dry Dock or of the penal establishment? I cannot correctly answer to that.
99. *By the Chairman:* Is there not a prisoners' garden? Yes.
100. Are they not taken off in numbers of twenty or thirty for the garden? Never; unless for the purpose of repairing breaches in the wall.
101. Have you ever known any men to be taken off for the cultivation of the garden? I believe there have been a few men, but, if I recollect rightly, there have been requisitions sent down on those occasions for men to assist in manuring the garden.
102. *By Captain Ward:* In those cases how are the men paid? In the same manner as I have before stated.
103. They are kept on your check list? No; when these men are given up to Mr. Ormsby he pays these men himself.
104. They are paid in the same way as the men taken off to repair Mr. Ormsby's house are paid, that is, they are not paid by the Engineer's Department? They are not paid by the Engineer's Department.
105. *By the Chairman:* Did you not say just now that both gardens were Mr. Ormsby's? I meant those gardens round his own place—there are four or five enclosed by one wall. There is a garden down by the military barracks; that is called the prisoners' garden. I think there is also a garden for the military.
106. *By Captain Ward:* Are the prisoners allowed to work in this garden? There are none else to work.
107. Are they taken off in the same way as the men for Mr. Ormsby's garden? I have seen but one man or two there.
108. Has Mr. Ormsby ever allowed any prisoner to be taken off the work to be employed in the military officers' garden? I cannot say.
109. Has Captain Mann ever allowed the men to go off the work to that garden? I do not recollect that they were ever applied for.

- Mr. W. A. Cahil.
5 Nov., 1857.
110. How is the military officers' garden cultivated? I believe by the military themselves.
111. Does Captain Mann allow the men to go off the works to manure that garden? Not that I am aware.
112. How is that other garden manured? Sometimes Mr. Ormsby's men come down to assist.
113. Then the men taken off the works for Mr. Ormsby's garden sometimes go down to the other garden to assist in manuring it? These are the men attached to Mr. Ormsby's own place.
114. His own servant? As they may be called—his servants, I suppose they are; they are chiefly about his place. They are sometimes brought down to the prisoners' garden to assist.
115. Are they servants allowed by the regulations, so far as you know them? I believe they are; they are men who have not been for a long time on the works. They are attached to his place.
116. Then, when Mr. Ormsby has obtained prisoners from off the works to manure the garden, have they been exclusively applied to the garden round his house, or have they been applied to the prisoners' garden also? I believe exclusively to the gardens round his house; they may have been removed to the prisoners' garden sometimes.
117. They have been applied to the special cultivation of his own vegetables? Yes, to his own vegetables, and those of the free people.
118. *By the Chairman:* You have spoken of manuring—where does it come from; what manure is there upon the island? At one time the damaged grain that remained in the siloes was used.
119. Has that been disposed of? All that was saleable has been disposed of.
120. And the rest? A great portion still remains in the siloes.
121. Is it still applied for manure? I cannot say whether it has been lately; I know it was at one time.
122. Are there any cattle or pigs on the island? Nothing, unless goats.
123. Then there is nothing to form manure—is manure brought to the island? The cess-pools are the only supply.
124. The men's privies, in fact? Yes.
125. *By Mr. Meriwether:* With regard to the man Spencer—was he often allowed to be off the works. You are specially in charge of the shop, and this man was specially under you? Yes.
126. How often—twice a week, once a week, once a fortnight? It might not happen twice a week, but once a fortnight, or three weeks, or perhaps sometimes in a month.
127. Did he go out as he stood, or did he take tools with him? He took tools.
128. What class of tools? Carpenter's.
129. What kind? Perhaps saws, chisels, hammers—any tools necessary for the work he had to do.
130. Did he ever indicate what sort of work he was going about? No.
131. He was at liberty to take what tools he pleased, and you had no means of knowing what work he was going about;—had he any requisition; did the requisition say that he was to take up tools suitable for making chairs, or for mending or making doors? I am speaking of his going on Mr. Ormsby's order without a requisition.
132. You were told by Mr. Thomas to let him go and take what tools he pleased? Yes.
133. Had you reason to suppose that he was going to be employed on Mr. Ormsby's business, or on public business;—was there anything that led you to suppose he was going to be employed on private work—did he take beading planes, chisels, mortice-chisels? I cannot call correctly to mind; but I believe he had been fitting up cupboards or presses in Mr. Ormsby's house for a portion of the time.
134. Do you know whether he was in the habit of making chairs? I do not.
135. Or other articles of furniture? I heard so; but I do not know it of my own knowledge.
136. Did he take tools fitted for such work? He could do it with the tools he took.
137. You were responsible for the tools he took, were you not? Yes.
138. You had some idea then of the tools he took? They were of different kinds.
139. Were they tools suited for mending doors, or were they such tools as beading planes, morticing-chisels? Yes—they would do for general work.
140. Generally useful tools? Yes.
141. A beading plane would not be wanted for mending a door? They were tools used for general work.
142. Were there other mechanics besides Spencer taken off the works? I believe there were, sometimes.
143. To what purpose were they put—have you any idea? I have.
144. What were they? Plasterers.
145. Were they frequently taken off? I cannot say they were.
146. What class of people were they principally? Plasterers and masons.
147. Not carpenters? Plasterers and masons as well as carpenters. Spencer is the man who was principally employed about Mr. Ormsby's house.
148. Had the frequency with which these men were taken away the effect of impeding the works you had charge of? Well, they did not promote its expedition, that is certain. Spencer has been employed both with and without a requisition.
149. What time were they absent when they were taken away—a day, or half a day? Frequently a day; sometimes two days.
150. Do you know the state of repair of Mr. Ormsby's house—is it in such a bad state as to require a man to be there once or twice a week? I know the roof has been in a bad state of repair, and that it has been re-shingled.

151. Were the tools required for re-shingling? No; he was never employed for work of that kind. It was for inside work he was required.
152. If the house required such constant repair, it must be in a very bad state? I do not know that it did; I cannot say what the work was.
153. I may assume that he was not engaged in repairing the house? I do not know how he was employed.
154. The reason I press you upon the point is, that I believe you are aware how he was employed? On my honor and word I do not. I have been a great stranger to Mr. Ormsby's house I assure you.
155. *By the Chairman:* I hope you are not afraid to tell? Not I. I have nothing to fear from any one. I defy either Mr. Ormsby or Captain Mann to bring a charge against me that would injure me.
156. *By Mr. Merewether:* You said just now that you had seen fowls leaving the island? No, I did not say that I had seen them leaving the island, but that I had missed them from the island. I said that I had seen great quantities there some time ago, and that they had disappeared; I learned that they went to Sydney by the boat.
157. You did not see them? I never saw them.
158. Do you reside on the island? Yes.
159. May I ask the position of your residence? Almost at the rear of Mr. Ormsby's premises, looking up the Parramatta River; about the most remote part from the police station.
160. You confine yourself to your own business without seeing what is going on on the island? I confine myself to my own business.
161. I judge from your replies that you take no notice of what is going on, except as concerns your particular business? I take no notice of what is going on, and seldom interfere with anything but my own business.
162. *Cross-examined by Mr. Dillon:* Was not Spencer allowed to go out to any other officer who might require him, in the same way as to Mr. Ormsby? That depended upon whether Mr. Thomas would let him go or not.
163. Has he not, in point of fact, been allowed to go to other free officers besides Mr. Ormsby? If he has it must have been a very unfrequent occurrence, for I have heard nothing of it.
164. You do not recollect the fact? I do not recollect it.
165. Are not all requisitions sent to Captain Mann, and not to Mr. Thomas? They are directed to the Civil Engineer.
166. Do you happen to recollect whether Spencer repaired the paling about Mr. Ormsby's premises, and also put up the pigeon-boxes. I have no recollection of his repairing the pigeon-boxes. I believe he was employed to repair some paling.
167. What sort of boards were those you spoke of awhile ago—were they good boards, or worthless—what do you suppose might have been their value? They were boards about ten feet long and twelve inches wide—what we call cedar boards; there were two of them.
168. What do suppose might be the value of them? The value of cedar at the time, I suppose, would be about sixpence a-foot; or ten shillings for the two boards.
169. Were they sound boards? Yes, they were.

Mr. W. A.
Cahill.

5 Nov., 1857.

Mr. Henry Broderick was called in and examined, as follows:—

1. *By the Chairman:* You are in the Engineer's Department on Cockatoo Island? Yes.
2. What post do you hold? I am foreman of mechanical engineers up to the present moment.
3. For what period of time have you filled that office? Four years.
4. You have particular charge of the mechanical department? Yes.
5. And of the prisoners working in that branch? Yes.
6. Were the prisoners assigned to you for that purpose kept constantly at work, or were they occasionally moved for other purposes? They were occasionally moved, but very seldom.
7. Tell us for what purpose, and by what authority? Whenever they were required on other parts of the work an application was made to me for their assistance for the time being. Whenever they were required for the penal department a requisition used to be sent to the Engineer's office, and an inquiry was made of me whether they could be spared for the time being.
8. That is when they were required to be employed on another branch of the public works? Yes, on the penal establishment.
9. Do you know of any of these mechanics having been taken off for private purposes? I am not aware.
10. I hold in my hand a paper of the 5th of October, in which there is a letter with reference to Cockatoo Island. I refer you particularly to paragraph 7, and ask you if you know of the circumstance to which that relates—namely, the men in a body leaving the works? (*The witness referred to the letter.*) Yes, I remember one occasion particularly; it was at the time the "Claremont" was discharging machinery at the island. It was on Saturday afternoon, and the captain had spoken to me before dinner, and wished to know whether the men could not be employed on Saturday afternoon in discharging, as he wished to get away? I said I would make arrangements for that purpose. Accordingly I gave instructions to the foreman to acquaint the Superintendent that the men would be required to work after dinner that day. I should have before said that it is customary for the men to leave their work at an earlier hour on Saturday, and that only a portion of the men, a certain number of the gangs were required for this work. I was walking up and down with the captain on the wharf waiting for the men to come, when I

Mr. H.
Broderick.

5 Nov., 1857.

Mr. H.
Broderick.

5 Nov., 1857.

saw a number of them coming down the hill apparently to come to work as usual. The last gang that was near the camp all at once appeared to turn back, and there was a sudden stoppage among all the men of the other gangs. Those that were upon the works, seeing the others moving towards the camp, also turned round and walked up the hill. I said to the captain, "I wonder what this means; I will go and speak to Mr. Ormsby upon the matter." I met Mr. Ormsby on the hill, and asked him what the meaning of that was. He said they had refused to work—"What can I do in the matter?" He said he would take the names down of those who refused to work, and all he could do, as I understood, was to bring them before the Visiting Magistrate.

11. Did the men actually go to work that day? They did not.

12. Then they were not sent to their work at all; they escaped that time? Yes.

13. Do you know what steps were taken against them? I heard the names of the ring-leaders were taken down.

14. They were not on that occasion obliged to go to work? No; no further steps were taken on that day.

15. That was Saturday afternoon, when there was ordinarily a respite from labor? Yes; they usually leave off at two o'clock on Saturday.

16. So that sending them to work at that time was so far an infringement of their usual custom, and what they might consider their right? Yes.

17. For the purpose of accommodating the captain of the "Claremont"? Yes; it was to assist him in getting away.

18. It was for his convenience, and not for the benefit of the public service? It was more for his convenience.

19. I presume it did not signify to the department whether the vessel were discharged on Saturday or on Monday? No.

20. *By Captain Ward*: Did Mr. Ormsby report the circumstance to the Visiting Magistrate? I am not aware personally.

21. *By Mr. Merewether*: You were not called upon to appear against them? Yes, in one case I was called upon.

22. In connexion with this given instance? Yes. There was a party pointed out to me by Mr. Ormsby upon the hill, and he said he believed he was inducing the men not to go to work. I was called upon on that occasion to give evidence.

23. He was brought before the Police Magistrate, and you were summoned to appear against him? Yes.

24. *By Captain Ward*: And the Visiting Magistrate dealt with the case? Yes.

25. Do you think Mr. Ormsby on this Saturday afternoon did all he was justified in doing so far as expediting the public service was concerned? I think, perhaps, more might have been done upon that occasion. I do not suppose Mr. Ormsby was aware at the time whether it would be an advantage to the public service or not; but I think some other steps might have been taken to have forced the men.

26. What steps would you have taken if you had been in Mr. Ormsby's place? I think I should have called out the military guard, and then have appealed to the men to know how many of them would volunteer to go to work. I heard some of the men say afterwards that, if they had been asked, a good many of them would have volunteered to have worked at the vessel, but that they were called out, and compelled as it were to go to work without being asked, and they did not like it, as it infringed upon the time they considered as their own.

27. Suppose the men had refused when the guard had been turned out, what could you have done—suppose they had refused in a body? In the first place, I believe only a small number refused; the men nearest the camp turned back and then the rest followed.

28. Assuming that the men still refused after the guard had been turned out, what power would Mr. Ormsby have had of making them work? I do not think he would have had any power.

29. Did Mr. Ormsby when they did refuse try to induce them to go to work? Mr. Ormsby on that occasion, after they had removed further up the hill, sang out to one of the men—I do not know the party's name—"Will you not go to work—to-morrow is St. Patrick's Day; you shall have no holiday if you don't go to work." He said that to one or two of the men individually, I think.

30. You think he made all reasonable endeavours to get the men to work? There were one or two of the men he called out to, to ask them to go to work.

31. *By Mr. Merewether*: Did he order them to do so? No.

32. You did not hear him order them to go to work? No.

33. Were you present when the men mustered? No, I was not; I was upon the work.

34. He might have ordered them without your hearing it? Yes; the greater portion of the men were going up the hill before I got there.

35. *By Captain Ward*: Would they have been paid for the work if they had done any? Yes.

36. How much? I could not say exactly, but they might have been returned for one or two quarter days.

37. What would that have brought in money? A penny.

38. And what in remission of sentence? Nothing. It was said by the prisoners afterwards, that if volunteers had been called for there would have been plenty.

39. *By Mr. Merewether*: You are aware that it is an order to your department that every facility shall be afforded for carrying out the works in progress? Yes.

40. And it is an order to the convict department to facilitate the operations? Yes.

41. And you are at liberty to employ the men after the usual hours? Yes.

42. And you do so frequently? Yes.

43. It was in pursuance of that understanding and order that you wished to employ the men on this occasion? Yes.

44. You have been a long time on the island—what is your opinion of the general discipline observed among the prisoners? Generally speaking, I think it is pretty good; although as I have not been residing on the island until very lately, I have not perhaps been made acquainted with so many things as others.

45. *By the Chairman*: What has been the general conduct of the prisoners when employed under you upon the Government works? I have generally found the men willing to work, and, generally speaking, they obey orders. Now and then some of them may be a little troublesome.

46. *By Mr. Merewether*: In this particular case the men did pretty much as they liked—do you know of any similar case, when it has not been their pleasure to work? I have heard of a case, but I do not know it of my own knowledge.

47. Your general impression is that the discipline of the island is pretty good, and that the men were under control? Yes.

48. *By the Chairman*: Were you ever at a sparring match on the island? Never.

49. You never saw such a thing? No.

50. Did Mr Ormsby appear to conduct the business of the island by himself or through any other person? Generally by himself.

51. He interfered with matters himself, and gave his own orders personally? Yes.

52. *By Captain Ward*: You think he did his best for the public service generally? Yes, as far as my observation went.

53. *By the Chairman*: Have you any reason to impute partiality or favoritism in the treatment of the prisoners to him? As to that I could only speak from hearsay.

54. *By Mr. Dillon*: Have you experienced any difficulty at any time from Mr. Ormsby in receiving whatever assistance you required in the discharge of your duties—has Mr. Ormsby assisted you in every way in his power? I never met with any obstruction from Mr. Ormsby in the discharge of my duties.

55. *By Mr. Merewether*: Has he co-operated with you? I can scarcely comprehend the question.

56. Has he worked with you for the public good? We have been so separate I could hardly say. If I required anything from Mr. Ormsby to be done I generally sent up a requisition, and he has sent down a reply, but it has always been favorable.

57. And if he did not comply there was a satisfactory reason assigned? Yes.

58. *By Mr. Dillon*: One of the Commissioners asked you awhile ago with reference to these men being sent down by Mr. Ormsby's orders. I think you stated that in the first instance you sent up a request to him that the men might be sent down in the afternoon? I sent up a foreman of works to say that the men would be required after hours.

59. One of the Commissioners asked you would you have thought it a prudent thing for Mr. Ormsby to have brought a body of military out to compel these men to work after they had refused? I think he ought, as Superintendent, to have power to compel the prisoners to work if they refused.

60. What I mean to ask you is, whether, if you had been in the Superintendent's place, you would have brought a body of military among the prisoners to compel them to work after refusing? I do not profess to understand much of prison discipline, or the management of prisoners; it would depend upon circumstances.

Mr. John Kelleher was called in, and examined, as follows:—

1. *By the Chairman*: Were you employed by Mr. Mann in the construction of the public works on Cockatoo Island? Yes.

2. In what capacity? As Foreman of Works at the dry dock.

3. Do you know anything of the circumstances of a number of prisoners leaving the works contrary to the orders of the overseers, and going to the office of the Resident Engineer in a body? Yes; I recollect the circumstance.

4. What was that circumstance? Some of these men refused to go down to work in the mud and water, and others refused to remain out to work. They were told to remain, and they went away up to the camp.

5. What resulted from that? The men that went up to the camp belonged to me, and I followed them up and took their names down, as I had an order from the Resident Engineer to take their names down, and not to bring them to work again until further orders. I told the Superintendent not to send them out till further orders, but the following morning they were brought down, and I took them back again.

6. *By Captain Ward*: Was not that matter inquired into by a former Board—by myself and Captain Mayne? Yes.

7. The Board inquired into this matter and reported upon it? Yes.

8. *By the Chairman*: Is there anything else you have to tell us in furtherance of our inquiry into the management of the island—Have you anything to complain of as to want of assistance rendered by Mr. Ormsby? There appeared to be a misunderstanding. I was generally the medium of communication between the Resident Engineer and Mr. Ormsby on those occasions when the men were required to be kept out. Mr. Ormsby was of opinion that the communication should not come through me, but in writing from the Engineer's Office, and he always complained when I took a message, and thought he had no right to act upon it; the Engineer thought otherwise.

9. The Resident Engineer sent requisitions through you personally? Yes, verbally.

10. Instead of through the office, in writing, and Mr. Ormsby objected to this? Yes; I recollect on one occasion I took a message, and Mr. Ormsby went himself and removed a man who had been kept out, from the engine-house—at least he sent one of the overseers to remove him.

11. For what purpose was he employed? He was pumping out the dock.

Mr. H.
Broderick.

5 Nov., 1857.

Mr. J.
Kelleher.

5 Nov., 1857.

- Mr. J. Kelleher.
- 5 Nov., 1857.
12. After hours? Yes.
 13. *By Captain Ward*: Was not that circumstance inquired into by a former Board? Yes.
 14. Was it not reported upon by the Board? Yes; I believe it was.
 15. *By the Chairman*: I ask you if you have ever been obstructed by Mr. Ormsby in your work? Not except in that manner.
 16. In fact, these circumstances you relate were rather misunderstandings between Mr. Ormsby and Mr. Thomas personally than obstructions of the department? The works were obstructed by them, and they frequently caused a great deal of delay.
 17. They arose from the circumstance that Mr. Thomas would send requisitions informally, and that Mr. Ormsby would not attend to what was informal? Yes, if it were informal.
 18. That was the supposition? Yes.
 19. Were you ever at a sparring match on the island? No.
 20. Have you heard of such occurrences? I have heard of them, but have never been present.
 21. *By Mr. Merewether*: You have been a soldier, have you not? Yes.
 22. As to the general discipline of the convicts on the island—do you think that is such as they should be subject to? No; if I were in charge of them I would not allow it.
 23. Was not the discipline lax? Yes, by allowing it.
 24. *By the Chairman*: Allowing what? Allowing these sparring matches.
 25. Was the general discipline of the island good or lax? If I knew what the regulations were I could answer that question better.
 26. Have you ever been upon any penal establishment before? Yes. I was in the East Indies, at Trichinopoly. I was in charge of the penal establishment there.
 27. Did it ever appear to you that the penal discipline of Cockatoo Island was proper? I was always of opinion that that the prisoners were dealt with too leniently—that the discipline was not severe enough.
 28. Do you think that any blame was attachable to the Superintendent, or that there was a want of proper instructions? I cannot say.
 29. Did it appear to arise from want of energy, or from what other circumstance? I could not say what it arose from.
 30. Did Mr. Ormsby seem to want anything of firmness or decision? No.
 31. Did you ever see an instance where he gave an order and did not insist upon having it obeyed? I think he would enforce an order if he gave it.
 32. He was not a man who would yield—you never saw any wavering or yielding in any way? No.
 33. *By Captain Ward*: Did you ever see the regulations for the government of the island? I saw them when I first went upon the island; I glanced at them for five minutes.
 34. Are not the regulations in the Engineer's office? There is a copy in each office I believe; I inquired for them, but I never saw them.
 35. Whom did you ask for them? Mr. Thomas.
 36. Did Mr. Thomas refuse to let you see them? He said Captain Mann had them under his control.
 37. *By Mr. Merewether*: With regard to the discipline of the island, you say it appeared to be lenient; can you instance any case where the discipline appeared to be lax or favorable to the prisoners? I thought sometimes when a man was brought up the punishment did not seem severe enough.
 38. When brought up for what? For neglect of work.
 39. To what do you attribute that—to a general leaning towards the prisoners, or to favor to any particular prisoner? To a general leaning towards the prisoners.
 40. In your opinion there has been an undue leniency towards the prisoners—can you give any particular instance? One instance occurred to myself, where the prisoners made a report against myself; the matter was investigated and the report proved to be false. The matter was investigated by the Bench, and the parties who made the charge escaped altogether.
 41. *By Captain Ward*: Mr. Ormsby was not connected with that? It was proved to be false. I was accused of bringing the wife of a prisoner to the island.
 42. That matter was brought before the Magistrate? Yes.
 43. It was not dealt with by Mr. Ormsby? These men escaped without punishment. That is the principal thing I have to complain of. The charge was proved to be false; but I never could find out to this day who the men were that made it.
 44. *Cross-examined by Mr. Dillon*: Are you, or are you not, aware that Mr. Ormsby is constantly present during the transaction of business on the island—are you not aware that he gets up between five and six o'clock every day, and attends to the business of the island? I know he is a very early riser; and when I have had business at the office in the morning I have found him there; or, if I have sent up to the house he has come down.
 45. Have you ever found the slightest degree of delay in affording you assistance in the discharge of your duty? Whenever I have taken up a man to him, he has supported me; and if a charge has been supported against a man, he has dealt with the case.
 46. Has he ever been any impediment to you in the discharge of your duty? The only thing I complain of is respecting these men who brought a charge against me.
 47. You have had experience in another penal establishment—as the result of your experience, which do you consider more for the interest of the public, as well as of the Government, a violent or comparatively gentle way of dealing with the prisoners? It depends very much upon the character of the individual brought forward.
 48. In a convict establishment like that, do you think it desirable to resort to brute force or violence on every occasion? It is necessary sometimes when you have some characters brought forward.

FRIDAY, 6 NOVEMBER, 1857.

Present:—

SIR W. W. BURTON, KNT., IN THE CHAIR.

E. C. MEREWETHER, Esq., | CAPTAIN E. W. WARD.

Mr. Ormsby.

Mr. Dillon.

Mr. Henry Fitzgerald was called in and examined, as follows:—

Mr. H.
Fitzgerald.

6 Nov., 1857.

1. *By the Chairman*: I believe you are Foreman of Works at Cockatoo Island? Yes.
2. How long have you been employed there? Since the 2nd of February, 1854.
3. In that capacity? Yes.
4. Have you experienced any difficulty from want of discipline among the convicts employed under you—have you had any difficulty in carrying on the public service? Yes; on some occasions it would be found necessary to take the prisoners up to the office to get them punished for insubordination.
5. To whom did you complain on those occasions? To the Superintendent.
6. Have these complaints been disregarded, or have they been inquired into? On some occasions, where the matters complained of were trivial, they would be discharged; in other cases, where they were weighty, the prisoners were confined in the cells for the Visiting Magistrate to inquire into the charge.
7. Have you ever had occasion to complain of Mr. Ormsby for his mode of treatment when you have so complained? No, not generally; on the two last occasions I did not get the satisfaction I anticipated.
8. What were those cases? One man was detained in the penal department without my permission, and I gave notice of it.
9. Who was that man? Young; he was a stonemason; he was sent for, and on coming out of the gate in the morning he turned to me, in the presence of my brother officers, and said, "I am much obliged to you, Mr. Fitzgerald; it may come to my turn yet to do you a good office." I took it ironically, and the man partly acknowledged it to be. I took him to Mr. Ormsby, and he said he would send him to the cells and leave him there for the decision of the Visiting Magistrate. The Visiting Magistrate came on the following Wednesday, and, I believe, he was at the cells from that time until the attendance of the Visiting Magistrate, when he was discharged.
10. With that decision you were dissatisfied? Yes.
11. Mr. Ormsby did his duty in bringing the case before the Magistrate? Yes, and he would have sent him to the cells if I had insisted upon it.
12. What was the other case? One of longer date, in consequence of one of the men charging me with making false entries in the book in favor of the prisoners that were exempt. I had about a score of men working at a difficult employment, and I was directed by Mr. Thomas to give them extra encouragement, to the amount of four-pence a day. These men were exempt, and their fellow prisoners did not get so much as those who were exempt, and they complained. I brought that before the Visiting Magistrate, and at length got a hearing, but the case was dismissed.
13. That was not owing to Mr. Ormsby? No.
14. Then, if your complaints did not meet with the decision you thought they deserved, it is owing to the Visiting Magistrate, and not to the Superintendent? Yes, it was the Visiting Magistrate I felt displeased with.
15. Have you any complaint to make of the Superintendent's conduct towards you or the men under you? None whatever. I have personal complaints, as concerns myself and my own department, if I am allowed the protection of the Board to make them public.
16. Most undoubtedly; and we can tell you, that if any person who gives evidence is visited with any displeasure on account of any evidence he may give here, the Board have determined that that person shall be dismissed? In one case—and it would be just to mention that—it was at the instance of Mr. Ormsby, or of the Visiting Magistrate. I had been employed as Sergeant of Police on the island, and during that time I think neither Mr. Ormsby nor any other person had complained of my conduct, when an opportunity occurred of appointing an Inspector; and being the senior officer, I considered I was entitled to the office. When I did not get it I was dissatisfied, and would not remain on the island.
17. Your complaint on that point is, that Mr. Ormsby or Mr. McLerie did not give you a certificate? Mr. Ormsby said Mr. McLerie was the gentleman to whom I should apply.
18. Have you any other personal matter to complain of? No. I left the police on the 31st of January, and on the 2nd of the following month was employed on the island, under Captain Mann, as soon as he found no person had any claim upon me, at seven shillings a day, with the increase. It was with the view of getting the increase I joined that department. I do not know whether I am acting right to go into details; for on one occasion I was going to petition the Legislative Council for the increase of pay. I went with the intention of giving it to Mr. Cowper, when I thought whether I was going to do what was proper, and he told me I had better show it to the head of my department. I went to Captain Mann, and he told me to rest satisfied, and that when my time came round I should not be overlooked.
19. Did your petition contain any complaint against the management of Cockatoo? No.
20. How long were you in the police? From January, 1851, to 1854.
21. During that time you had your eyes sharply about the island, I suppose? During that time I had.

Mr. H.
Fitzgerald.

6 Nov., 1857.

22. Do you recollect sparring matches taking place in the camp, between the convicts? I have heard of them, but I never saw them.
23. You never had the curiosity to go to them? No; I was never in there on such days.
24. In what manner is the police boat used? It is since I left the force that the visitors' boat has been got up.
25. The visitors' boat—did you ever see that used in a manner that was improper, not on the public service? When I was first on the police, the police did duty as sentry, and one boat was continually kept on police duty.
26. Have you known that boat to be employed on any other than the public service? There was another boat that was continually sent to Sydney.
27. *By Mr. Merewether:* You were merely an ordinary constable? At the commencement.
28. Were the new regulations then in force—was there a visitors' boat while you were in the constabulary? I do not think it bore the name of visitors' boat. The Water Police boat brought the surgeon and the other gentlemen to the island. I was never in the present boat.

Mr. Charles Dunning was called in and examined, as follows:—

Mr. C.
Dunning.

6 Nov., 1857.

1. *By the Chairman:* You are Inspector of Police at Cockatoo Island? Yes.
2. How long have been on the island? Five years.
3. In what capacity? At first as an ordinary constable, at present as Inspector of Police.
4. Were you promoted from constable to inspector at once? Yes; I never was sergeant.
5. It may, perhaps, be necessary to say that you need be under no apprehension with reference to the evidence you may give here. We expect you will tell us the truth, and if one resents your doing so, the Board will take care to protect you. Do you remember a man of the name of Gleadall being discharged from the force? Yes.
6. When was that? I remember his being discharged, but I do not exactly remember the month.
7. About how long ago was it? About six or eight months.
8. Do you know what he was discharged for? A charge was brought against him for being drunk on duty in the boat.
9. Did you see him at the time of the charge being laid? Yes.
10. Was he drunk or not? He was sober.
11. Who made the charge of drunkenness against him? The Rev. Mr. Kenyon, the Catholic Clergyman.
12. To whom? To me in the first instance, and I reported it to the Superintendent, Mr. Ormsby.
13. What was done with that case—who heard it? It was taken before the Magistrate.
14. Was he put in the cells? No; he was taken before the Magistrate. I did not withdraw him from his duty; he was suspended.
15. On that charge was he dismissed? Yes.
16. Did you give evidence that he was not drunk? I did.
17. Who stated that he was drunk? I did not hear the priest's evidence, but I heard the evidence of the Superintendent, and of two other constables who were in the boat.
18. What evidence did the Superintendent give? That he was sober.
19. And you gave evidence that he was sober? Yes.
20. You and two other constables? Yes.
21. You now state, advisedly, that he was sober? Yes. I read a portion of Mr. Kenyon's letter, and he said he was "disgustingly intoxicated, though not drunk."
22. In your opinion, was he at all intoxicated or drunk? He appeared as if he had been drinking, but was quite sober for duty.
23. Do you make a distinction between being quite sober and quite sober for duty—was he entirely sober or not? If a man is fit for duty I consider him sober.
24. He was not drunk? No.
25. *By Captain Ward:* Was he fit for duty? Yes; but the priest required him to withdraw from the boat.
26. *By the Chairman:* He was dismissed? Yes.
27. Was there any reason for his being dismissed; do you think he was treated unjustly? I could not say that.
28. Did you not think it unjust for him to be dismissed for drunkenness when you swore he was not drunk? I think it was a curious thing.
29. Can you find any reason why he was unjustly treated? During the time he was in the force he asked for the regulations.
30. Whom did he ask? Myself, and I applied for them.
31. To whom? To the Superintendent.
32. Did you get them? No.
33. Have you any copy of the regulations? I have of the old regulations.
34. Not of the new? Not of the new.
35. When did you apply to Mr. Ormsby for a copy of the regulations? On three different occasions.
36. And he never furnished you with them? No, not with the new.
37. Gleadall had asked you to be allowed to look at the regulations; you had applied to Mr. Ormsby for them, and they had not been given? They were not given.
38. Are you the head of the police on the island? I am considered so to be, but, according to the regulations I have at present to go by, I have merely the charge of the police under the Superintendent's control.
39. The dismissal of Gleadall from the police was Mr. North's act? Yes.

Mr. C.
Dunning.
Nov., 1857.

40. The Superintendent gave evidence for the man? Yes, in his favor.
41. Do you attribute his dismissal to Mr. Ormsby? It was suspected among the force.
42. Do you yourself consider or believe that Mr. Ormsby was the cause of his dismissal seeing that he gave evidence in favor of the man? I know that Mr. Ormsby personally disliked the man.
43. You heard him give evidence in his favor before the Magistrate? Yes, on that occasion.
44. You know Mr. Ormsby disliked the man—why do you suppose that he obtained his dismissal? From my own observation. I have seen the Superintendent with the Catholic Clergyman; they have been talking together, and I have suspected they were talking about the matter, and that he might have influenced the priest to bring the charge against the man.
45. You did not hear what he said to the priest, but you thought Mr. Ormsby disliked the man, and you suspected that he influenced the priest to bring forward this charge? Yes.
46. Suspicion is part of the police character, but unfounded suspicion should not be the part of any man's—is the only ground you have for suspicion what you have stated? Yes.
47. You saw Mr. Ormsby speak to Mr. Kenyon, and you suspected that he was inducing Mr. Kenyon to bring this charge? Yes.
48. And yet, when the charge was made, Mr. Ormsby gave his evidence in favor of Gleadall? Yes.
49. That is the whole of the case? Yes.
50. Have you any reason to suppose that Mr. Ormsby had any objection to produce the regulations when you repeatedly required him to do so? Have you the new regulations here?
51. Yes? Then, if you compare the second paragraph of the new with the second paragraph of the old regulations, you may see the reason. You will see that Mr. Ormsby has no control over the police under the new regulations. (*Captain Ward read the regulations.*)
52. Have these regulations which have now been read been seen by you before? Yes; I read them once at the Superintendent's office.
53. Was it upon some application made by you that you did see them? Yes.
54. Were you in fact acquainted with the regulations? Yes.
55. You knew the tenor of them? Yes.
56. You knew from the tenor of them that you were under the orders of the Visiting Magistrate? Yes.
57. Then in what respect were you ignorant of these regulations? I wished to produce them to the police.
58. In fact you had not a copy? Yes. I never had a copy; I never have had a copy given me to this day.
59. Have you applied for a copy? Yes.
60. When did you see the regulations? It was immediately after the inquiry in 1855.
61. *By Captain Ward:* These regulations say you are under the orders of the Visiting Magistrate—was not he the proper person to apply to for a copy of the regulations? I did apply to the Visiting Magistrate afterwards.
62. And you applied to Mr. Ormsby as well? Yes, on three different occasions, and I afterwards applied to the Visiting Magistrate.
63. What did he say? He said the regulations were that I was to attend to the instructions of the proper authority.
64. Did he give you the proper authority? No.
65. Did he give you his reason for declining? No.
66. Did Mr. Ormsby give you a reason for declining to furnish you with the regulations? Yes; he always said he would give them when they had been revised, but that they required revision.
67. They had been revised by the Board, had they not? Yes; but he said they required further revision; as they are at present they are quite obsolete.
68. Both the Visiting Magistrate and Mr. Ormsby declined to give you the regulations when you applied for them? That was the answer given to me—that I was to obey the proper authority.
69. *By Mr. Merewether:* But he did not tell you who the proper authority was? No.
70. He made no further comment? No further comment.
71. When did Mr. Ormsby shew you the regulations—was it after you had applied three times? No, in the first instance, when the regulations came out he shewed me.
72. So that you were aware from the first that the police were under your orders? Yes; and for that very reason the police wanted the new regulations. I also think my duties are laid down in the island regulations as well as the others, and the island regulations were never in the possession of the police.
73. *By the Chairman:* Did you ever know any man to be punished, directly or indirectly, for having asked to see the regulations? I do not know any case at present, except it may be Gleadall's.
74. If that were the case? If that were the case.
75. *By Mr. Merewether:* Did Mr. Ormsby refuse or decline to let you see the regulations? He refused to give them to me; he did not decline to let me see them.
76. He refused to give you a copy? Yes.
77. What would have been the result if he had given you a copy? I should think the result would have been that I should have had charge of the men myself. I would have taken upon myself the charge of the men.
78. And not having the regulations you did not take charge of them? Yes.
79. You still treated them as under Mr. Ormsby's orders? Yes.
80. Even after the regulations were promulgated? Yes; on account of not having the new regulations I acted under the old, and always considered myself under Mr. Ormsby's orders.

Mr. C.
Donning.

6 Nov., 1857.

81. Had anything else occurred to create any dislike to Gleadall besides this asking for the regulations? A circumstance occurred at the North Shore on the Anniversary Day, 26th January, 1856. The Clerk of Petty Sessions and the dispenser of the island were there upon the spree; they had been drinking, and two of my men were assaulted; the consequence was that they were brought to Court at Parramatta.
82. State the circumstances? Mr. Ormsby made a great objection to the matter being brought forward at all.
83. *By the Chairman*: How do you know that? Because I was present when the men went to get leave to take a summons out.
84. Who were the men assaulted by? By the dispenser.
85. Who was with him? Mr. Taylor, the Clerk of Petty Sessions.
86. Mr. Taylor and the dispenser were together on the North Shore? Yes; they were fighting, and the police interfered.
87. How did the police get there? They took them over in the guard-boat, and they went over afterwards to fetch them back.
88. When they went back they found them fighting? They did not find them fighting, but they heard screams.
89. Will you state the circumstances more particularly? I was on leave myself that day.
90. How did you hear of the case? I heard of it from the general talk of the island.
91. You did not know it yourself? No; I was on leave that day.
92. However, there was a disturbance between the dispenser and Mr. Taylor, which was subsequently investigated at Parramatta? Yes.
93. You say Mr. Ormsby objected to the men bringing it forward? Yes; he made many objections and would not give the men leave to go for some time.
94. Had that anything to do with the men asking for a copy of the regulations? I do not think it bore upon that.
95. If the police were under your orders, or the Visiting Magistrate's, was it necessary for them to go to Mr. Ormsby for leave? I cannot give a man leave without Mr. Ormsby's permission; he signs their leave.
96. Not under these new regulations? I have never had them.
97. Supposing you had had them, could you have given the men leave without referring to Mr. Ormsby? I do not think I could from the general regulations, for no person could leave the penal department without his authority.
98. Mr. Ormsby did decline to give them leave? He did.
99. But eventually did they go? Yes; Mr. North gave them leave.
100. Was Gleadall one of the men that made the complaint? Yes. They prosecuted Mr. Peers.
101. And Mr. Taylor? No. One of the constables took a summons out against Mr. Peers for striking Mr. Taylor, but the case did not come on—Mr. Taylor would not enter into it.
102. Then there was no summons against Mr. Taylor? I do not think there was.
103. Why should the taking of this course by Gleadall cause Mr. Ormsby to dislike him—there is no apparent connection between the two circumstances? Because Mr. Taylor was connected with the affair.
104. Is Mr. Taylor anything more to Mr. Ormsby than any one else? He is his son-in-law.
105. Has anything else occurred to create dislike to Gleadall on the part of Mr. Ormsby, which you could assign as a reason why Mr. Ormsby should desire to get rid of him? I believe the same man made a complaint about his clothing; I am not certain of that, however.
106. Do you remember the occasion when Mr. Pendrill, the clergyman, wanted to leave the island, and there was no boat for his transit—the visitors' boat was absent? The visitors' boat was absent.
107. *By Captain Ward*: He wanted to leave the island, and applied to you for a boat; did you on that occasion tell him that the boat was under repair? I never remember telling him that—Do you mean on the 7th of July?
108. *By the Chairman*: I mean on the day he went in a small boat with a prisoner in it? I could not tell him so, for when he arrived the boat was on the other side of the wharf, close to him, and did not leave the island until after he had landed.
109. Did you see him leave the island? Yes; he went with a convict and a sergeant of police.
110. That was in the small boat? Yes.
111. Where was the other boat? Away picnicing.
112. You are quite sure that she was away at that time? Yes.
113. Did Mr. Pendrill apply to you about getting across? No.
114. Did you deliver any message to him—did you tell him the boat was being painted? No; I could not have told him that.
115. You did not tell him so? No.
116. Was that boat frequently away on picnics? Eight or nine times.
117. Eight or nine times, within what period? I should say within a period of three years.
118. *By Captain Ward*: Could it have been away any more without your knowledge? I do not think it could; I make a distinction between pleasure parties and picnics.
119. What is that distinction? I do not include going to see races or going fishing.
120. *By the Chairman*: For his private use, how often has Mr. Ormsby used the boat within the last three years? That is independently of going to Sydney?
121. Independently of the public service—including his going to Sydney for private purposes? I could not tell when he went for private and when for public purposes.
122. How many times then was it engaged in pleasure parties to other places than Sydney? I could not give the exact number.
123. As nearly as you can? I should say fifteen times in the three years.
124. That was exclusive of Sydney? I could not tell you where it went.

Mr. C.
Dunning.
Nov., 1857.

125. Do you remember its going up the river to the races at Homebush? Yes.
126. Who went in it? A very large party—the boat was quite full.
127. Was Mr. Ormsby and his family in it? Yes.
128. Has it ever been employed in carrying the Superintendent's family to Sydney without the Superintendent, and therefore not on duty? I think it has, on several occasions.
129. Has it ever been out late at night? Yes, at all hours.
130. On duty, on picnics, or pleasure parties? In all ways.
131. By whose order is it so employed? I never give any order myself.
132. Who has done so on these occasions? The order was given by the Superintendent to the coxswain of the boat.
133. That is to say, whenever the boat was so employed the order was given by the Superintendent to the coxswain of the boat? The coxswain goes up to the Superintendent every morning and gets his orders from him.
134. You do not get the orders from the Superintendent? No; I give no directions to the boat's crew at all.
135. *By Captain Ward*: Can you give any information to the Board respecting a picnic that took place at Chowder Bay in Christmas 1856? I could not speak as to the particular day.
136. Was it a holiday? I could not say that the boat went to Chowder Bay, except from what the boatmen said; I never accompanied the boat on any picnic; all I know of the picnics or pleasure parties is from hearsay.
137. Do you understand from the new regulations that the boat is under you and not under Mr. Ormsby? The regulations do not speak to that I think.
138. Is it under the Visiting Magistrate or under Mr. Ormsby? I do not remember anything about the visiting boat; it is entirely in charge of the coxswain.
139. You do not know whether there was an understanding between the Government and Mr. Ormsby as to the use of that boat? I do not.
140. *By Mr. Merewether*: Do you remember the 7th February last? I have spoken of that already.
141. On that occasion was the Chaplain of the Church of England put into a boat with a convict in irons? Yes.
142. In what boat did he come to the island? He came to the island in a small boat, and left in a small boat. At the time he arrived on the island the large boat was lying alongside the wharf, ready for the picnic. Mr. Pendrill arrived about three o'clock, and the other boat started about a quarter of an hour afterwards.
143. Do you remember whether it was blowing fresh on that day? It was.
144. *Cross-examined by Mr. Dillon*: You speak of the boat having been out at night on some occasions—do you happen to know where Mr. Ormsby was upon those occasions? I was on the island, and could not know whether Mr. Ormsby was in Sydney or not.
145. You spoke awhile ago of many things that you had received on hearsay—did you not hear on these occasions when he has been out at night he has been to Government House? I might have heard so.
146. You heard it just as you heard other reports? Just the same.
147. Are you not aware, or are you aware, that Mr. Ormsby himself requires leave from the Colonial Secretary or the Visiting Magistrate on those occasions? I am aware.
148. Now, when you applied to Mr. Ormsby about these regulations, did you say he allowed you to see them, but did not give you a copy? On one occasion he allowed me to see them.
149. On one occasion he allowed you to see them, and on another you asked him for a copy? Yes.
150. Did he refer you to Mr. North? Mr. North was not the Visiting Magistrate at the time.
151. Was Captain M'Lerie? Captain M'Lerie.
152. Did ever the Visiting Magistrate refuse you a copy of the regulations, whether Captain M'Lerie or Mr. North? Captain M'Lerie said to me that the regulations were, that the men were to pay respect to the proper authorities.
153. Was it not the invariable rule on the island that whatever report you had to make was to be made to the Superintendent, to be reported by him to the Visiting Magistrate? Yes, according to the regulations.
154. That was the course—complaints were to be made to the Superintendent, and by him to be made to the Visiting Magistrate? No. Mr. North said we were to have a copy of the regulations, and instead of the new regulations I had sent down to me a copy of the old regulations, dated 1850. (*The witness produced the copy.*)
155. *By Captain Ward*: When you applied for a copy of the regulations, you had sent down to you a copy of the old? Yes.
156. From whom did you receive them? I received them from a prisoner.
157. *By Mr. Merewether*: Did he say whom he brought them from? He brought them to me, and said there were the regulations. He was the office messenger, and I received all orders through him.
158. *By the Chairman*: Were these regulations in their present state when they were brought to you? Yes.
159. That is to say, they had these pencil alterations? Yes. The rules I had were those in force previous to the inquiry of 1851; instead of the new regulations I had these dated 1850, when there were only four constables on the island.
160. *By Mr. Merewether*: When did you get that copy? In March last.
161. *By the Chairman*: Do you know of any sparring match having taken place on the island? No; my business never takes me to the camp, except at evening, when I plant the sentries; sometimes the sergeant plants the sentries.
162. About the visitors' boat—that boat is manned by policemen, and all the policemen are under your orders? Subject to the control of the Superintendent, and I act under him.

Mr. C.
Dunning.
6 Nov., 1837.

163. Those who pull the boat are under the Superintendent for that purpose? Yes, I suppose so.
164. Are they employed upon the Superintendent's private business more than upon the public business? Not more.
165. Are they equally—are they employed as much in the one as in the other—in these picnics, pleasure parties, and in taking Mr. Ormsby's family to Sydney and elsewhere? No, they do more duty than they do for Mr. Ormsby privately.
166. Do you think three days out of seven they are employed on his private business? The Superintendent goes in the boat to Sydney himself once a week—sometimes he does not go so often as once a week.
167. How many days in the week do his family or friends use the boat? Sometimes some of his family go in with Dr. West or with the Visiting Magistrate.
168. Taking advantage of one of the officers going in? Yes; instead of his own day.
169. How many days are you able to say the Superintendent has employed them for his sole private purpose—you say one day in the week he goes to Sydney? Yes; sometimes he does not go to Sydney; and, on several occasions, when the boat has had no other duty to do—when there has been no officer coming to the island—advantage has been taken of the day to send the boat's crew to cut wood or to fish.
170. What party has gone fishing? The boat's crew and other parties belonging to the police.
171. Fishing for themselves? Fishing with a net. There was a net we all had subscribed to; the police had fourteen shares in it.
172. All the free persons on the island? We had a share each, and the Superintendent had two shares.
173. How often did the boat's crew go fishing with the net? In the beginning they used to go twice a-week.
174. In the end how often did they go? Once a-week; the men got disgusted with it.
175. Why? I do not exactly know; they disliked fishing.
176. How were the fish divided—were they divided according to the shares in the net? On one occasion, but not afterwards; the boat's crew that went fishing took their share, and the remainder the Superintendent got.
177. In the beginning the boat's crew went fishing twice a-week, that afterwards fell off to once a-week? Yes; and ultimately the net was sold.
178. When was it sold? Some time since—about nine months ago.
179. How often did the boat's crew go to cut wood? Two or three times.
180. Two or three times, within what period? To my knowledge, while I have been on the island.
181. Who went in the boat for that purpose? The boat's crew.
182. What became of the wood? It was used for propping up the grape vines in the vineyard.
183. It was not used for burning, but for making trellis-work for the vines? Yes.
184. For whose vines? Mr. Ormsby's.
185. In Mr. Ormsby's garden? Yes.
186. Then this boat was employed? Not the large boat, the small boat.
187. The boat was used then for picnics, pleasure parties, and cutting poles for the vineyard? Yes, in cutting poles.
188. Was it employed in any other mode not for the public service? It may have gone to the theatre.
189. Have you known it go to the theatre? Yes.
190. Who was in the boat on those occasions? The Superintendent.
191. Who else? Perhaps part of his family.
192. At what time did the boat go? In the evening, and came back at twelve at night.
193. Has it been later than twelve at night? Not much later.
194. How frequently has that occurred? Not very often.
195. How often? Once or twice a year.
196. Did the boat ever go to take the family to evening parties in Sydney? Upon occasions. When the family go to evening parties Mr. Ormsby's sons generally pull their own boat. The boat may have gone on several occasions.
197. The sons of Mr. Ormsby have a boat? They have two boats.
198. And they pull their own boats? Yes. On many occasions they have brought people from Sydney in them; but it is possible that, on some of these occasions, they may have had the visitors' boat.
199. At what time did these young gentlemen come back? At eleven or twelve o'clock.
200. Later or earlier? It would depend upon where they went.
201. Were they frequently out late? Not frequently.
202. But they were out occasionally as late as eleven? Yes, eleven or twelve.
203. None of them were out later than that? They might have been as late as half-past twelve or a quarter to one.
204. Then these boats the young gentlemen used as they liked? They were employed in Sydney, and they went to and from the island in their own boats.
205. When the boat came back to the island where was it kept? It was left at the buoy, in the charge of the police. All the boats were in our charge.
206. These boats were always pulled by the young gentlemen? There may have been a solitary instance of a policeman going on leave, pulling.
207. By Mr. Merewether: Has the visitors' boat ever been absent all night? It has been.
208. Who was in it when it was absent—who took it away and who came back in it? On several occasions Mr. Ormsby has gone to balls, both at Balmain and Sydney, and the boat has been all night away.

Mr. C.
Dunning.

6 Nov., 1857.

209. And has returned in the morning? Yes.
210. Has that been a frequent occurrence? Not a frequent occurrence.
211. *By Captain Ward*: Do you know whether on those occasions Mr. Ormsby obtained from the Visiting Magistrate leave to go? I never could tell.
212. *By Mr. Merewether*: Have you ever seen the visitors' boat carry away fowls from the island? I have.
213. Anything else? I have seen it take away baskets with cabbages.
214. Were they Government property? I could not tell that.
215. Were they in any quantity? I should say a large-sized basket full.
216. Of vegetables? Yes.
217. Were there any quantity of fowls—one couple—two—three? Sometimes more.
218. Do you know whose property they were? I understood them to be the Superintendent's; they were brought to the boat by his servants—his prisoner servants.
219. Do you know what became of them? No.
220. You know they have been taken off the island? These things are put into the boat, with instructions to the coxswain what to do with them.
221. What is the coxswain's name? Smith.
222. All boats land at the public wharf, do not they, where you are stationed? Yes.
223. Is it your business to attend and see what is landed? Yes, it is.
224. Does any one attend from the Superintendent's department? No one, unless when the provisions come for the prisoners, and the free overseers come down for their newspapers.
225. Is there anything to prevent clothing, articles of luxury, or spirits being brought to the prisoners—are you authorised to stop anything? No; you will see, from the regulations, that it is for the Superintendent or his assistant to do that.
226. Are they ever there when the boats arrive at the island? Occasionally.
227. Not as a rule? As a rule they are when prisoners arrive there.
228. On other occasions provisions may be landed; do they or do they not see what is landed? Anything landed the prisoner servants take up, no matter what it is—books, parcels, liquor, or what.
229. Where do they take them? To the free overseers' quarters.
230. Suppose they are not going to the free overseers' quarters but to the camp, is there anything to prevent a prisoner when he comes down to the boat from saying that he comes from a free overseer, and taking what he obtains to the camp? Not to my knowledge.
231. You are not aware of any regulation which makes it incumbent upon the Superintendent, or his assistant, to be present at the wharf when the boats land? I think you will see in the police regulations that we are to prevent spirits being landed.
232. Suppose the man who came down to the wharf said he came from any of the free overseers, would you be authorised to stop spirits said to be intended for them? When I was first appointed I reported to the Superintendent that spirits were landed; he did not stop it, and I did not interfere after. I could not say whether spirits were landed or not without I broke the bottles.
233. *By the Chairman*: Did you ever search the boats when they came ashore? Never for spirits.
234. Did you ever search for anything? No.
235. *By Mr. Merewether*: Anything is allowed to be landed? I am supposed to prevent spirits being landed.
236. Practically you do not—why do you not? I receive every thing that lands on the island, I and the sergeant.
237. Are you authorised to stop anything? I am not.
238. Then your receiving is a mere matter of form? It is a mere matter of form.
239. Are you aware of any regulations by which any one else is allowed to stop spirits brought to the island? Yes; the Superintendent and his assistant are supposed to search all parcels and bundles.
240. Do they, as far as your observation goes? I do not know any instance of it.
241. So, I am to understand that anything may be landed on the island without any check to prevent it—spirits, tobacco, clothes, or anything else may be landed? Yes. All parcels are carried up to the Superintendent's office; anything directed to the prisoners passes through my hands.
242. And a prisoner takes these things to the office, or you suppose he does? I am instructed to deliver everything to this prisoner.
243. Suppose this prisoner did not choose to take up anything to the Superintendent's or Assistant Superintendent's office, but wished to drop it on the way, is there not the lime-kiln, and are there not other places where he could conceal anything? Yes.
244. None of your men go up with him? No.
245. *By Captain Ward*: Are you aware of any spirits having been smuggled into the enclosure at all? No, I never heard of it.
246. You do not know that spirits have ever got among the prisoners under the existing regulations? I have heard it rumoured.
247. What was the rumour? That Mr. Ferris, one of the overseers there, was in the habit of selling spirits to the prisoners.
248. Was the charge ever made to Mr. Ferris? Not to my knowledge; I am quite ignorant of anything that occurs on the island.
249. When boats approach the island are they not noticed from the signal station? Yes, and reported to the Superintendent.
250. He is aware of the arrival of every boat? Yes.
251. That gives him the opportunity of sending down a man to see what is landed? Yes.
252. Does he, as a rule, do so? There is no person sent down but the prisoner-messenger.

Mr. C.
Dunning.

6 Nov., 1857.

253. What do you consider to be your duty when the prisoner comes down as a boat is unloading—do you give every thing to the prisoner? Yes.
254. Do you allow any one else to take the things from the boat? No.
255. You insist upon the prisoner taking all these things to the office? Yes; he comes down for these things.
256. *By the Chairman*: You do not see him deliver them? No.
257. *By Mr. Merewether*: Are the free overseers allowed to take from the boat anything directed to them? They have got their own servants.
258. Who come down and receive these things? Yes.
259. Has not Mr. Ormsby two messengers, who come down and receive these articles? No; one messenger and one flagstaff man.
260. Both convicts? Yes.
261. *By Captain Ward*: Do you think the present practice with respect to the landing of the boats sufficient to prevent spirits getting among the prisoners? That depends upon the interior management of the prisoners.
262. What further improvements would you suggest in your office as Inspector, with regard to the landing of goods from the boats at the island? I should say that all things, such as liquor, should be marched up together, in charge of a constable, who should see that every thing was delivered by the prisoners.
263. You consider that it would be your duty to ascertain whether there was any liquor in the boats, and, if so, to send it up in charge of a constable to the Superintendent's office? Yes, to the different parties.
264. You think that would prevent the spirits falling into the hands of the prisoners? Yes.
265. That would throw the responsibility on you? Yes. There is nothing to prevent the prisoners getting spirits under the present system.
266. *By Mr. Merewether*: Supposing Mr. Ormsby, or his assistant, were down at the wharf when the boats arrived, would that prevent it? No; I have seen things landed under Mr. Ormsby's own eye, and he has said nothing.
267. He has seen it and said nothing? He has seen it.
268. If the Superintendents were there, and did their duty, would not that prevent spirits and other articles being landed surreptitiously? Yes, if the orders were carried out. I remember, on one occasion, when I was first made Inspector, there were some mechanics came to work on the island, and they brought spirits with them.
269. Why did you not carry out your orders with respect to the landing of spirits? The first week I was Inspector I saw spirits come on to the island, and I reported it to the Superintendent.
270. In writing? No, verbally.
271. Was any answer received by you in writing? No; he said it was of no consequence—there was no harm in it.
272. Who brought the spirits on that occasion? It was wine, I think; it was one of my own men.
273. To whom did he take it? It was for his own use; he took it to his own room.
274. You reported that to the Superintendent? I reported it to the Superintendent, and he said, as it was wine it did not matter.
275. *By the Chairman*: Do you recollect any other instance—any instance of spirits being brought to the island? I did on one occasion.
276. *By Mr. Merewether*: Who brought them in that case? Mr. Cabil.
277. *By the Chairman*: What was the answer to you on that occasion? I forget the exact answer that was made.
278. No further notice was taken? No.
279. You are aware that spirits are landed freely? Yes, without obstruction; it comes in barrels or packages.
280. *By Mr. Merewether*: In barrels? In kegs—in two gallon or one gallon kegs.
281. Does that occur frequently? Not frequently.
282. *By the Chairman*: You say it is not usual for the Superintendent or Deputy Superintendent to be at the landing place when boats land? No.
283. They do not perform that duty? The Superintendent is never there for that express purpose.
284. Nor the Deputy Superintendent? The Deputy Superintendent is there once or twice a-week to receive indulgencies and rations for the prisoners.
285. On other occasions who is present? I, or my sergeant attend.
286. Not the Superintendent or Deputy Superintendent? No.
287. I understand from your evidence that you never search any of the boats? No, I never do.
288. Whatever is landed is carried up from the boats, either up to the Superintendent's office by the convict messenger—? That is with regard to letters and messages.
289. Or to the free persons' quarters by their convict servants? Yes.
290. Without examination by you, or by anybody in your presence, and unaccompanied by any free constable? Yes.
291. So that in fact there is no supervision or control as to anything landed? No.
292. Spirits, wine, or beer may be largely landed without check or control? Without check or control.
293. Have you seen any person drunk upon the island? I have seen people in liquor after coming from town, but never doing duty on the island.
294. Never whilst on duty? No; only when they have just come from town.
295. Persons ordinarily residing on the island, who had just returned from town? Yes, but on the island I never saw an instance of it.
296. As to the employment of the boat—by one of these regulations I observe that all boats, excepting

Mr. C.
Dunning.

6 Nov., 1857.

- excepting those containing the official visitors, Mr. Ormsby and his family, and so on, either going to or coming from the island, are liable to be stopped and examined by the Water Police boat—is that regulation carried out? I never heard of that regulation.
297. Are these boats ever stopped and examined by the Water Police? No; I was not aware of that regulation.
298. If you had been aware of that regulation, what should you have done? Acted up to it; if I had had the control of these things I would have acted up to the regulations.
299. According to the regulations, no person without permission of the Governor General is to be allowed to remain on the island after ten o'clock at night? I have known people to remain on the island with the magistrate's permission—any immediate relation, such as a brother or sister of those they go to see.
300. With whose permission? The Visiting Magistrate's.
301. There is a regulation that no pigs are to be kept on the island, and that but thirty head of poultry and four milch goats are to be kept by the Superintendent, and two goats and twenty head of poultry by the free overseers—has that regulation been attended to? I have seen more than that.
302. Who has kept more than that? Without exception I think every one keeps more, those who can afford it; there may be a few constables who do not.
303. Does any improper consequence follow from their keeping more; has any use been made of the prisoners' rations for feeding them? At one time the fowls were fed upon the homminy; that I understood.
304. Whose fowls? Every body's fowls.
305. Do you mean the spare homminy—the refuse after the people had done their meals? I do not know how it was obtained; I never lived there; but I have seen it pass to the free people's quarters.
306. Where from? From the direction of the camp. I was never inside to see it.
307. Did you see it at all the overseers', or only at one or two? More particularly at the Superintendent's quarters.
308. Are you aware that the spare homminy, the surplus, is now thrown into the sea? I am aware that it is the order, but I have never seen it thrown in.
309. Do you believe it is thrown in? I never took any interest in it.
310. You are aware that the Visiting Magistrate ordered it? I have heard so.
311. Has there been any diminution of the stock on the island since that? I have heard the men say that the goats and fowls have died.
312. You have told us that they have been taken off the island? There has been a diminution in both ways—both from selling them off and from their dying.
313. Have you ever known any letter to pass from or to any prisoner without being read by the Superintendent? I cannot answer that question.
314. Are any letters passed clandestinely? The letters are taken to or from the boat in my presence. They are given to the prisoner-messenger, and he takes them, or is supposed to take them, to the Superintendent.
315. All letters? Yes; I send them up to the office by him.
316. You have no security beyond the fidelity of the person employed for the proper delivery of the letters? No.
317. No check upon him at all? No; it is the special business of the messenger who comes down for the letters.
318. *By Mr. Merewether:* You do not give him any scrip to shew that he has received fifty, forty, or any other number of letters from you? No.
319. You receive them and hand them over to him? Not at all times; sometimes he gets them direct from the boatman. He is supposed to take them to the office.
320. You do not know what becomes of them? No further than that.
321. *By the Chairman:* Does the Superintendent personally superintend the works going on upon the island? No, not to my knowledge.
322. I refer to the regulation referring to the general duties of the Superintendent, contained in the 17th regulation? I have noticed him on many occasions go round the works, but not as a daily practice.
323. Have you ever known any prisoners performing any work upon their own account, or for private parties on the island, or for the private advantage of any resident on the island, excepting as servants—have any prisoners, other than as servants, been employed by any person on the island for his private purpose? I have from time to time seen a carpenter at work, but whether he has been employed upon requisition or not I cannot say.
324. What was the name of the man you saw employed? Spencer.
325. Employed in what way? At cabinet work.
326. Where? At the Superintendent's; he was making boxes and trifling things.
327. How frequently, or for what length of time have you seen him thus employed? I have generally seen him accidentally when I have gone up to the place. I have never gone there purposely to see him.
328. Was that frequently the case? At one period it was frequent.
329. Running over what period of time was that frequent? Perhaps a space of two or three months, or a month. I could not state exactly.
330. He was frequently employed within a period of two or three months? Occasionally.
331. Do you know that prisoners have been employed by Mr. Ormsby as gardeners? I have gone into the garden and seen a prisoner there.
332. How many have you seen in the Superintendent's own garden? I have seen one man, not more; but I am not in the garden every day.
333. How often does the Visiting Justice come to the island? Once a-week.
334. No more than once a-week? No.

Mr. C.
Dunning.

6 Nov., 1857.

335. Does he hold a Court upon every occasion? I believe he does; I am not up every time he comes, indeed I am up very seldom unless I have a case of my own.
336. Does he ever muster the prisoners? He comes specially once a month to muster the prisoners.
337. Does he muster them oftener than that? I do not think he does. I am quite ignorant of all these things connected with the penal department.
338. I see by the regulations, that it is your duty to have the constables properly drilled to the use of the carbine—do you attend to that? Not lately.
339. Why have you not done that lately? On one occasion when I was drilling the men they reported me to the Superintendent for it, and he came down and drilled them himself. He said they were sufficiently drilled, and I have not taken the trouble to drill them since.
340. How long is that since? I dare say six months.
341. Do you not consider it to be your duty to drill the men? Yes, it is according to my orders; but as the Superintendent said they were sufficiently drilled I did not attend to it any more.
342. Did he tell you not to drill them any more? No.
343. Have you arms for them all? Yes.
344. Do you inspect them regularly? No, I do not.
345. Do you inspect them to see that they are clean? Yes.
346. How often? Every time they turn out for sentry.
347. Their ammunition—is that kept under your orders? I see that it is kept correctly.
348. You see before they go on sentry that their arms and ammunition are in order? I do not inspect their arms closely, but I see that they are in order.
349. Do you always attend at the wharf when the boat arrives? I or the sergeant.
350. Do you attend with an armed guard? No; the guard boat is armed.
351. Are you aware that you are to attend with a guard of six men, armed, when a boat comes to the island? That is not done now; I have a sentry at the wharf.
352. Military or police? There are four men, armed, on duty to receive the boat.
353. Did you ever know an instance of a person landing on the island without an order from the Colonial Secretary, the Brigade Major, or the Visiting Magistrate? Yes.
354. Are you aware that no person has a legal right to land without permission either from the Colonial Secretary, the Brigade Major, or the Visiting Magistrate? Yes.
355. Have you known any infringement of that regulation? Yes; gentlemen come to the island and send their cards up to the Superintendent, and the Superintendent gives us instructions to allow them to land.
356. What gentlemen do you refer to? There was one—Commander Lethbridge, R. N.
357. Any body else? There may have been others, but I do not recollect their names. I know there have been one or two instances.
358. Not often? Not very often.
359. *By Mr. Merewether*: Should all persons desiring to land produce an order to you? Yes; they cannot land without they produce an order, unless we have it already on the file.
360. You must have an order for the landing of persons upon the island, either previous to their arrival, through the Superintendent, or produced by themselves? Yes.
361. You must inspect an order in some way or other? Yes, according to the regulations.
362. That rule is frequently departed from? Not frequently; on one or two occasions it has been.
363. You specify one particular instance, and the same thing had occurred before, but you cannot recollect the names of the parties? Yes.
364. *By the Chairman*: Are you aware that, by the regulations, none of the free officers are permitted to leave the island, but with the Superintendent's permission? Yes.
365. Is there any infringement of the rules? I am responsible for that, and I am very careful to have it observed. There may be occasions when the Superintendent is absent, and the Assistant Superintendent sends an order.
366. Are you aware that by the regulations no convict is allowed to approach the wharf within a distance of fifty yards, the servants of the free officers excepted? That is not carried out, and it cannot be carried out, from the nature of the works in progress.
367. *By Captain Ward*: Except in charge of an overseer? I never see a prisoner in charge of an overseer. Only the cart gangs who move about from place to place are in charge of convict overseers.
368. *By the Chairman*: You have not a copy of the new police regulations? No, I have only the copy I have produced.
369. Have you told the truth upon all those matters which have been inquired into? To the best of my knowledge, I have.
370. With respect to the transaction of taking Mr. Pendrill to town in the small boat, did you tell me the truth when I asked you the question about the painting of the visitors' boat? Yes, to the best of my knowledge. It was impossible for me to tell him that it was being painted, for when he landed the visitors' boat lay on the other side of the wharf, within two or three yards.
371. The boat was away upon a picnic on that day? Yes; it left about a quarter of an hour after he landed.
372. It was not there to take him away? No.
373. Was any suggestion made to you from any body on the island as to what evidence you should give upon that point of the boat? Yes.
374. Tell the Board by whom the suggestion was made, and what was the nature of it? After you had left the island, on your last visit, the Superintendent called me aside and requested me to go up to the Clerk of Petty Sessions and to concoct some story—
375. What were his words? Those were his words to concoct some story, so as to clear him of this case of picnic.

376. Were those the words he used? Yes, that was his meaning, or the effect of his words.
377. Can you not give his words more correctly? He said he wished me to go up to Mr. Taylor to concoct a story, in order to clear him of this picnic case.
378. What did you say to this? I promised that I would.
379. Did you go to Mr. Taylor? No, not on that occasion. I did on another occasion; that was upon a different subject.
380. Upon what subject was that? It was connected with the regulations of the island.
381. Tell us what it was? He wanted me to go over the papers printed in the *Empire*—the minister's letter.
382. Did he say with what object? The object of making the thing as light as possible.
383. What did he say upon the subject? He said he would wish me to go up to Mr. Taylor, and go with him over the letters published by the minister, Mr. Pendrill.
384. What did he say besides—did he give you any reason for wishing you to do this? To get up a statement to refute what was in the minister's letter.
385. Did he tell you that? Yes.
386. Did you go up to Mr. Taylor? I did, subsequently.
387. Did you read over that letter with Mr. Taylor? Mr. Taylor went over several points.
388. What paper was it he produced? The *Empire* of the 22nd October.
389. Did Mr. Taylor produce that paper? (*handing a copy of the Empire of the 22nd October.*) It was a copy of that.
390. What passed between you and Mr. Taylor on that occasion? He wanted to know what Mr. Pendrill said to me with regard to the coxswain—he wanted to know whether it was true or not what Mr. Pendrill said, whether he complained of the coxswain, and whether I gave him that answer. I said I did.
391. The answer about the boat being painted? No; he said he complained to me of the rudeness of the coxswain, and that I said I was subject to the same treatment myself.
392. Did Mr. Taylor ask you anything about the boat that went to the picnic? No, I do not think he did; I think he left that out, and I did not point out that matter to him.
393. Did he ask you, or propose to you, that you should give any evidence that was not true, or that should mislead us in our inquiry? No; though he was talking to me as though he was trying to impress upon my mind that I should speak the truth, still he was telling me how I should act.
394. What did he want you to state? To impress upon the Board that it was he refused them, or advised the Superintendent to refuse them, and he would take the blame.
395. Was it the Superintendent in fact that refused them? Yes.
396. Did he say anything else to you? There was one remark he made while I was there about our clothing; he said we were well off, that we were not police at all, and that our clothing came to such an amount of money, about £5 each. There were fifteen men, and five times that would be £75. It did not strike me at the time, but I thought afterwards that there was £180 down on the estimate voted by the Legislative Assembly for our clothing; had I thought of it at the time, I should have asked how much of it was really expended on our clothing.
397. *By Mr. Mercwether:* You said just now that Mr. Taylor made some remark about your being well off—what was the drift of that remark? He was always casting that up; he said I had rations and clothing, and was better off than he.
398. *By Captain Ward:* With respect to the concoction of a story—did he propose to you to say anything that was untrue? He did not want me to make an untrue statement, but to state it so that Mr. Ormsby should not be blamed for it.
399. What was the concoction he wished you to adopt? He told me that he did not remember that there was a constable in the boat that day, and wanted me to state there was none.
400. Are you quite sure there was? Yes; I can shew there was.
401. What answer did you give him? I think the answer I gave him was that I would do so; nothing further happened.
402. What made you promise to tell this story? I was afraid to give any other answer.
403. Why were you afraid—what would have been the consequence if you had told the truth? I should have been subject to annoyance, at least I imagine so.
404. Had you been subjected to annoyance before for telling the truth? Not for telling the truth, but I had been subject to annoyance from time to time.
405. What for? Doing my duty.
406. Had you ever been subject to annoyance before for speaking the truth? No.
407. Then you took upon yourself the responsibility of telling a lie because you feared you might be subject to annoyance? I promised, but I never intended to do so.
408. You said so through fear, but never intended to do what you said? Yes.

Mr. C.
Dunning.
6 Nov., 1857.

TUESDAY, 10 NOVEMBER, 1857.

Received a letter from Mr. Dillon—annexed.

Resolved, That the Chairman communicate to Mr. Dillon that he has already been informed of the course the Board intend to pursue, and that the Board do not see any reason to alter their decision.

A letter was also received from Mr. Pendrill, read, and answered by the Board.

Christopher Murray, examined :—

C. MURRAY.
10 Nov., 1857.

I was constable in the visiting boat of Cockatoo Island (not coxswain.) I know nothing of facts stated in letter of *Empire*, signed "N.B." I have been two years and a half on the island. Visitors are in the habit of going to and from the island all Sunday. The guard-boat is largely employed on this day for this service. I have no knowledge of writer in *Empire* of 2nd October. I wrote a letter in *Empire* of 7th October, signed "Fourth Witness." To my knowledge the police of the island were not in possession of regulations, (I left the island eleven weeks ago.) They were applied for, but not given. Application was made to Captain M'Lerie, in my presence, by the Inspector, Dunning. Captain M'Lerie said the regulations were, they were to obey all lawful orders, but gave no copy. The regulations were again applied for by Constable Scott, to Mr. North; he stepped out of the ranks and stated his wish for instructions for his guidance in the absence of the inspector and sergeant. Mr. North said he had an inspector and sergeant to go by; this was about eight months ago. I know nothing of Gleadall having applied for the regulations; he was dismissed on a charge of being disgustingly intoxicated—but not drunk. The charge was made by Father Kenyon, who reported it to the inspector, in whose presence and the sergeant's he was examined. I was present at the time. I consider the man was under the influence of liquor, but not drunk. The man was afterwards dismissed. I have known Constable Pierce to be taken out of the guard-boat on various occasions, and sent to Balmain for legs of mutton, and on private messages, for Mr. Ormsby. The last time was not longer than nine months ago. I have seen the guard-boat at various times sent on private business, fishing, &c. I have been in the boat on such occasions. The fish on such occasions were taken to Mr. Ormsby's house. A fishing net was purchased by general subscription. The constables, Mr. Brown, Mr. Taylor, and free overseers, had shares. On those occasions a smaller boat did the guard-boat's duty. Two Government boats have gone on a fishing excursion on the same day, one conveying the net, the other the party, consisting of Mr. Ormsby, Mr. Davis, XIth Regiment. I have on two occasions seen the two boats go, frequently one boat. The persons who worked the boats on these occasions were constables. I have known the larger boat used for pleasure and picnics. On Easter Monday, 1856, I was in Chowder Bay, with a pleasure party, in young Mr. Ormsby's boat; the ladies and the Superintendent were in the visitors' boat. We were away all day. I have known the boat to be used for conveying poultry to town. I have seen two basketsful go. They were taken to Cummins', the poulterer. I assisted in taking them there on one occasion, and sometimes part of the way there. I have brought back beef, bees, corn, porter for Mr. Ormsby; when landed at Cockatoo these have been conveyed, by convict servants, to Mr. Ormsby's house. I have known the small boat, when unfit for the purpose, sent for the clergyman, when the other was idle. The small boat has been sent for billet-wood for the free men, when the ration supply has run short. I had the ill-will of Mr. Ormsby myself. I left the island in consequence of being dismissed. I said something about Mr. Ormsby before two men, who reported it. Mr. Ormsby reported me, and the Visiting Magistrate dismissed me. I had been suspended before, on the complaint of the coxswain, who told me to scrape the oars, and I told him he might do it himself. Another time I was detained in Sydney, waiting for Mr. Ormsby's beef. I was reported by the boat's crew for being drunk, and suspended again. I was suspended three times before I was dismissed. On the two first occasions I was not brought before the Magistrate, but my pay was stopped, which I considered unfair. On the last occasion, I was brought before and dismissed by the Magistrate. I can find no motive for Mr. Ormsby having treated me unfairly. I was very kind to Mr. Ormsby, and transacted his business without complaint. My money was stopped for three days on one, and two days on another occasion. I believe Saddler and Carey, constables, have also been suspended by Mr. Ormsby. When I was called for by Mr. North and dismissed, I made no complaint of my pay having been stopped.

Cross-examined by Mr. Dillon: There was no fishing parties from the island for twelve months before I left the island, and no picnic party for about nine months. I had conversation yesterday with the dispenser of the island, who had been examined before this Board. Mr. Pendrill, about a fortnight ago, asked me how I came to leave the island; I said through the ill-will of Mr. Ormsby. I have gone into Mr. Parkes on different occasions since the publication of my letter, to know when I should be required before the Board. I have asked Inspector Dunning how the inquiry was going, and if I should be examined—he has told me I should be. I know other free people on the island keeping poultry, but I cannot say if they sent any to Sydney. On one occasion the Bishop of Sydney went to the island in the boat which I have called the dirty boat. I consider my dismissal from the island to have been unjust, as the witnesses disagreed. On the third occasion of my pay being stopped, when my case was brought before the Visiting Magistrate, I do not know if he told me that it went to the Police Reward Fund. I do not recollect having asked him.

THURSDAY,

THURSDAY, 12 NOVEMBER, 1857.

Mr. Jeremiah Brown, Assistant Superintendent of Cockatoo Island, examined:—

I have been on the island ten years, first as overseer and now as Assistant Superintendent, under Mr. Ormsby. My duty is to open wards and count out men every morning. I afterwards fall them into gangs, call out the sick, and send the gangs to labor. I afterwards dispose of the sick according to the dispenser's directions. I attend at meals and take complaints. In the absence of the Superintendent, the general charge devolves on me. I have known the Superintendent to be absent twice a week on his own business, not oftener. I remember the circumstance of two men concealing themselves on the island, but there was no charge preferred against them, except that of hiding to effect an escape; no other charge was hinted against them by any one at that time. I remember Perry and Sinclair—boxers. The men are in the habit on holidays of amusing themselves in the yard boxing a little, jumping a little, and so forth; but no regular set-to has taken place to my knowledge. On one occasion I discovered some gloves had been made by the men out of a leather apron; I reported this, and, by Ormsby's orders, I seized them and burnt them. The military officers might have seen something of this kind from outside the railings, but I never knew them to attend for the purpose of seeing a sparring match. I remember on a Saturday the prisoners refusing to go to work; their names were taken down, and a report sent to the Visiting Magistrate, who heard the case on his next visit, and about twenty-five of the men were confined—I presume there was a record of it made at the time. On another occasion the men were dissatisfied with Mr. Thomas, respecting the number he put to draw a cart. I was present when the case was brought before Mr. North. Mr. Thomas charged the sub-overseer (a prisoner) with employing one extra man at the cart. The man pleaded that he was ordered to do so by the free overseer; this plea was substantiated by one of Mr. Thomas' free overseers, on which Mr. North dismissed the charge. These were the only two instances I know of men having refused to work. The Church of England Chaplain once asked me where he was to see men who wished to speak to him; I showed him the school-room, by Mr. Ormsby's order. I always attended Divine Service, and Mr. Ormsby sometimes, more frequently while Dr. Steele, Mr. Donkin, and Mr. Syngc were Chaplains, than latterly. My duty was to keep order during service. Mr. Pendrill was in the habit of going to my room in the yard to change his dress; he never complained of that accommodation, and he never asked for any assistance regarding his duties; if he had done so, I would have rendered him every assistance. Mr. Pendrill never made a formal complaint to me respecting the boat service. I, the police, some free officers, and the Superintendent took shares in a fishing net; the fish caught were distributed among shareholders. I have known the Superintendent to go fishing once, and to picnics four or five times, during the time I have been on the island. I never knew the boat to be sent from the island solely for the private business of Mr. Ormsby; but when going for other purposes it was also employed on private business. I did not attend, nor the Superintendent, at the landing of boats, except when the indulgence boat brought things for the prisoners, paid for out of their task money; these things were taken by me and examined before issued. The Superintendent's or free officers' things used to be taken direct by the servants of those persons to their quarters, unexamined by the police or me. I have seen a keg of wine brought to the island, and spirits to the extent of a bottle at a time, without the knowledge or consent of the Superintendent—it is not the practice to ask the Superintendent's leave. I never examined any bundles or parcels brought to the island, or the persons of any one visiting the island. The free overseers and subordinate officers did bring spirits on the island. I can positively state that the regulations regarding subordinate officers bringing spirits to the island have not been carried out. I have always had access to the regulations of the island, and am familiar with them. I muster the prisoners eight times a day—to and from meals and work and to bed—according to regulations. I never heard it stated or suggested on the island in my life that the Superintendent borrowed money of the prisoners. I remember the Chinaman Tan refusing to work on three occasions, once because a man at the hand-cart would not pull, on another occasion when other Chinamen were leaving the island with whom he wished to go. He asked for an interpreter. I took him to the Superintendent, who satisfied him that he should see the interpreter, and he went to work. On the third occasion he declined to work because he was not allowed to go away with four other Chinamen who had been sent on the island with him. I have known prisoners to be confined to the cells, till the Visiting Magistrate came, for insolence to the Superintendent, myself, and others; the Visiting Magistrate came once a week and inquired into case. I have known on one or two occasions a man confined five days before the Visiting Magistrate saw him and decided his case. This occurred in more than one instance. When men have been so confined, they have been reported next morning to the Visiting Magistrate. I have known of no instance of overbearing conduct by the Superintendent or officers to the prisoners, and all insolence to the officers has been unprovoked. I remember one circumstance of suspicion of an unnatural offence. Unlocking the wards one morning it was reported to me that one man had gone into another's berth; the case was reported to the Superintendent, and by him to the Visiting Magistrate, and the charge dismissed, as without foundation. It was never reported to me during my stay on the island of such an offence having been committed in the wards or elsewhere. There was a case of suspicion of unnatural offence occurred about a year ago, arising from a man approaching another in one of the wards, and laying his hand upon him; the man who approached the other was knocked down; the case was reported to me, and by me to the Superintendent, and by him to the Visiting Magistrate, who dealt with it, and punished the man by confinement in the cells; that man has ever since been made to sleep in a separate cell. This is the only case I recollect of any suspicion of an unnatural offence. The separate dormitories seen by the Board on their visit are used for young lads and feeble old men; there are four persons

Mr. J. Brown. persons now using them; the Chinaman Tan, one old man, and two young men under twenty years. I have never known a man punished for reporting another for an unnatural offence; and I have never known a case of unnatural offence occurring, and it is therefore not true that such a case has occurred, and the man not punished.

12 Nov., 1857.

The sweepings up *after* prisoners' meals of the homminy and meat used to be distributed among the free officers for their fowls.

Henry East once charged the Superintendent with having appropriated prisoners' rations; his charge was, that a piece of good meat was put among sweepings for the Superintendent's use. It was brought by the Superintendent before the Visiting Magistrate, and, as he could not substantiate the charge, he was punished by confinement to cells. Up to this time the prisoners gave their consent to the sweepings being distributed among the free officers, and had helped to collect them. I am not aware of any canvassing for votes having occurred as to whether refuse should be so applied. I know Captain Browne was Visiting Magistrate in 1849, and he ordered sweepings to be thrown away, and that order was acted on for about two years. The order was never relaxed by any magistrate; the infringement of it occurred from a spontaneous wish of the prisoners, communicated to the Superintendent, that the refuse should not be wasted; it then began, by the Superintendent's order, to be distributed among the free officers' servants, in equal proportions, till about nine months ago, when the charge before stated about the piece of meat was made; since then the refuse has been thrown into deep water, and that is the practice now. The piece of meat found among the refuse before referred to was good meat, about 2 lbs. weight, cooked. On another occasion the meat of some Chinaman was under-done, and taken by him to the overseer of the cook-house, who exchanged it for his own; the overseer kept this meat till the morning, when, it having turned bad, he flung it into the refuse. The prisoners, when they sent to the Superintendent that they wished the refuse to be distributed, were unanimous, as far as I am aware. I have no reason to believe that Mr. Ormsby's administration has been partial or unjust, or that he has been any favorites, or has a "down" on any one. The several appointments to subordinate situations among the penal establishment are vested in the Superintendent. I have never known favor shewn in the exercise of that power. I do not believe there ever was a case of a man having been confined to the cells by the Superintendent and released without the knowledge of the Visiting Magistrate. The Superintendent's garden is sometimes manured by men obtained upon requisition to the Civil Engineer, and the vegetables are distributed among the free people, and also the prisoners when the latter's garden is low. I do not consider it my duty in the absence of Mr. Ormsby to examine boats coming to and leaving the island. I am not aware that either myself or the Superintendent is required to accompany visitors when on the island. Visitors to prisoners see them in the presence of the police; other visitors are accompanied round the island. I have known strangers, by the permission of the Visiting Magistrate, sleep on the island. Boats communicate between the island and the main three or four times a day, always, however, by leave of the Superintendent—on Sunday, sometimes. A journal is kept of passing of boats to and from the island daily, and preserved in the office. I have never received any instructions as to what is to be considered discipline on the island.

Cross-examined by Mr. Dillon: I have acted under the orders of Mr. Price (lately murdered at Melbourne) at Norfolk Island for twelve months. Since I left Norfolk Island I have been at Cockatoo, to which place I was appointed on the recommendation of Mr. E. D. Thomson. I am competent to give an opinion on prison discipline. I have seen nothing in Mr. Ormsby's system of managing convicts which I can find fault with. I do not know of any man more fitted to carry out the mild system of prison discipline established here by the Government—I mean the system in which flogging is abolished. I have never known Mr. Ormsby wanting in firmness; he has always insisted on having his orders carried out. I do not believe Mr. Ormsby capable of carrying out anything unjust, tyrannical, or unkind. He could not be so without it being known. Mr. Pendrill was in the habit of taking refreshment at my own quarters. He had been in the habit of breakfasting and dining with Mr. Ormsby at first; that ceased, and he then took his refreshments with me. I have seen Mr. Ormsby receive the Sacrament. I never saw in any penal settlement the sabbath kept with more propriety, and I have been on a good many.

FRIDAY, 13 NOVEMBER, 1857.

John Smith, Coxswain of Boat, examined:—

J. Smith.
13 Nov., 1857.

Has been three years coxswain of visitors' boat. Our duty is to go in for Magistrate, Priest, Parson, Visiting Magistrate, and others. The boat has been on picnics: twice to the Heads, once on Garden Island, once to Chowder Bay, and four times up Lane Cove—the party consisting of Mr. Ormsby, and family, and visitors. On such occasions boat away at one or two o'clock p.m., returning at six or seven p.m., and once as late as nine o'clock p.m. During two seasons we have been about eight, nine, or twelve times fishing—the seine was carried in the guard-boat. Once Mr. Ormsby, and his daughters and family, and some military officers went in a boat brought by officers. Three of the police and myself were employed to draw the seine; the fish was divided among proprietors of net. I receive orders direct from Mr. Ormsby. I have carried in fowls to Dr. O'Brien and several of Mr. Ormsby's friends, from Mr. Ormsby. I have taken poultry for sale to Mr. Cummins. I have sold poultry about four times, and received not exceeding 15s. at any one time. I have bought corn and taken it to Mr. Ormsby. No one else has had poultry to sell for Mr. Ormsby but myself. I have taken a present of a turkey to Dr. West, not to any one else. On one occasion I took a party to the island consisting of Colonel Bloomfield and other officers to Mr.

Mr. Ormsby, and brought them back about ten o'clock p.m. I have taken Mr. Ormsby and family to parties at Government House, and to theatre, returning as late as twelve o'clock, or one a.m. I have been away from the island all night, keeping the boat in Sydney. On one or two occasions, when Mr. Ormsby has been at a Government House ball, the boatmen were then allowed to go to their wives who reside in Sydney. They also get leave from Sunday afternoon to Monday morning to visit their wives in Sydney. I never was out all night with the boat on a picnic excursion. When we went to the Heads we started at ten o'clock a.m. and returned at nine o'clock p.m. I remember the occasion of Mr. Pendrill leaving the island in a small boat. I did not tell him the visitors' boat was painting. I was not coxswain then. The visitors' boat was at the buoy, and went a picnic that afternoon—I think it had gone before Mr. Pendrill left the island. The regular weekly duty of the boat is, on Tuesday, to go for Dr. West, Visiting Surgeon; Wednesday, the Visiting Magistrate; Thursday, the Superintendent has the use of the boat; Friday, Visiting Surgeon again; Saturday and Sunday, the Clergymen; Monday is a blank day, and is usually devoted to clean the boat. I have occasionally taken Mr. Ormsby and Mr. Taylor into Sydney on Monday. The visitors' boat is not employed in taking people to the mainland—the guard-boat does that. I have brought in presents of vegetables to Mr. McLerie and Mr. North. I have brought beer in kegs for many people on the island; also wine and spirits in cases for Mr. Ormsby, but not for any one else. The other boatmen are in the habit of bringing parcels, and they might have contained spirits, but never to my knowledge—the bundles were not examined at the wharf. I sold one turkey once for 7s. 6d. I never go to the mainland, nor does the visitors' boat. Bear, and wine, and spirits were brought to the island in Chandler's (or the shop) boat for the free people. That boat brought other supplies. I have seen the Inspector on the wharf when the boat was coming in, and also a sentry, but the boat was never searched. Johnson's boat brings the contract provisions. In addition to the special duties I have detailed, the boat is frequently employed on other duties, for instance, for clergyman or doctor at night. Mr. Ormsby does not always use the boat on Thursday; he has stayed three weeks at a time on the island. Mr. Taylor often goes on official business to Sydney. I have taken vegetables to Mr. Ormsby's son, and left them at Chandler's. I have been the longest in the visitors' boat of any boatmen employed here.

J. Smith.
13 Nov., 1857.

TUESDAY, 17 NOVEMBER, 1857.

Mr. Richard Thompson, formerly Reporter to the *Sydney Morning Herald*, called in and examined:—

I visited the island of Cockatoo on the occasion of Sir C Fitzroy laying the first stone of the Dock; I was then entertained by Mr. Ormsby. I wrote one letter to the *Empire*; that in the paper of the 6th October, signed "Third Witness," was written by me. I was on the island subsequently to the above period, for three days; I was there by leave; I left on the third day. Mr. Thomas advised me while there to bathe, and having sent for the key of the bathing house to Mr. Ormsby, he sent it by a prisoner to me; I afterwards declined to bathe, and Mr. Thomas asking the prisoner for the key was refused and abused, and told to go and be damned. I reported this to Mr. Ormsby, who said that Mr. Thomas threatened to kick the mau, which I said was false. Mr. Ormsby added—"that fellow Thomas is always making a piece of work on the island; I have told you his character long ago; when you go to Sydney I shall be much obliged if you report it to Captain McLerie."

Mr. R.
Thompson.
17 Nov., 1857.

I took no further steps in the matter, and do not know what became of it. On another occasion he spoke again to me disrespectfully and offensively of Mr. Thomas; I also, during the three days I stayed on the island, noticed the insolent demeanor of the prisoners towards Mr. Thomas, who said he had reported it again and again, but received no redress.

By the President: Have you anything further to add in support of the facts stated in your letter, and are the facts which you have now stated those which induced you to write—"personally cognizant, as I have been for some years past, of the disgraceful state of the penal island, and of the apathy and neglect which have rendered all reports of the infamous proceedings there mere farces"? Yes, these are the facts which induced me to write that passage; but I would add, since I commenced writing articles for Colonial and Foreign Journals on the subject of the Dry Dock, Mr. Ormsby's manner towards me has changed. Once he met me in the street and said—"What in the name of God are you writing such nonsense about the Dock for? It will never be finished so long as these two impostors, Captain Mann and Thomas, are on it."

By the President: In your letter you write—"I, whilst assuring you that the statements set forth in the form of queries in the letter subscribed 'Another Witness,' which appears in this morning's *Empire*, are not only true, but that they do not include one tithe of the enormities which have, for years past, rendered Cockatoo Island a worse hell (if that be possible) than Norfolk Island ever was."—How many of the statements of "Another Witness" can you support of your own knowledge? None; I only knew them from Mr. Thomas and Mr. Duff's statements; and when stating "I was personally cognizant for years," I had no other knowledge but that acquired from three days' residence on the island, and that communicated by others.

By the President: You ask in your letter—"Was it not known to every officer and convict on the prison side of Cockatoo Island, that the man whose death and the mysterious circumstances attending it are alluded to in the letter of 'Another Witness,' was brutally murdered by a fellow convict in sight of other convicts; that the then Coroner, Mr. J. Ryan Brenan, opened the inquest and adjourned it, yet did not resume it; that the body of the murdered man was buried without further inquiry; and that the alleged murderer

"and

Mr. R.
Thompson.
17 Nov., 1857.

"and the witnesses of the murder have since, by the expiration of their respective sentences, been discharged from the island, and are now at large."—Were you on the island at the time the circumstance occurred? I was not, nor did I see the evidence, nor the Coroner's notes.

By the President: On what authority did you make that statement? I was aware that the inquest was not resumed, and no verdict returned. Both Mr. Thomas and Mr. Duff told me that very suspicious circumstances attended the case, and that the man who was supposed to have thrown him down was discharged from the island, and that was the authority on which I made that statement.

By the President: In your letter you write—"On the occasion of the sparring match in the prison yard, alluded to by 'Another Witness,' between two pugilists, each under sentence for felony (Perry the black, and Patrick Sinclair,) were there not, in addition to Mr. Ormsby and his sons, a party of sporting men from Sydney, who visited this penal island just as they would a public Fives Court, or a prize ring?"—Do you know such a state of things, of your own knowledge, to have taken place? No. My statement respecting the sparring match is made from information received from Perry, the black. Some few days ago he told me Mr. Ormsby had never been present at any sparring match; that there had been sparring matches on the island; and that these had been witnessed by the officers of the guard and other gentlemen. Mr. Thomas was my authority for the remainder of that statement.

By the President: Further on in your letter you write—"Has not the son of the Superintendent of Cockatoo Island, who so brutally assaulted Mr. Parkes, on Saturday last—who holds a Government appointment in Sydney, but who sleeps at his father's quarters at Cockatoo Island—has he not, I say, for a long time past, been receiving lessons in pugilism from the abovenamed convict pugilists, both under sentence for heavy crimes; yet Perry being employed as cook, Sinclair as under-cook, so as to afford them time to give their pugilistic lessons?"—Do you know these to be facts? No; I have been misinformed. Perry told me it was not that, but another son who had taken lessons from him; my informant had been Mr. Thomas. It was only the day before yesterday Perry set me to right as to the facts. I had made the statements entirely on Mr. Thomas' and Mr. Duff's authority.

Captain H. H. Browne, called in and examined:—

Capt. H. H.
Browne.
17 Nov., 1857.

I was Visiting Magistrate of Cockatoo from 1848 to June, 1851. The general discipline of the island during that period was, on the whole, good. When I first took charge the means for coercing the prisoners were very bad—the means of reformation also; a large number were crowded together in three dormitories; the overseers lived in temporary huts, on the island; no officer was in charge of the military guard; the number of overseers was insufficient, and some had been prisoners; no lights were kept in the wards. On taking charge the Government, at my request, appointed an officer of the guard, granted some overseers, authorised erection of quarters for the overseers, also lighting the wards, and made arrangements for perfect supervision of wards. I introduced muster and washing days. The berths were subsequently divided, on the recommendation of Mr. E. Deas Thomson. I found rules in operation, some of which were revised during my term of office. I do not recollect any rules laid down for silence being kept in wards—but singing in wards I should have stopped had it been brought to my notice; my impression is, the men after being locked up were allowed to work or read till 8 p.m., and then to be silent.

[Mr. Palmer, short-hand writer, here entered and took evidence.]

1. What recreation was allowed during their leisure hours, after they were turned into the camp? There were no leisure hours, excepting Sundays and Saturday evenings.
2. And meal times? During these hours there was no recreation that I am aware of; during their leisure hours they were expected to wash and mend their clothes.
3. On Sundays? On Sundays they were expected to read, and to conduct themselves in an orderly and quiet manner. The Chaplain visited them once on Sunday, and there were overseers and constables—men who had some idea of religion—who used to read to the men. I always visited the island one Sunday in every month, and mustered every person on the island.
4. Will you tell me in what manner the Superintendent himself obtained leave of absence? By communicating with me, and asking leave; I generally referred his application to the Government, for approval or refusal.
5. How often was that leave of absence obtained? I think he sent in a return once a month, stating the days on which he wished to obtain leave of absence.
6. What number of days would he generally apply for in a month? I think he took very little leave during my time; sometimes he did not obtain leave more than two or three times in a month.
7. Was the specific object of his asking for leave ever stated? I think he has stated on one or two occasions that he wanted to absent himself on Sunday evening, in order to go to Church. I think, to the best of my recollection, that was stated on some occasions.
8. Were there any applications made by him for leave of absence to go on pleasure parties or picnics? I think not; but I never interfered with his object; I simply referred the matter to the Government.
9. The applications for leave were sent to you, and forwarded by you to the Government for their sanction? Yes, it was sanctioned by Government.
10. What boats were on the island at that time? The guard-boat was the only boat I allowed on the island. I think the Superintendent had a small private boat when I first took charge, but I pointed out to him that it was irregular, and he immediately got rid of it.

Capt. H. H.
Brown.

17 Nov., 1857.

11. During your time there was only one boat on the island, which was the guard-boat? Only one; I will not say the whole of the time, for I think when I first took charge of the island the duty of taking the prisoners and the overseers to and fro was managed by the Engineer's boat. The island was formerly under the charge of the principal engineer officer, and when Captain Morley took charge of the department, some correspondence took place between him and the Government respecting the carrying on of the Dry Dock, and Captain Morley decided upon having nothing more to do with it; and it was then placed under the charge of Captain Mann. In consequence of this, all the other changes took place, which brought the Water Police boat into operation as the means of communication with the island. I think for some few months after I took charge of the island it used to be visited by a boat manned by prisoners, or, at all events, part free and part prisoners. That was not under my control, but under the control of the Royal Engineers.
12. *By Mr. Merewether*: Was there any rule at the time you took charge forbidding any other boats being kept at the island? I am not sure whether there was any rule, but I considered it to be irregular.
13. *By the Chairman*: If you ordered Mr. Ormsby to get rid of this boat, there must have been some order prohibiting it, I presume? In looking through the book I have here (*the letter book produced by the witness*) I see that in some correspondence I had with the Colonial Secretary I point out the necessity that there should be no other boat.
14. You believe that during your time no other boat was allowed on the island than the guard-boat? Yes, and the Water Police boat, which I used to employ for communicating with the island, either to take prisoners there or to bring them thence; or to take the Superintendent to or from the island.
15. At present, we are informed, there are three boats—the guard-boat and two others, attached to the island—that is since your time? That is since my time; there was only one boat then, the guard-boat, which was locked up in the shed when not employed.
16. Are you aware whether any young gentlemen, members of Mr. Ormsby's family, lived upon the island at that time? Yes, but they were quite boys at that time; they used to come to Sydney and go back again.
17. Do you know whether there was any leave given for that? No; I think, in his original instructions, the Superintendent had permission to allow members of his family to go on shore. If I remember rightly, his youngest boy was at school, and the second was in some Government office. I think he was almost the only one that came backwards and forwards to the island. The eldest son was a locker in the Customs, was married, and lived in Sydney.
18. *By Mr. Merewether*: Are you aware that by the regulations no one having daily business in Sydney is permitted to reside on the island? I must say that I did not myself interfere with this boy coming backward and forward. He used to come to the North Shore from the Balmain side of the island in the guard-boat.
19. *By the Chairman*: You saw no harm in that? I did not. I would not have prevented the Superintendent sending his son to school.
20. With respect to spirits—did you ever give permission to any one to take spirits upon the island, or wine, or beer? In the regulations that were issued to the police, if I remember rightly—
21. Do not say if you remember rightly—you must remember rightly or not at all? It is not easy to go so far back, particularly as I have had no opportunity of refreshing my memory upon these matters (*The witness referred to his minute book.*) I think there is a rule here respecting spirits. On the 12th February, 1850, in my letter to the Colonial Secretary on the subject of some regulations that were submitted for my report by the Board of Examination which had sat upon the island some short time previous, I see this memorandum, which applies, I think, to spirits as well as to everything else brought to the island:—"Civil officers not to be searched by the guard when the Superintendent or his assistant is present." I say, "I submit the following proposition,—that the civil officers of the island and their families should not be searched by the guard when allowed to land or to leave the island if the Superintendent or his assistant are present at the time." I think that would naturally imply that they were liable to be searched if the police had any suspicion.
22. Did you ever give any permission for spirits to be brought to the island—was any application ever made to you for such permission? I never interfered—Do you mean by any civil officer?
23. Yes? I never had any application made to me. I considered that the Superintendent was responsible for the landing of any spirits.
24. Was any complaint ever made to you of spirits being improperly brought to the island? No, I never had a complaint of the kind made.
25. *By Captain Ward*: You think the Superintendent generally tried to carry out the regulations with respect to spirits being brought to the island? I never had reason to doubt it; I considered that it was a matter for the exercise of his discretion, and that he should not prevent the families of the civil officers having what was necessary for their comfort, but certainly not what might lead to breaches of discipline.
26. *By Mr. Merewether*: Will you read the latter part of the regulation referring to the prohibition to free officers to bring spirits upon the island. (*The witness read the regulation.*) Was such a rule as that in existence during your time? Yes.
27. *By the Chairman*: Were you ever applied to to relax that rule? No.
28. Did you ever relax it? Never.
29. Was the circumstance ever brought to your knowledge that the engineers, or any person in their employment, were bringing spirits in undue quantities to the island? No. When I was Visiting Magistrate there were very few engineer officers there; that was at a later date.

- Capt. H. H. Brown.
17 Nov., 1857.
30. Was any circumstance ever brought to your knowledge with reference to the refuse rations—the homminy? I gave instructions during the time I was Visiting Magistrate that all the refuse homminy should be destroyed.
31. In what manner? It was usually thrown away into the water on the north side of the island at the back of the kitchen. I did this, because I conceived that it might open the door to charges being brought of frauds committed on the prisoners, if the homminy were not destroyed.
32. Was there any complaint of such a thing having occurred? No; but sometimes there is a great difficulty in boiling homminy; sometimes it will be so bad that the prisoners cannot eat it, and therefore, to prevent the slightest chance of any prisoner being able to say that it was boiled badly for the purpose of being handed over to the free officers to feed pigs and poultry, I directed, that if it were bad, it was to be thrown away; thus, if it were bad, and the prisoners lost their breakfasts, nobody else would gain any benefit by it.
33. At what time did you give that order? Somewhere about 1850—about the time I directed the pigs to be removed from the island. Formerly, pigs were kept on the island, and poultry in large quantities, and about 1850 I directed all the pigs to be removed, and the number of poultry to be kept by each officer to be limited; the Superintendent was included in this order.
34. Was that order obeyed, do you think, during the time you were Visiting Magistrate? I have no reason to suppose it was not.
35. Were any complaints made during that time by the prisoners that their rations were wrongly appropriated? I never had an actual complaint that the rations were wrongly appropriated; but it appeared to me to be a proper precaution to prevent the possibility of such a thing, and, I think, it met the views of the Superintendent.
36. Under whose orders were the police during your time? I generally appointed them, but they were under the Superintendent's orders; there were only about five or six during my time; seven, I think, was the utmost number.
37. During your time were there any deaths among the prisoners on the island? A great number from various causes.
38. Were inquests always held upon those persons who died? No, only in those cases where they met with violent deaths.
39. You are aware that the English rule of law is that an inquest shall be held on every prisoner who dies in prison? Yes, but I understood that that applied only to gaols, and that was not applicable to other penal establishments.
40. Was it during your time that a man died from falling, or being thrown, into the dock? No, I think not.
41. You were a member of the classification Board, I believe? I am still a member.
42. What is the course pursued with reference to a prisoner when he goes to the island—of what does the classification consist? In the first place, there is a perfect record obtained of the previous career of the prisoner.
43. How do you classify the prisoners—according to their crimes, or according to their characters? The classification proceeds according to a rule approved by the Executive Council, the 19th December, 1848.
44. Upon prisoners going to the island they are classified under those rules? Yes.
45. Was their classification ever changed in consequence of anything on the island? Continually, for misconduct, which was reported to me at the end of every month by the task-work clerk, and, according to the nature of the offences of which they were convicted, they were reduced in their classes.
46. Were they promoted to higher classes for good conduct? They were promoted for good conduct.
47. Upon what data were they promoted for good conduct? Their promotion for good conduct depended very much upon the representation of the Superintendent; the overseers came more particularly under his notice than the men in gangs, but the latter were recommended either by the overseers of gangs or the task-work clerk, who recorded the amount of work they had done.
48. It was upon the report of the Superintendent that indulgence was given in that particular? Yes.
49. Do you recollect the circumstance of a prisoner named Fox not being released from the island? I cannot charge my memory with that.
50. Was it in your time or not? I do not remember it.
51. *By Captain Ward:* At what time were the prisoners generally locked up in the evening? Immediately after their supper.
52. I refer to their being put inside the square? There was no square at the time I took charge of the island; it was merely an open hollow square, without the slightest protection from the prisoners who were allowed to roam all over the island.
53. *By Mr. Merewether:* The men were mustered from work at what hour? I have frequently seen them marched up from their work to supper, and immediately after they had their suppers marched off to the wards.
54. *By Captain Ward:* After the hours of business, what were the legitimate hours for recreation? I should not say there was any recreation.
55. Was there not some time between the period of their knocking off work and of going to bed, or being locked up in the wards? Yes.
56. This was their time of leisure—had they any recreation then, or how did they spend their time? They roamed about the square, smoked their pipes, and talked together. After dinner they were allowed to smoke, between the time of finishing their dinners and of being returned to their gangs.
57. During these hours of leisure would you have objected to the prisoners taking recreation in such a way as playing at leap-frog? Yes.

58. *By Mr. Merewether*: You would have objected to their sparring? I should, decidedly.
59. *By Captain Ward*: When I ask you whether you would have objected to their taking recreation, I mean, of course, provided it were orderly? I think a prison is not the place for recreation. I should not have advised it to be permitted. I cannot say that it did not take place, but it was never brought under my notice; if it had been I should have objected to it.
60. There were no regulations at the time to forbid orderly amusements? I do not know that there were; but I imagine that the allowing amusements would have been a matter for the exercise of my discretion, and if Mr. Ormsby and myself had disagreed with reference to it, I should have referred it the Government. I say it might have taken place, but it was never reported to me by the Superintendent.
61. There were no regulations at the time to forbid orderly recreations? No there were not, I believe.
62. *By Mr. Merewether*: Do you think that kind of recreation compatible with prison discipline? I think not.
63. *By Captain Ward*: Did you, at any time while you were Visiting Magistrate of the island, notice any scenes which would indicate that spirits had obtained free access to the island; for instance, were the prisoners ever found drunk? Yes, there was one case, if not two cases, of the kind, where the question arose respecting spirits; but it was, if I recollect rightly, after the appointment of police on the island, and at that time, in organising the police, we had some difficulty in getting decent men. One or two of the police were, in the first instance, discharged for drunkenness. I think, upon reflection, only one case was brought to my knowledge where spirits had been brought to the island through one of the police. A servant appointed to attend upon the police was found tipsy. I think that is the only case that came to my knowledge, but I have heard it rumored that spirits were left on the island at night. I do not, however, know that as a fact.
64. In this particular case, had you any reason to suppose that the spirits were brought to the island through any negligence on the part of the Superintendent—did he exercise due vigilance to prevent it? No; the Superintendent could not be always at the wharf, and at that time, I think, I acquitted the Superintendent and dismissed the constable, who was the man on guard. I think the spirits were brought by some of his friends in the boat. I did not blame the Superintendent.
65. You say that during your government you ordered that no private boat should be left on the island? Yes.
66. Then how was it supposed that the Superintendent would get to Sydney and back to the island on his own private business? He informed me by letter on what days he wished to go to Sydney, and as I usually visited the island twice a week, he used to say, I should like the boat to be at the island at eleven o'clock, twelve o'clock, or any other time, and I took care that the boat should be sent for him. It was sufficiently large to take himself and family, and he was allowed to use it.
67. Was he allowed to have this boat by the Government on his own private business, according to your understanding? No, I did not allow him to have the boat for his private business; he applied for permission to leave the island, and I sent the boat to bring him to Sydney, and to take him back.
68. Did he apply for it on official business? He only applied to be allowed to leave the island on certain days, and on those days I gave him the means of coming to Sydney and of returning to the island.
69. If he had applied to come to Sydney on his private business would you have allowed him to have had the boat—is the Superintendent authorised to employ the boat one day of the week upon his private business? During the time I was Visiting Magistrate there was no boat attached to the island absolutely; but * * * * * and with that I manned a four oared boat, and that boat was, to all intents and purposes, a Water Police boat. It used to go armed with carbines, cutlasses, and everything in the same way as a boat employed by the police. That boat went for the Superintendent, took prisoners to, or brought them from the island, and only went and came as directed by me.
70. Do you consider that the Superintendent after being allowed any boat on the island was authorised to use that boat, if he got leave one day of the week upon his private business—I want to know if when he wanted to go to Sydney on his private business he was allowed to use the boat? Yes; he went to Sydney on his private business. When he obtained leave he might do what he liked till he came back again.
71. When he applied to you, and informed you that he wished to leave the island, the boat went for him and took him back to the island at what hours he liked? Yes.
72. Even if he went on his own private business? Yes.
73. *By Mr. Merewether*: But it was not at his disposal all the time? No. I know Mr. Ormsby complained very much; he thought it a very great hardship to be so completely shut up in an island of that kind without having a boat at his control whenever he thought proper.
74. *By the Chairman*: Did you ever authorise Mr. Ormsby to take the boat for pleasure parties or picnics? He never asked me for it.
75. And you never authorised him to employ it for such purposes? I am sure I never authorised it.
76. *By Captain Ward*: Have you ever known the Superintendent to confine prisoners for misconduct, and to release them again upon his own responsibility, without bringing them before the Visiting Magistrate? I dare say there might have been one or two cases of the kind, but it was not a general principle.
77. Was such a complaint ever brought before you by any of the prisoners or subordinate officers? I do not think he ever did so; when he considered it necessary to confine a prisoner he never released him till I came to the island; if he then begged him off, in consequence

Capt. H. H.
Browne.
17 Nov., 1857.

Capt. H. H.
Browne.

17 Nov., 1857.

sequence of his previous conduct on the island, which might have been the case, I might have acceded to his request, but I do not think he went so far as to release prisoners without bringing them before me.

78. The case was handed over by him to you to be adjudicated upon? Yes.

79. You spoke of the reformation of prisoners—was there any power in the clergyman to have a prisoner kept off work for the purpose of mental improvement, for reading, writing, or other similar occupation? One of the prisoners, I think, acted as clerk to the clergyman who visited the island, and he had some exemption from duty, in order that he might attend in the hospital and read to some of the prisoners who were sick.

80. Generally, is the clergyman allowed any discretion to recommend prisoners to be kept off the works? No; I do not think it was done in my time.

81. *By Mr. Merewether*: Do you consider it absolutely necessary, from the experience gained by you during the time you were on the island, that there should be a boat attached to the island, what you call a visitors' boat—that there should be any such communication established? My impression on that point is, that it is very advisable there should not be a boat. I have had many conversations with Mr. Ormsby upon the subject, and I believe he agreed with me frequently in the views I advocated, that the less the means of communication with the prisoners the better. There were police on the island who were attached to the boat, and, as we know the class of people to which many of the police belong, it was not unlikely that they would be the means of communicating between the prisoners and their friends in Sydney. In order to guard against any evil from this cause, while I was Visiting Magistrate I would not allow the Water Police to land upon the island, or to mix with the island police. As soon as I landed they were sent off the island to the barge.

82. Was there any complaint of inconvenience from the officers as to the want of a boat? Yes, they all thought it very hard that they should be placed at such a distance from Sydney, and be obliged to depend upon me for the means of communication. I agreed that it was a hardship, but I believed that the public service was benefited by the arrangement. I know Mr. Ormsby complained of it very much.

83. You think, for the convenience of the officers, it is desirable that a boat should be attached to the island, but that for the public service it is objectionable? Yes.

84. What is your general opinion of the mode in which Mr. Ormsby carried on the management of the island? As far as I saw, during the long period that I was Visiting Magistrate, although we might have differed upon some points, he generally performed his duty in a very satisfactory way. We were always upon the very best terms, although we were, on duty, as distant as if we had never known each other; and when I felt it to be my duty to complain, I did complain, and I found that Mr. Ormsby attended to my directions.

85. You were generally satisfied with Mr. Ormsby's management of the island during the time you were there? Yes. I think he had a very difficult task to perform; and with the means and appliances at his command when he first went there, I think it redounds much to his credit that he was able to keep the people in the order he did.

John McLerie, J.P., was called in and examined, as follows:—

J. McLerie,
J.P.

17 Nov., 1857.

1. *By the Chairman*: You are the Visiting Magistrate of Cockatoo Island? I was.

2. You succeeded Captain Browne? Yes; I succeeded him in June, 1851.

3. In what state did you find the island in point of discipline? Very good.

4. What was the conduct of the prisoners? Very good, generally; there were exceptions occasionally.

5. Did you know of the existence of the rule established by Captain Browne for the destruction of refuse rations—that is to say, the sweepings, or what was left by the men after breakfast or dinner—are you aware that there was in existence any rule for throwing away the refuse? I cannot, at this moment, recollect. I know that when I had charge of the gaol at Darlinghurst I had a rule to that effect.

6. Are you aware that this refuse homminy was disposed of in any particular manner? I am not aware.

7. You do not know what became of it? I do not recollect that the matter was ever brought under my notice in any way. [*The minute book was produced*]

8. *By Mr. Merewether*: Did you ever see this minute book—it was opened by Captain Browne about the time he took charge? I never read this minute book. I kept one myself; or, rather, carried on this from the time I took charge.

9. You were not aware of the entry at the foot of the page, which directs that the refuse homminy shall be thrown away? No, I do not recollect ever seeing that before.

10. *By the Chairman*: Perhaps you can charge your memory with this—whether you authorised any other disposition of it? Not to my knowledge.

11. Did you ever order it to be distributed among the free overseers for their stock? If I did it will be found in my minute book; all my orders were entered there.

12. What were the rules with reference to the conduct of prisoners in their wards—were there any rules in existence in your time with reference to that? You mean after being locked up?

13. After being locked up? Yes, there were rules, and I think I made some change in them that I thought might be an improvement. I employed wardsmen under the free overseers outside, who were responsible for the conduct of the prisoners.

14. Was there anything like singing in the dormitories? After being locked up they were allowed to talk, but not after a certain hour.

15. What was that hour? Eight o'clock, I think.

16.

16. Were there any rules as to their conduct, during work, as to silence? The silent system was not enforced, but no improper language was allowed.
17. During their leisure hours was any recreation allowed? When I first took charge of the island they were allowed to make cabbage-tree hats in their spare hours.
18. *By Mr. Mercwether:* Will you explain what you mean by their spare time? When not employed on the public works under the engineer.
19. What were the hours? The hours varied according to the season of the year.
20. *By the Chairman:* During some portion of their meal hours did they make cabbage-tree hats? Yes, at any time when they were not employed otherwise.
21. After being locked up? Yes.
22. Before eight o'clock? Yes; before the hours fixed for silence.
23. They were allowed to make straw or cabbage-tree hats at these times? Yes, at that period.
24. How long did that continue? I think it was discontinued in 1853.
25. On account of some objections having been made to it? Yes.
26. Were these objections which you yourself entertained? Yes; I was very glad when the Government did away with it.
27. You thought it open to abuse? Yes.
28. Were recreations, such as singing, dancing, leap-frog, allowed during the time they were not employed on the public works? Innocent amusements of such a kind as leap-frog, so long as the amusements were not too boisterous, or offensive, or likely to lead to a breach of discipline.
29. You considered that allowable? Yes.
30. On Sundays would the same recreations have been allowed? Not on Sundays, certainly.
31. In what manner did the Superintendent obtain leave of absence when he required it? On the first of every month an application was made to me from the Superintendent, which application I forwarded to the Governor General for his approval. In this application the Superintendent mentioned the days on which he wished to leave the island, and as, from various causes, principally on account of the public service, it was not sometimes convenient for the Superintendent to leave the island on the days allowed by the Governor, I found it necessary, shortly after I took charge, to add the words, "and if any of the days so named should be found inconvenient on account of the public service, such other days in lieu thereof as may be approved by the Visiting Magistrate."
32. And, except with that permission, the Superintendent could not leave the island? No.
33. In what manner did he avail himself of the permission—when he did leave how did he get to Sydney and back again to the island? He was allowed to make use of one of the boats, one of the guard-boats.
34. Was that a boat sent for him? No; all the boats belonging to the island remained there.
35. What boats were then allowed? The guard-boat. The visitors' boat, although not unserviceable, required extensive repair, and I applied to the Government for a new boat, which was given. After the other boat was repaired, it was retained as a supernumerary boat, in case of any accident to either of the others.
36. So that there are two visitors' boats in fact? There was one before, but it was an occasional boat.
37. *By Mr. Mercwether:* Was the visitors' boat established on your taking charge? In Captain Browne's time the visitors' boat was part of the Water Police establishment, and Captain Browne had two additional men allowed him for the purpose of that boat.
38. Was that arrangement radically changed when you took charge? Yes; there were four men placed in the boat as a crew.
39. *By the Chairman:* Thenceforward that boat was called the visitors' boat? Yes.
40. The other boat was called the old boat, and the third the guard-boat? Yes. Sometimes the old boat was required on Sundays, as one of the clergymen lived on the North Shore and the other in Sydney, and two boats were sometimes employed.
41. Was this old boat that was unserviceable, and afterwards repaired, the old police boat? Yes.
42. Then, in one of these boats the Superintendent would come to Sydney when he had leave? Yes.
43. With respect to spirits—was there any restriction as to bringing spirits to the island? There were orders against it; but I found after the number of civil officers increased, and people connected with the Engineer's Department, that it was a restriction they would not assent to. There was a Board appointed, and the rule was modified.
44. Then there was a rule in existence against bringing spirits to the island? Yes; but when the number of free officers connected with the Engineer's Department increased on the island, they would not submit to the restrictions imposed by these regulations. There was a modification of the rule made by a Board appointed, of which two of the gentlemen now present were members.
45. Do you remember receiving a letter from Mr. Ormsby, of which this is a copy? (*The copy of a letter was handed to the witness, and was read as follows*):—

J. M. Lorio,
J.P.
17 Nov., 1857,

" Cockatoo Island, 19 September, 1853.

" Sir,—I have the honor to enclose you two reports made to me by Acting Inspector "Finnucane, relative to the conduct of the free mechanics employed under the Civil Engineer, "by which you will perceive that they are not under any control, and presume to commit "themselves in a manner that persons dare not do in Sydney. From the repeated misconduct "of these men, and no notice whatever having been taken of it, I am half inclined to think that "the Government do not wish to have them interfered with; had it not been that the wives

J. McLerie,
J.P.

"of the Messrs. Hodgekiss were with them, and the hour so late, I certainly would not have allowed them to land.

17 Nov., 1837.

"Mr. Warwick was, also, I am informed, in a state of drunkenness yesterday, walking about the island. The noise and bad language made use of by Mr. Hodgekiss was disgraceful, and ought not to be tolerated at a penal settlement. I trust you will at once take measures to prevent a repetition of such conduct; for, if persisted in, and an example is not made of some person, all control, not only of the free officers of the island but also of the prisoners, will be lost. This is the same man who was connected with the wheat transaction. I think that Mr. Mann ought to send his boat on Saturdays and Sundays for the accommodation of those men, as our boat is constantly employed by them on these days.

"I have, &c.,

"CHARLES ORMSBY,

"Superintendent.

"Jno. McLerie, Esq., J.P.,

"Visiting Magistrate."

Yes, I received a good many communications of this kind with reference to the conduct of these people who arrived on the island

46. Then, in fact, Mr. Ormsby did represent to you that irregularities occurred? Yes, and I brought it under the notice of Government, and in consequence of similar representations the Board was appointed, and the modifications were made.

47. Did any one ever ask you for permission to land spirits—I mean the free overseers. You are aware that by one of the regulations of the Government no spirits can be landed without permission of the Visiting Magistrate—were you ever asked for permission? I think there is an exception; I never had such an application from a subordinate officer.

48. Do you know whether spirits were brought to the island without such permission? I cannot say.

49. Was it ever reported to you that spirits were unduly imported to the island? I think I recollect on one occasion some report having been brought to me that a bottle of wine had been found in possession of one of the police. Mr. Ormsby informed me of it, and said the man was unwell, and I told the Inspector not to take notice of it, as it might be looked upon as medicine.

50. Was there any complaint that spirits were brought freely to the island? There were no complaints but I was convinced that spirits were brought, as on one or two occasions I had to punish prisoners for being drunk.

51. Therefore you were satisfied that spirits got to them? Yes. There is one thing I ought to mention in justice to the authorities—the officers of the island. We found on one occasion spirits in a "plant," as it is called. After the prisoners are recalled to their barracks, the sentries are withdrawn from the shores of the island, which are thus left unprotected, and boats can land; spirits may then be planted among the rocks in positions with which, by preconcerted signals, the prisoners may be made acquainted.

52. *By Mr. Merewether:* By what means? By people coming over in the boats. After the evening the sentries are drawn around the prison, and the shores are all exposed; and I have no doubt that other prohibited articles, besides spirits, are left in the same way.

53. *By Captain Ward:* Can you suggest any means of stopping such things in future? Nothing but a cordon of sentries, and that would be rather expensive.

54. *By the Chairman:* You think that the prisoners need not resort to the boats which visit the island during the day for the means of conveying spirits to them, so long as their friends could have access to the island by night and conceal them where they would be able to get them when they wanted? No. Of course the officers are always on the look out for such things, but on such an extensive island it is easy to elude their vigilance.

55. *By Mr. Merewether:* Are not all the prisoners concentrated on one part of the island for work? No; they are all round the island.

56. So far as my observation has served me when I have been on the island, they have all been concentrated upon one point? There are nearly a hundred prisoners who are not on the works, who are variously employed as servants to the officers, cooks, and sentries.

57. But outside of all of them there is a cordon of sentries? These are called in at night.

58. You do not appear to see the point of my question. If there is a cordon of sentries in the day, these men can have no access to the shore, as if they break the line the sentries are at liberty to shoot them? But they do not break the line. When the prisoners are withdrawn the sentries are drawn round the prison, therefore the shores are left exposed; by previous arrangement parties come to the island at night and plant the spirits, which the prisoners take the next day.

59. *By the Chairman:* How could they go to get them the next day? Supposing a prisoner to be leaving the island to-day and coming to Sydney as a free man, he might make an arrangement with his previous comrades to plant spirits in a certain place.

60. In what manner would the prisoner get down to the place? It would be left in such a way that the prisoner would have access to it.

61. But, as Mr. Merewether said, he would have to break the line of the sentries to get to it? Suppose two men are working at a certain stone and one of them is to be set free to-morrow, he says to his comrade, "If you look under this stone the day after to-morrow you will find something." The man would then deposit it in the place agreed upon inside the lines. One of the reasons of my looking upon Cockatoo Island as an objectionable place for a penal establishment was that it was so near Sydney; and, therefore, so easy of access by the companions of the prisoners.

62. Are you of opinion that it is next to impossible to prevent spirits being conveyed to Cockatoo by that mode? Yes; the only limit being the want of means on the part of the prisoners to purchase them.

63. The police of the island are, I believe, under your orders? They were.

64. Did they ever complain to you of spirits being brought to the island in the island boats? I do not remember. J. M'Levie, J.P.
65. Are you aware whether the police did their duty in searching the boats? They had their orders. There was a complaint made by Mr. Ormsby—something about a package of his being searched for spirits; that was about the time that the rules, as applicable to the Engineer's Department, were modified. 17 Nov., 1857.
66. Are you aware of the fact whether the boats were searched or not? I cannot be aware of the fact.
67. Are you aware whether the police had or had not a copy of the regulations? They had a copy of the regulations.
68. Of the new regulations? The old regulations were in the book, and every officer had them read to him before he was sworn in.
69. They were the old regulations? There was no change in the police regulations.
70. Was there not this important difference in the two regulations, that the police were under the Superintendent in the old regulations and under the Visiting Magistrate in the new—will you read that? (*A copy of the regulations was handed to the witness.*) I see that, but they were under me before.
71. But they appear to be under Mr. Ormsby in the old regulations? Yes; he had a certain control on the island, but I did not assume any more authority after the new regulations than I did before.
72. Had they a copy of these regulations with the alteration to which your attention has been directed—do you remember one of the policemen applying to you for a copy of the regulations and being refused—Constable Scott, for instance? I do not think it likely any constable ever applied to me for a copy of the regulations.
73. Did you ever make such an answer as this, upon an application being made to you for the regulations—"Your instructions are that you are to obey the orders of your superior officer"? Yes, I do remember the circumstance now. At the time these regulations came out the rules for the police, as drawn up, were not applicable to the body as it then existed, but to a smaller number; the rule as to posting sentries did not apply. I had intended to bring this matter under the notice of the Government, and to have the rule changed, and before I did so, I remember the Inspector asking for the rule, and I said, "for the present obey the orders you receive." But these rules, with that exception, ought to have been in the possession of the police, and I am not aware that they were not.
74. *By Mr. Merewether*: It is the fact that a change was made in the rule that refers to the management of the police, and that the name of the Superintendent was scratched out and that of the Visiting Magistrate inserted? That did not affect my responsibility in the least.
75. But did it not render it necessary that the rules should be placed in the hands of the police?
76. *By the Chairman*: All we want to know is whether an application was made to you by the policeman for a copy, and whether you declined to give it him? I did not decline; I remember giving him the answer I have just been reminded of. I intended to have brought this point under the notice of the Government, and when I was applied to by the Inspector, I said, "for the present obey the orders you receive."
77. Did any deaths occur on the island while you were Police Magistrate? Frequently.
78. Were inquests always held upon them? Yes.
79. According to your recollection? Yes.
80. *By Captain Ward*: This same Constable Scott applied to Mr. Ormsby for the regulations, and he declined to give them—was it under your authority he declined to give them or not? I do not know whether he heard what passed.
81. You declined to give them because they were not perfect in certain details—was Mr. Ormsby cognizant of that? I remember having a conversation with Mr. Ormsby as to the change necessary to meet the altered number of the police.
82. Had Mr. Ormsby any authority, direct or indirect, to refuse these regulations until they were altered? Not to refuse them.
83. When Inspector Dunning applied for them, do you think Mr. Ormsby ought to have given them to the police? He was perfectly aware that I was about to apply to the Government to make the alteration in the rule.
84. *By the Chairman*: But you never did obtain that alteration? No; I left the island about that time to obtain my present appointment.
85. You gave no authority to Mr. Ormsby to refuse him; if the Inspector were refused it was not by your authority? No, not by my authority.
86. You never gave the Inspector a copy of the regulations? No.
87. Then the Inspector was left without the new regulations? Yes; for the reason I have stated.
88. Do you remember the death of a man named Dunmore? Not by name.
89. He was a young man who died in the hospital of inflammation of the lungs; a memorial was drawn up and signed by some of the prisoners charging the dispenser with having sent him to the exempt ground and thereby exaggerated disease; that he was taken to the hospital and died two or three days after? If such a charge were made against the dispenser, I have no doubt I handed it over to the Visiting Surgeon.
90. It was in March, 1856—were you Visiting Magistrate then? Yes; but I do not remember the circumstance.
91. Do you remember a person on the island named Merewether? Yes.
92. Can you tell us what sort of a character he was? On the island he was a man who gave me some trouble, and I was obliged to punish him for a breach of the regulations.
93. In what respect? He was a good penman, and a short time after he had been on the island I appointed him assistant to the task-work clerk, where he was not mixed up with the other prisoners, and I found that he had been encouraged by the wife of an officer then on

J. McLerie,
J.P.

17 Nov., 1857.

on the island to go to her house and write letters, which she or her servants conveyed to the town, which was a breach of the regulations.

94. What officer was that? Lieutenant Davis, of the 11th.

95. Was there anything else against this man? Well, there was a suspicion which, perhaps, I should not mention, of impropriety of conduct in another way—there were grounds of suspicion.

96. In consequence of these grounds of suspicion, what did you do? I sent him back to labor with the other prisoners.

97. It was not a suspicion of such a nature as to induce you to confine him separately? No; it did not amount to that.

98. Do you remember a prisoner of the name of Groom on the island? I do not remember him at all. I may also mention that Merewether was a man of a superior class to the prisoners generally, and was a kind of leader in all sorts of complaints.

99. Do you remember his being at the head of a deputation about a man who was said to have been ill-used by the dispenser? Yes; I remember, on one occasion, Merewether did come with another man to the office.

100. Do you remember that occasion, and whether you inquired into the circumstance complained of or not? If I knew the date I would refer to my minute book—to the best of my recollection I referred the matter to the Visiting Surgeon. (*The witness referred to his minute book.*) Here is the entry, the 13th April—"George Stokes, Joseph Murphy, John Merewether, Henry Snelgrove, Charles Skerritt, and John Clarke, were admonished for making certain statements against the dispenser, Mr. Peers, which, upon investigation, turned out to be without foundation."

101. Generally, as to the management of the island, were you satisfied with the discipline of Mr. Ormsby? Yes, generally.

102. Do you think he was a man who carried the regulations of the island generally into effect? Yes.

103. Was he firm in the discharge of his duty or pusillanimous? I always considered him firm; that was a quality which I considered he possessed in an eminent degree.

104. Was his treatment of the prisoners kind and humane or the contrary? If I had any fault to find with him, it was that he was almost too humane.

105. His system was rather of the mild than of the severe order? Yes.

106. Have you any fault to find with his system as being unreasonably mild, or was he given to favoritism or partiality? No.

107. Was there any such charge against him during your time? In an establishment of that kind, where there are berths, as they are called, to be given, it was almost impossible to avoid the charge of partiality. I made the appointment, as Visiting Magistrate, but the prisoners were under the impression that the men appointed were recommended by Mr. Ormsby.

108. Have you had complaints of partiality made? I have had complaints.

109. If any complaints were made, did you inquire into them? I satisfied myself by referring to the previous history of the parties, and their conduct on the island.

110. Were you satisfied that Mr. Ormsby had acted rightly? Yes; there may have been occasions where I have found fault with Mr. Ormsby.

111. Are you aware whether persons have ever slept upon the island who did not belong to it, with or without the permission? Not without it.

112. Were you in the habit of giving permission occasionally? The only instances where I departed from the rules were, when the wives of free officers have been confined, and have required nurses; in such cases I have given permission to their relatives, or other persons, to come to the island to nurse.

113. Are you aware whether the regulations were carried into effect with reference to the number of fowls, and other animals, allowed to be kept on the island by the Superintendent and officers? I was aware that a regulation did exist as to the number to be kept. I have asked Mr. Ormsby whether the number was exceeded, and he has replied that it was not.

114. You knew nothing upon that subject yourself? I never counted the poultry, but Mr. Ormsby told me that the regulation was carried out.

115. Do you know what became of the poultry, or any part of it—it has been suggested to the Board that you have had a present now and then? I had a present once. Mr. Ormsby had a very handsome description of Cochin China fowls some few years ago, and was kind enough to send me one of each sex on one occasion.

116. And a turkey upon another? I do not recollect—it may have been the case, but it must have been a long while ago. I recollect Mr. Ormsby requesting me to accept a cock and hen of the Cochin China breed, which was then so much in request.

117. I put these questions at the request of Mr. Ormsby. Do you remember the circumstance of Mr. Ormsby asking leave for the boat to go a-fishing? I do.

118. One more than one occasion? Yes. Mr. Ormsby said the policemen had, in their leisure hours, made a net, and he asked me would I have any objection to their fishing in the bay in one of the spare boats. I gave him that permission when the police were not on duty.

119. More than once? More than once.

120. Do you know the circumstance of young Mr. Ormsby living on the island? Mr. Ormsby was Clerk of the Bench at Wollombi, and the Government at that period gave him an appointment at the Treasury in lieu of it; and Mr. Ormsby said, as his son was in a Government office, and living in Sydney, he should be glad if he could be permitted to live upon the island. I spoke to the late Governor, Sir Charles Fitz Roy, upon the subject, and he gave permission.

121. Are you aware that two of his sons lived upon the island? Yes; that was with the permission of Sir Charles Fitz Roy.

122. Are you aware that they kept a boat? Yes; that was mentioned also. On one occasion, coming from the island with Sir Charles Fitz Roy, we met his sons in their boat. J. McLerie,
J.P.
123. Was that under the sanction of Sir Charles Fitz Roy? Yes.
124. Are you not of opinion that the keeping of boats at the island was subject to great abuse? It was perfectly understood by Mr. Ormsby that if it were found to lead to any abuse it would be immediately stopped; but I do not believe it was ever abused. 17 Nov., 1857.
125. He was informed of that? Yes.
126. And the young men were also informed? Yes.
127. You have no reason to suppose that it was abused at all? I have no reason.
128. *By Captain Ward*: With respect to the days when Mr. Ormsby had the use of the visitors' boat to come to Sydney, was he allowed to have the use of it for the whole day? There was no rule with regard to the visitors' boat; but it was perfectly understood that when the boat was not required for the purpose for which it was granted it was at the service of Mr. Ormsby.
129. When he applied for the boat for a certain day, was it left at his disposal for the whole of that day? Provided it did not interfere with any public duty.
130. *By Mr. Merewether*: That was your regulation? There was no regulation.
131. *By Captain Ward*: Captain Browne kept it as his own boat? Yes; he was the executive officer of the Water Police, and required it himself; I did not require it for any purpose.
132. We are told that up to eight o'clock singing was allowed in the wards—can you justify that? I have already answered that question—that I did not discourage innocent amusement; and so long as there was nothing offensive or disgusting in the song, I should not have objected. I was anxious to introduce reading among them during their leisure hours.
133. *By Mr. Merewether*: Singing and reading are two very different things—do you think amusement of that kind should have been allowed? I have said I should not have objected to it if the songs were not of an offensive character.
134. *By Captain Ward*: We are told that presents of clothing have been sent to the prisoners—was that during your time? Whenever an application was made to me by the friends of prisoners to be allowed to send under-clothing for the winter I permitted them to do so; but I allowed no article to be worn that changed their external appearance.
135. Small articles, as neck-ties? I have allowed woollen comforters, mufflers, worsted socks, and drawers; but I have never allowed any change in the outer garb of the prisoners.
136. I do not think you have stated how long you were Visiting Magistrate of Cockatoo? I was appointed in June 1851, and I ceased on my appointment to my present office, in October 1856.
137. I want to get some sort of opinion from you with respect to the regulations being refused by Mr. Ormsby to Inspector Dunning, whether he was aware of your having first refused the regulations, and of the grounds of that refusal? I cannot answer that question. When I was asked by Dunning for the regulations I cannot say whether Mr. Ormsby was within hearing or not.
138. Do you consider that Mr. Ormsby ought to have given these rules to Mr. Dunning when he required them? I can see no reason why Mr. Ormsby should not have given them, subject to the alterations I have referred to.
139. *By Mr. Merewether*: I should like to thoroughly understand under whose control the visitors' boat was—was it under yours or Mr. Ormsby's? It could not be under my control, for I never saw it, except on the days that I visited the island.
140. Then, am I to understand that under your administration he had the entire control over it, except when employed to fetch yourself, the Visiting Surgeon, or the clergymen? Yes.
141. You left it under his control? Yes; I could not have the control when I was in Sydney. To shew that I did not look upon it as a boat exclusively for the officers for whom it was purchased, there is a memorandum, in my writing, to the effect that on all occasions when there was a spare seat in the boat any free officer going to or coming from the island should have the use of it. It was a boat for the use of the free officers of the island, as well as for visitors.
142. Was that the object for which it was voted? It was for the conveyance of the visiting officers who did not reside on the island.
143. Then you thought you did not depart from the rule by extending its use to the free officers on the island? Certainly.
144. *By Captain Ward*: Did you recognise Mr. Ormsby's using the boat when it was not required for the public service? Yes.
145. Without your leave having been previously asked? Yes. Mr. Ormsby could only use the boat on days when he was authorised by the Governor General to leave the island.
146. You are not aware whether he ever left upon any other days than those for which he obtained leave? I do not believe Mr. Ormsby ever did; I have no reason to suppose he would infringe his orders.
147. It must have been during your time he went to Chowder Bay? It was.
148. That was by your permission? Yes.
149. *By Mr. Merewether*: Did you give Mr. Ormsby permission to go with the boat to Chowder Bay? Mr. Ormsby asked whether, instead of coming to Sydney on the day for which he had obtained leave, he might go to Chowder Bay.
150. Had you the power to give that permission? That is a question which remains for the Government to decide. I presume I had the power.
151. Then, in case of any diversion of the boat from its ordinary uses, it was necessary for Mr. Ormsby to apply to you for leave? Yes; but I have taken prisoners over in the boat myself.
152. That was for the public service? Yes.
153. Whose duty was it to inspect the boats arriving at and leaving the island—from your recollection?

- J. M. Leric, J.P.
17 Nov., 1857.
- recollection? I think there was a former order—either the Superintendent or Deputy Superintendent.
154. You are not aware whether that is carried out? I am aware that every boat approaching the island has been reported to the Superintendent when I have been there.
155. You are not aware whether the regulation has been carried out—and the Superintendent himself has been present when the boat has arrived? I am perfectly satisfied he could not have been in many instances, because at the time the boat arrived he has been engaged with me.
156. Whose duty was it to be present? Under former orders, the Superintendent or his deputy.
157. You say that young Mr. Ormsby was allowed to have a boat, and that there were three other boats—do you think it advisable there should be so many boats attached to a penal establishment—are not the facilities for bringing spirits and other forbidden articles to the island thereby increased? I do not think so, if precautions are taken.
158. Do you think it desirable that there should be frequent communication between the island and the mainland? It is not desirable; but at Cockatoo Island, in its present state, frequent communication could not be avoided. There are two or three boats connected with the Engineer's Department.
159. As far as the statements made to the Board have gone, the people who come to the island are brought in the island boats? That is a mistake.
160. What other boats are there? Watermen's boats; one of the officers of the Engineer's Department lives off the island; he has permission from Captain Mann, who himself has a boat.
161. *By Captain Ward*: Those boats are sent off to the buoy after the parties have landed, are they not? Yes.
162. *By Mr. Merewether*: There are other boats than those attached to the penal department of the island constantly going backward and forward? Yes; and this, of course, increases the difficulty of keeping up the penal nature of the island.
163. And renders it still more desirable that the Superintendent, or some one, should be there to receive the boats? The Inspector of Police is always there.
164. *By Mr. Dillon*: Are there not two other boats, one kept by Mr. Broderick, and the other by Mr. Duff, an officer in the Engineer's Department? Yes, there are two boats connected with the Engineer's Department, besides Mr. Mann's.
165. *By Captain Ward*: In fact, there is no limit to the boats? No.
166. *By the Chairman*: In consequence of the proximity of the island to Sydney, you are of opinion that it is not a suitable place for the carrying out of penal discipline effectually? Yes, I have always represented that to be my opinion. In fact I regard Cockatoo Island, at present, as only a slight improvement upon the old stockades of the country.
167. Do you think that the introduction of so many free people under another department (the Engineer's) has increased the difficulty of the management of the convicts? It has. I have always represented that the increase of free people on the island, connected with the Engineer's Department, renders it more difficult to carry out the penal discipline strictly.
168. *By Mr. Merewether*: Can you mention in what way it increases the difficulty? The more constant communication between the island and the mainland increases the number of visitors to the island; I have sometimes given half-a-dozen permissions in a day to the friends of people on the island.
169. You might have refused those persons who applied to you? I might, but I should not have felt myself justified in doing so. I should not think it fair to treat free officers as if they were prisoners. I have, however, frequently refused people.
- At the request of Mr. Dillon the following regulation was read*:—"The Superintendent is not in any way to interfere with the officers and men of the Civil Engineer's Department; his power being restricted to the officers and men of his own department."

Samuel North, J.P., was called in and examined, as follows:—

- S. North, J.P.
17 Nov., 1857.
1. *By the Chairman*: I believe you are Visiting Magistrate of Cockatoo Island? I am.
2. And have been how long? Twelve months, exactly.
3. Will you be so good as to tell us whether you are aware that any regulation existed with reference to refuse rations at the time you took charge? I am not.
4. You are aware that there was an old order of Captain Browne's that the refuse rations should be thrown away? I have heard there was such an order, but I am not aware.
5. What was the practice at the time you took charge—what became of the surplus rations? I was not aware there was such an order until it was brought under my notice.
6. Until a complaint was made of the appropriation, and then you found it had been the practice to distribute them among the officers? Yes.
7. And you put an end to that? Yes.
8. Had you reason to suppose that it occurred afterwards? Yes.
9. Do you know how it came about that the order made by Captain Browne came to be relaxed? No, I never heard a reason given for it.
10. You never heard the circumstances under which that order originated? No.
11. You never knew what became of the surplus rations, or whether they were, or were not, destroyed, until the complaint was made against the Superintendent, which you inquired into, and then made an order that they should be thrown away? Yes; I did so without knowing there had been a former one.
12. As to the kind of recreation allowed to the prisoners during their leisure hours, was any recreation whatever allowed during their leisure hours on Sundays, or at other times when they were not at work? I am not aware of any regulations respecting recreation.
- 13.

13. Did you lay down any rules upon that subject? No.
14. Did you impose any restrictions as to their being allowed to sing, dance, play, wrestle? No; it was never brought under my notice.
15. Did you ever authorise any particular recreations; were you ever asked whether the men might be allowed to sing at night? I have no recollection.
16. Were you ever asked whether the men might be allowed to play at leap-frog? No.
17. Or to wrestle, box, spar? No.
18. Were you ever applied to upon the subject at all? No; I think I heard something said about it, but not in the way of asking my sanction. There is something on my mind about it.
19. Are you aware how they employed their leisure hours? No, I am not.
20. Then you do not attend to anything that is not matter of complaint or adjudication? No; I do not consider I am there for that purpose. I attend to my rules, and have always considered these were matters for the Superintendent to arrange.
21. As to spirits—were there any complaints made to you of spirits coming to the island? No.
22. Did you ever give permission for spirits to come? No; I gave permission this morning for a bottle of porter to go there.
23. Is that the first instance of an application having been made to you? Yes; a paper was brought to me, stating that it was required for a woman who was confined the other day.
24. That is the only occasion upon which an application has been made to you? Yes.
25. Do you think that one bottle of porter has been the supply to the island during the twelve months? No, I do not.
26. Then, as you never gave permission, if it got there it must have done so without permission? Yes.
27. Are you aware that it should be only taken to the island with the permission of the Visiting Magistrate? Yes.
28. *By Mr. Merewether:* Have you ever been requested to relax the rule prohibiting overseers and subordinate officers bringing spirits to the island on any pretence whatever? No.
29. *By the Chairman:* In what mode has the Superintendent obtained leave of absence during the time you have been Visiting Magistrate? He always, on the first of every month, names the days on which he wishes to leave the island.
30. This goes through you to the Governor General, and is sanctioned by him? Yes; it is signed by Sir Wm. Denison.
31. In what manner does he avail himself of it—how does he leave the island? In what is called the visitors' boat.
32. You are Water Police Magistrate? Yes.
33. Have you a boat of your own? Yes, for Water Police purposes; but the island boat conveys me to and from the island.
34. Does the Superintendent use it for the purpose of visiting the main when he has leave? Yes.
35. Does he use it without asking your permission? He does not ask my permission; he uses it himself.
36. It is under his authority? Yes.
37. When he has asked leave has it been for the special purpose of a pleasure party, or a picnic? I am not aware that he did ask permission to use the boat for any purpose.
38. Did he ever ask permission to go upon a picnic party? Yes, I think so.
39. Do you know how often, or whether more than once? I recollect one occasion; I think he was going somewhere down the harbour, he asked some officers of the 11th, and he asked me to be of the party; but I was prevented and did not go. I do not remember any other particular occasion, but I think he then went in a steamer; I do not think he used the boat.
40. Did you ever know him to use the island boat for the purpose of picnics? I did not.
41. Is there an Inspector of Police now on the island as well as a Sergeant? Yes.
42. Do you know whether the Inspector of Police ever applied to you for a copy of the regulations? He spoke to me at one time about them.
43. About the new regulations? Those are the only regulations that have been in force during my time.
44. What answer did you give him? I said I would inquire about them. I spoke to Captain M'Lerie and Mr. Ormsby about it, and they said they all knew their orders very well.
45. He asked you for a copy of the regulations, and you did not give it? Yes.
46. You did not tell him to go to Mr. Ormsby? No; but I understood from Mr. Ormsby, or the clerk, that they had the orders posted up.
47. Then you did not tell Mr. Ormsby to give him a copy? No.
48. Do you think he would have asked for a copy if he had one? He might not.
49. Do you remember Gleadall's case? Yes.
50. What was that case? You mean the cause of his dismissal?
51. Yes—he was constable, was he not? Yes.
52. Do you remember whether he ever applied for the regulations? No, I am not aware; I do not think he did.
53. Upon what charge was he dismissed? Drunkenness.
54. Upon whose complaint? The Roman Catholic Chaplain's.
55. Did you inquire into that? I did.
56. Your decision was that he should be dismissed? Yes.
57. Did Mr. Ormsby give evidence upon that matter? I do not think he did; but I could ascertain from the depositions. I think the Roman Catholic Clergyman and the boatmen were the parties examined.
58. Where was the inquiry conducted? At the Water Police Office.

S. North, J.P.

17 Nov., 1857.

- S. North, J.P. 59. *By Captain Ward*: You cannot say whether Mr. Ormsby's opinion of the man had any influence on that occasion? I am quite sure it had not.
- 17 Nov., 1857. 60. *By the Chairman*: But, if Mr. Ormsby stated, either upon his solemn affirmation or upon his oath, that the man was not drunk, would not that have influenced you? It might; but a considerable time might have elapsed from the period when he was said to be drunk until Mr. Ormsby saw him, and he might have sobered by that time. I would observe, with respect to that case, that, after hearing the whole of the evidence and the constable's defence, before coming to any decision I placed the whole matter before the Inspector General, and his advice was to dismiss him.
61. That is Captain McLerie? Yes.
62. Do you remember the case of a man named Murray, one of the boatmen, who was suspended? Yes, I remember something about it.
63. Do you know on how many occasions he was suspended? I cannot exactly recollect; I think twice before.
64. And his pay stopped—do you remember that? No; for it was not in my time he was suspended.
65. If any stoppage of pay occurred would it not appear in the abstract? Yes; it is paid to the Police Reward Fund, and a receipt taken from the Treasury for it.
66. If the pay were stopped it would be paid into the Treasury? Yes; into the Police Reward Fund.
67. Do you remember more than one occasion? No.
68. Do you remember his having been suspended by Mr. Ormsby, and not by yourself? No.
69. Could his pay be stopped upon any other authority than yours, or some other magistrate's? No; I should say not. I have never stopped their pay where they have not been legally convicted.
70. Did this man complain to you that his pay had been illegally stopped? No, he did not.
71. *By Captain Ward*: With respect to the two first occasions, can you say whether his pay was or was not stopped—is there any mode of ascertaining that? The Board might obtain the information from the Treasury.
72. Do you not sign cheques for the payment of every thing that is paid for on the island? I pay in one cheque for the whole abstract.
73. Where is this abstract kept? In the Treasury; a copy is also kept at Cockatoo.
74. Would not the abstract shew if his pay were stopped for any particular week or day? No; the abstract is made out for the full amount of pay, and we send in a separate form for the fines.
75. When the pay is stopped, as a rule it is paid into the Police Reward Fund? Yes.
76. When that is paid in you send in a return with it, and, by comparing that with the pay list, we should be able to ascertain when the pay had been stopped? Yes.
77. Does not the man sign for his full pay? Yes.
78. And it is in his power to refuse to sign if he do not receive full pay? Yes.
79. If he did not sign for full pay they would not pass it at the Audit Office? No.
80. *By the Chairman*: Do you remember the case of a man named Sadleir, whose pay, it has been said, was stopped? I remember fining a constable named Sadleir.
81. And Cahil? Yes.
82. Did any of these men complain to you of Mr. Ormsby stopping their pay without your authority? They never did.
83. Do you believe that they ever could have done so or ever did? No.
84. Have you ever authorised strangers to sleep on the island? I have, in some instances.
85. Whom did you ever authorise? Some of the near relatives of some of the overseers, or of the police, who have been on a visit, I have allowed to remain during the night. Sometimes, in case of sickness or confinement, a female has gone to nurse her married sister.
86. Do you remember the case of Philip Donohue and another man who absconded for forty-eight hours, and respecting whom there was a suspicion that they had been guilty of an unnatural offence? I do not remember the names of the parties, but I remember a circumstance of the kind being mentioned to me by Mr. Ormsby.
87. Some seven or eight months ago? Yes.
88. Did you inquire into the charge? No, I did not. Mr. Ormsby told me that no evidence could be procured, and I therefore thought it not advisable to bring the matter forward.
89. *By Captain Ward*: Murray states that he was suspended three times before he was dismissed; that on the first two occasions he was not brought before the Visiting Magistrate, but that his pay was stopped—can you ascertain whether the pay was stopped or not? Yes.
90. *By Mr. Merewether*: One of the witnesses has stated—"I remember one circumstance of suspicion of unnatural offence. On unlocking the wards one morning it was reported that one man had gone to another's berth. That case was reported by me to the Superintendent, and by him to the Visiting Magistrate, and the charge was dismissed as without foundation"—do you remember the circumstances of that case? I think that must be the case I have referred to, respecting which Mr. Ormsby said he could not bring evidence in support of the charge.
91. There was also a case of suspicion of unnatural offence which arose about a year ago, where one of the prisoners approached another, placed his hand upon his shoulder, and was knocked down. That case, it is stated, was reported to you, and you dealt with it, and punished the man by confinement in the cells—do you remember that case? I have no recollection of that particular case; very possibly it may have taken place. At the time Mr. Ormsby mentioned the circumstance to me he said he had not sufficient evidence, and I approved of not bringing the men forward unless he had, because I think it better not to enter upon such investigations without sufficient evidence.
92. It came out in the evidence of one of the witnesses, that in the boat which brings the recognized luxuries for the prisoners there "are occasionally brought some articles in addition

addition to the clothing allowed by Government, as comforters and under clothing? I know S. North, J.P. two or three instances in which clothing has been sent.

93. Sent with your permission? In one case, it was Mr. Jenkins wished to send a flannel waistcoat and comforter to a man who had been his overseer, and I allowed them to be taken. 17 Nov., 1857.

94. You are not aware of their having been taken in the ration or shop boat? No.

95. Is that according to the rules, or is it a matter that should be left to the discretion of the Superintendent? I think it should be left to the discretion of the Superintendent.

96. Do the Inspector and Sergeant of Police apply to you for leave of absence? They have done so; but I think the Superintendent is the person to whom they should apply, unless for any prolonged time.

97. In the face of these regulations, you still think the police ought to apply to the Superintendent? Yes, I think so, in the first instance.

98. Although it is laid down in the regulations that they are under you? Yes; all persons on the island are under the Superintendent.

99. *By Captain Ward:* Not the Inspector of Police? He takes his orders from him. I send my orders to the Inspector through the Superintendent.

100. The Superintendent has not, according to the regulations, the power to give any orders to Inspector Dunning. The police are placed under the Visiting Magistrate? By the regulations every one on the island is under the Superintendent.

At the request of Mr. Dillon the following rule was read:—“The Assistant Superintendent, overseers, and other subordinate officers of the penal department, will be under the control and immediate orders of the Superintendent, whose instructions they are strictly to obey, and are never to be absent from the island without his sanction.”

101. Have you ever given the Inspector and Sergeant of Police leave of absence at the same time? No, they never asked; I never knew an instance of it.

Mr. William Elyard was called in and examined, as follows:—

1. *By the Chairman:* What is your office? I am Under Secretary to the Government.

2. We wish to ask you what records the Government have of the boat establishment in connexion with Cockatoo Island? I am not prepared to give the history of the original establishment of the visitors' boat at Cockatoo Island, but I find that some years ago the engineer's boat was used as the visitors' boat. I have here a paper which shews the days on which the various officers were conveyed to the island by the Royal Engineer's boat, and the officers conveyed. I do not know the date of the paper, but it shews that the Visiting Magistrate and Medical Officer were conveyed on different days, and that the Protestant Clergyman, the Superintendent and family, and the Roman Catholic Clergyman and the Deputy Superintendent and family, were conveyed on other days.

3. Can you state what is the earliest definite notice you have of the employment of the boat? The papers to which I have referred do not shew that. The matter to which I have more particularly directed my attention is the complaint of the late Chaplain, the Revd. Mr. Pendrill, but I have not the different regulations under which the boat was employed.

4. *By Captain Ward:* Can you state whether any discretion is allowed the Visiting Magistrate to permit Mr. Ormsby to use the boat for his private purposes, or whether it is an understanding that he may use it when not required for public purposes?

5. *By Mr. Merewether:* What was it established for in the first instance—can you tell us when the visitors' boat was first established? I could not; the Visiting Magistrate could give you better information upon that point. It is a matter of long standing, and without searching the correspondence throughout I could not say what has passed on the subject. There is an item in the regulations which refers to the visitors' boat; but those are revised regulations, and, of course, the particular uses of the boat must depend in a great measure upon what had been the practice for a number of years; there is, however, a regulation which refers to the use of the boat. My impression is, that the boat was originally established for the purpose of conveying the Chaplain, the Surgeon, and the Visiting Magistrate to the island, as well as any other officer who might require to go to or from the island. For instance, if Mr. Ormsby wanted to come to Sydney, if the boat were not otherwise employed, I imagine it would be quite at his disposal for that purpose. I imagine, from inquiries made both of the present and former Visiting Magistrates, that it has been the practice when the boat has been carrying the official visitors to take other passengers, that it is not for the exclusive use of any one person for any one time, so long as due regard is had to the convenience of the parties.

6. *By Captain Ward:* Do you think it was recognised by the Government that Mr. Ormsby might use it for picnics when not required for public purposes? I could not say that.

7. Can you say whether the Government has known of such things, and recognised such an employment of the boat by not taking notice of them? I am not able to say that something may not have occurred, in a long course of years, different from my own impression upon the subject, but by the regulations Mr. Ormsby is to have permission to go off the island, and that permission being given, I should imagine that, for any reasonable purpose, he must have the means of leaving it.

8. Then you think, within reasonable bounds, he may use the boat for his private purposes? Yes, I should say so. I know that the practice was formerly for him to use the boat.

Mr. W. Elyard.
17 Nov., 1857.

MINUTES of Proceedings before the Board appointed to inquire into certain charges preferred against Mr. C. Ormsby, Superintendent of Cockatoo Island.

WEDNESDAY, 27 JANUARY, 1858.

Present:—

SIR W. W. BURTON, KNT.

E. C. MEREWETHER, Esq., | CAPT. E. W. WARD.

Mr. Dillon applied to the Board for a further postponement, on the ground that he had not had an opportunity of revising the answers he had prepared to the charges preferred against Mr. Ormsby.

Mr. Dillon withdrew.

Mr. Ormsby was then called in.

The Chairman: Have you anything you wish to say to the Board?

Mr. Ormsby: I am sorry to state that there is a very disagreeable misunderstanding between Mr. Dillon and myself. I am most anxious to meet the Board. I have no wish to delay. I have every document necessary, in my own view, contained in this paper. (*A parcel of documents held by him.*) Mr. Dillon wishes to make some alterations in these documents, but I do not know that it is necessary. I have nothing but a simple, plain, unvarnished tale to tell; it is all contained here; and I will refer you to some witnesses, if you wish to call on them, not on my own account, but in order to satisfy the Board, if necessary. I do not like to say much about Mr. Dillon, but there have been some disagreeable circumstances between us, so much so that he has taken serious offence and so have I. I felt this morning, and I have felt for two or three days since I heard the Board had written to Mr. Dillon, that any further tampering with the Board or delay was improper. I am anxious to meet the Board, and Mr. Dillon says if you press it he will come forward with the papers that are here; but if you give him a certain time longer he would be better prepared to discharge his duty according to his own view. For my own part, I have in my hand what I think is a fair and honest statement, and I would be willing at once to hand it in, but I believe Mr. Dillon's great anxiety is from a fear that, as there is an action now pending, we should do anything that would prejudice me in that matter.

The Chairman: You must remember, Mr. Ormsby, that we only admitted Mr. Dillon in order to assist you, and at your request, but we suggested to you, upon more than one occasion, whether the course being pursued was doing you any good; but we must now put it to you whether you are prepared to go on with the case? The Board have come to the conclusion not to delay one day longer. We sent your legal adviser all the points which were to be met, and I have no hesitation to say that I, or any other gentleman of the Board, that any gentleman of the legal profession, or that yourself, might have drawn up a fair categorical answer to those points in two or three days.

Mr. Ormsby: I believe it could be done, and it is done here. (*Referring to the papers held by him.*)

The Chairman: Are you prepared to go on with the case yourself, or is Mr. Dillon?

Mr. Ormsby: Mr. Dillon is prepared to go on with the case if you press it.

The Chairman: I think you say you have the papers here ready to lay before the Board—have you drawn up any statement?

Mr. Ormsby: I have the charges here, and my answers to them.

The Chairman: What else is required?

Mr. Ormsby: I can refer you, in support of my statements, to officers on the island who have not been examined at all.

Captain Ward: Are you prepared to go on with the case without Mr. Dillon?

Mr. Ormsby: If you will allow me I should wish to call in Mr. Dillon, not because I am not prepared to conduct the matter myself, but there is an action going on, and I am afraid he might withdraw my action.

The Chairman: You are afraid if he were not called in he might withdraw your action?

Mr. Ormsby: He might withdraw himself from conducting it, and cause me great difficulty and expense to put it in other hands.

[*Mr. Ormsby withdrew. After a short time Mr. Ormsby and Mr. Dillon were called in.*]

Mr. Dillon: I take the liberty of stating, having understood that the Board will not postpone this case, and that therefore I must elect between going into the case, which I am not prepared to do, or abandon it, that of course I will do that which I consider the best mode of discharging my duty to my client, and shall therefore endeavour to convey to the Board my views of the case, and to lay before them whatever documents Mr. Ormsby now proposes to give. I have only to request, as an indulgence, that a gentleman as an assistant may be allowed to sit beside me while I address the Board.

The Chairman: The Board see no necessity for anything of the kind; you have got on hitherto without such assistance, and may do so still. It is now one month since you received the points from the Board, and have had abundant time to prepare your reply.

Mr. Dillon: The first observation I feel it my duty to address to this Board is, that it ought to be, and I respectfully submit to the Board has been, one of the chief matters for their consideration, that whilst the charges forwarded to me to be answered amount to twenty-six, there are none of them, as it appears to my humble judgment, worthy of grave
remark

remark, much less of serious censure, or calculated to endanger Mr. Ormsby as a citizen, or in the general line of his character. It is, I say, and I respectfully submit it to you as a matter well worthy of the gravest consideration, and as one of the most impregnable features in Mr. Ormsby's case, that it is most gratifying that he comes before you as a man free from every imputation against his integrity, the slightest against his moral character, against his indulgence in those habits or vices which prevail, if not in this Colony and among official officers of the highest rank in this Colony, at least in every other part of the British dominion where offices of the highest honor are held. I appeal to the convict population, to the infamous community over which his misfortunes have compelled him to preside at a paltry amount of salary for the support of himself and children, not proportioned in any degree to his position, an amount which I am compelled to pay an assistant, if I could get one. I appeal to the infamous residents of that place, some of whom can boast of family names which ought to command respect. I appeal to those ruffians whether he has ever exposed himself to the slightest imputation that could bring him before you as a man of any kind of character beyond that of an unquestioned man of honor; as a gentleman who would faithfully discharge those duties required of him. (*Mr. Dillon having become somewhat excited and vociferous, was reminded that gentlemen in the offices adjoining and overhead might be disturbed in the discharge of their duties.*)

Mr. Dillon: Your Honor has known me many years, and I would appeal to you, and I have the written testimony of men all but as eminent, who have known me, that even in moments of the deepest distress I have never lent myself to the shielding of dishonesty; that I have never uttered a word that I did not believe to be an honest one; and I would cut my tongue out before for Ormsby, for my very wife, I would state anything but the very truth. And let me remind you—but I need not remind you, for you know it—that without truth, without that purity, that clearness, that light which Heaven gives to every created object, life is not worth enduring, and Government a name for tyranny and corruption. If, from the earnestness of my manner, or the strength of my expressions, I seem to exceed the proper bounds, I trust you will not attribute it to disrespect, or suppose that I have lent myself to any unworthy defence.

Weil, gentlemen, suppose we go to the charges at once—"Singing in the wards." The paper I am now reading contains the answers to the twenty-six charges sent to me by Mr. Merewether on the 24th of December last.

The Chairman: Do you intend to hand that in?

Mr. Dillon: I intend to read it, and to comment upon it as I go along, and then to hand it in. I shall protect Mr. Ormsby and myself from any possible errors in it, by stating this much respecting it:—Some days ago I went to Cockatoo Island to prepare my answers to these charges—that they were delayed before was owing, solely owing, to my belief that I should have had access, with Mr. Ormsby, to the evidence recorded here, so as to pick out of that evidence the facts which I know, or which certainly were stated by the witnesses themselves, as sufficient to answer these charges. If I had had that access, and had thus been enabled to have picked out of the mass of matter that is there the pithy points that would have gone into my statement—and that which alone was pithy and relative to Ormsby—and certainly not be expected would be searched for in the Courts above or the places where this evidence will go, I would have picked out and put in this paper. Having failed in that way—rightly or wrongly I will not attempt to say—but I did not get them. Mr. Ormsby impressed upon me, with a degree of earnestness which frightened me very much—for I have undergone more labor and anxiety in the management of this case than any amount of money would pay me for—Ormsby pressed me with such a degree of earnestness to go into the case, fearing that there might be suspicion raised of some trick or delay on his part, that I devoted one whole day from morning to night in dictating this paper. It was a long paper, and I am lawyer enough to know that, without lending myself to any trickery or evasion, a lengthened paper, like a lengthened letter, or a lengthened affidavit, without a person is on the spot to explain what he meant to convey by it, may leave the person making it open to be picked at by vermin calling themselves lawyers, and I know that there are such vermin here, living upon the corruption, upon the festering wounds, upon the maggots of which they feed. I know that there are men who would do any kind of dirty work, and knowing that, I felt—although I had drawn up that paper myself, had dictated it to Mr. Ormsby's clerk, walking up and down the room with Mr. Merewether's paper in my hand—I felt that it was too grave a thing to go from my hand without being more carefully revised; and, when I left Mr. Ormsby on that day, I ordered that a copy of this should be made, and that I would then finally alter it for settlement, and when I could not get the evidence that was before the Board, I would pick out of my own notes of the proceedings, which extended over eleven days here and four or five days in the Supreme Court, such points as appeared necessary. I devoted Saturday last, from morning to evening, with Mr. Ormsby's clerk in doing that; and I made my arrangements so that everything should be cut and dried, in order that I might attack at once the vulnerable points, and satisfy you on the subject. That arrangement was interfered with, and I have not been able to prepare the revised paper; and Mr. Ormsby now thinks that the paper which was dictated by me at his house is sufficient, and this I shall therefore proceed to lay before you. But I crave of you to bear these facts in mind, so that if there is anything which appears to you as honorable men not to meet the charge as it should for Mr. Ormsby, or if there should be anything stated which you deem unsafe to him, that you will say to me, "Mr. Dillon, we think that is insufficient;" and I will then be prepared to meet your objection. At the same time, let me entreat you, do not visit on poor Ormsby's head the fault that is my own.

Having said so much by way of preface, I do not apprehend that anything more is necessary for me to do than read the charges, and the answers as I drew them up upon the spur of the instant. (*Mr. Dillon then proceeded to read the several charges, and answers thereto,*

thereto, and to comment thereon. Having concluded, he handed in the same, with several letters appended.)

[In the course of Mr. Dillon's address Mr. Merewether left the Board, in order to attend a meeting of the Executive Council.]

The Chairman : Here you must be, in my judgment, and I am quite sure you know enough of me to feel that my judgment is correct, when I tell you that you have done wrong in imputing a course—in imputing motives to one of the members of the Board. It is my duty, as President of the Board, to call upon you to make an apology for that ; and at the same time, in order to exonerate your mind for making that apology, you must take my judgment and my word for it, that there was not any cause or any ground for imputation. The other member of our Board, now absent, has been kind enough to take a great deal of trouble in this matter, and has thus spared us. He has kept the evidence ; he has written the letters, but we have dictated those letters or given the points to him ; he has done all in his own name simply because he wrote the letters which we desired him, but in all that Mr. Merewether did, he simply did what the Commissioners agreed upon, and nothing else. The fact of his name having appeared more prominently in the affair than any of the other members of the Board has, I apprehend, been the cause that Mr. Dillon, from his professional habits, has taken an idea of a bias on his part. Now, my judgment is, that Mr. Dillon has erred very greatly in making three or four insinuations and imputations in the course of these proceedings, and, therefore, I call upon him in express terms for an apology.

Mr. Dillon : I should be wanting in the first duty which I have invariably had in my view in every transaction with men of character, if I did not at once admit the impropriety of insinuating, much less asserting, anything that could give offence, and anything more especially as I now unfeignedly believe, from what the learned Judge has said, that is without the shadow of foundation. I therefore, do most earnestly, and most humbly, but I believe most heartily, and without abating anything of the feelings of a man and a gentleman, apologise to the Board, and more especially to Mr. Merewether as a member of the Board, for having done so.

The Chairman : As to the refusal of a copy of the evidence, it is right we should tell you that Mr. Parkes applied for a copy, and it was refused to him. He has not been allowed to be here while the evidence has been taken, or to have a copy of it ; and for that reason the Board thought it right to refuse it to you, knowing an action was proceeding between you.

1858.

Legislative Assembly.

NEW SOUTH WALES.

WORK PERFORMED BY PRISONERS IN DARLINGHURST GAOL.

(RETURNS RELATIVE TO)

Ordered by the Legislative Assembly to be Printed, 8 October, 1858.

THE UNDER SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 16 August, 1858.*

SIR,

I am directed to request that you will be good enough to furnish, at your earliest convenience, a Return of the work performed in Darlinghurst Gaol since 1st January, 1854; specifying the quantity of each kind of work, and the prices either obtained for such work by the sale of the articles manufactured, or the value entered in the book; as also the number of persons employed in its execution.

I have, &c.,
W. ELYARD.

THE SHERIFF.

P.S.—Similar letter to the Visiting Justice of the Gaol, Parramatta, for a Return of the work performed in that Gaol.

RETURN of all work performed by prisoners under sentence in Her Majesty's Gaol, Darlinghurst, since the 1st January, 1854, to present date.

1854.

NUMBER EMPLOYED.	DESCRIPTION OF WORK.	PRIVATE WORK PAID FOR.	PUBLIC WORK, ESTIMATED VALUE.
Not known.....	14,638 lbs. of hair picked.....at $-1\frac{1}{2}$ per lb.	91 9 9	
	12,317 lbs. of oakum -2 "	102 2 10	
	13 Bedticks made $1\frac{1}{6}$ each ..	0 19 6	
	48 Mattresses made..... -6 each.	1 4 0	
	26 dozen hobbles made $4/-$ per doz.	5 4 0	
	TOTAL.....£	201 10 1	

1855.

Not known.....	18,724 lbs. of hair picked.....at $-1\frac{1}{2}$ lb.	117 0 7	
	6,797 lbs. of coir rope picked..... -3 "	84 19 4	
	36,601 lbs. of oakum..... -2 "	321 13 6	
	542 lbs. of flax -3 "	6 15 6	
	70 pairs of trousers made $3/-$ pair.	10 10 0	
	12 do. $2\frac{1}{6}$ "	1 10 0	
	206 do. $4/-$ "	41 4 0	
	6 do. $5/-$ "	1 10 0	
	9 do. $6/-$ "	2 14 0	
	52 do. $1\frac{1}{6}$ "	3 18 0	
	22 coats made $4\frac{1}{6}$ each.	6 1 0	
	1 do. $6\frac{1}{6}$ "	0 6 6	
	3 do. $12\frac{1}{6}$ "	1 17 6	
	13 do. $5/-$ "	3 5 0	
	1 do. $1\frac{1}{6}$ "	0 1 6	
	16 do. $4/-$ "	3 4 0	
	5 do. $8/-$ "	2 0 0	
	2 vests made $5/-$ "	0 10 0	
	4 do. $3/-$ "	0 12 0	
	20 do. $4/-$ "	4 0 0	
	17 do. $2\frac{1}{6}$ "	2 2 6	
	24 do. $3\frac{1}{3}$ "	3 18 0	
	20 suits of clothing made $10\frac{1}{6}$ "	10 10 0	
	1 Do. $20/-$ "	1 0 0	
	1 dressing gown made $10/-$ "	0 10 0	
	Repairs by tailors	0 5 6	
	Sundry blacksmiths' and carpenters' work	22 3 6	
	During these two years 19,468 feet of stone was cut for, and the Debtors' Prison, with Principal Turnkey's House, dividing wall, and water closets were built; cutting and setting the stone was valued at $3\frac{1}{2}$ per foot		3,082 8 8
	Roof framed and slated, estimated value		400 0 0
	Blacksmiths' work for Debtors' prison		30 0 0
	TOTAL.....£	654 1 11	3,512 8 8

During the above two years there was not any account kept of work done by the prisoners for the Public Service.

In November, 1855, the Sheriff gave directions that an account should be kept of all work done by prisoners, whether paid for or not.

1856.

WORK PERFORMED BY PRISONERS IN DARLINGHURST GAOL.

3

1856.

NUMBER EMPLOYED*	DESCRIPTION OF WORK.	PRIVATE WORK PAID FOR.	PUBLIC WORK, ESTIMATED VALUE.
<i>Weekly Average.</i>			
35 men and 24 women picking hair oakum, &c.	27,952 lbs. of hair teased at $\frac{1}{12}$ $\frac{3}{4}$ lb. 15,744 lbs. of rope $\frac{1}{3}$ " 2,540 lbs. of oakum $\frac{1}{2}$ " 837 lbs. of flax $\frac{1}{4}$ "	174 13 11 $\frac{1}{2}$ 196 16 0 21 3 4 13 19 0	
4 Tailors	12 pairs of trousers made $\frac{1}{8}$ $\frac{3}{4}$ pair. 23 do. 3/- " 314 do. 4/- " 60 do. 2/- " 73 do. $\frac{2}{6}$ " 14 do. $\frac{3}{6}$ " 10 do. $\frac{4}{6}$ " 12 do. $\frac{1}{3}$ " 55 coats made $\frac{4}{6}$ each 59 do. 6/- " 9 do. $\frac{3}{6}$ " 48 do. 4/- " 19 do. $\frac{5}{6}$ " 4 do. $\frac{6}{6}$ " 82 do. 5/- " 1 do. 7/- " 8 do. $\frac{7}{6}$ " 4 do. $\frac{8}{6}$ " 2 do. $\frac{9}{6}$ " 1 do. $\frac{5}{6}$ " 22 vests made 4/- " 43 do. $\frac{3}{6}$ " 27 do. 3/- " 1 do. $\frac{4}{6}$ " 47 do. $\frac{2}{6}$ " 26 do. 2/- " 2 suits of clothes made 11/- " 7 do. $\frac{10}{6}$ " 2 do. 10/- " 1 do. 6/- "	1 0 0 3 9 0 62 16 0 6 0 0 9 2 6 2 9 0 2 5 0 0 15 0 12 7 6 17 14 0 1 11 6 9 12 0 5 4 6 1 6 0 20 10 0 0 7 0 3 0 0 1 12 0 0 19 0 0 5 6 4 8 0 7 10 6 4 1 0 0 4 6 5 17 6 2 12 0 1 2 0 3 13 6 1 0 0 0 6 0 0 14 6	
	Repairs by tailors		
	4 boxes..... 7/- "	1 8 0	
	2 iron gates.....	1 10 0	
	Sundry other work by carpenters, blacksmiths, and shoemakers	21 6 9	
2 Shoemakers			
29 men cutting stone	36,101 feet of stone cut;		3,610 2 0
13 assisting	6,303 do. $\frac{1}{9}$ "		551 10 3
6 Blacksmiths	185 picks made $\frac{5}{6}$ each. 2,016 picks pointed $\frac{1}{4}$ " 389 chisels made $\frac{1}{2}$ " 25,146 chisels pointed $\frac{1}{2}$ "		46 5 0 33 12 0 38 18 0 209 11 0
	Sundry work by blacksmiths		94 13 4
6 Carpenters	Carpenters work, principally employed on the interior woodwork of Debtors' prison, and flooring mill-house for hospital		660 0 0
3 Painters	Painting and whitewashing		220 3 0
1 Plumber			
1 Slater.....	Plumbing and slating to roofs		56 0 0
9 women at needle-work	Needlework by female prisoners for Destitute Children's Asylum		65 9 6
		624 12 0 $\frac{1}{2}$	5,586 4 1
TOTAL.....		£	6,210 16 1 $\frac{1}{2}$

* This is the average number employed weekly during the year; it is impossible to say what number of men were at any particular work or the length of time any individual was at the same occupation, the short sentences of the generality of the prisoners rendering the changes so frequent.

† Throughout these returns the stone cut is charged a uniform price per foot running measure, and this charge includes the cost of setting. If this work had been performed by contract (free labor) the cost would have far exceeded that set down here, as the different kind of stone cut would have been different prices, according to the labor bestowed; thus, the stair steps would have been valued each at one day's labor, 12s. or 15s., instead of being measured by the foot. Reversals, door-steps, window-sills, stones for corridors, would all, by the trade, be extra, and the moulding stone, which in the return for 1858 is charged 3s., would cost in the City 7s. per foot for cutting only, but the uniform price and measurement has been adopted, in order to keep the estimated under the real value of the work done.

1857.

1857.

NUMBER EMPLOYED.	DESCRIPTION OF WORK.	PRIVATE WORK PAID FOR.	PUBLIC WORK, ESTIMATED VALUE.
<i>Weekly Average.</i>			
29 men & 21 women picking oakum & hair	10,918 lbs. of hair teared at $\frac{1}{12}$ $\frac{3}{4}$ lb. 478 lbs. of do. $\frac{1}{12}$ " 7,603 lbs. of rope picked..... $\frac{1}{3}$ "	64 4 9 1 19 10 95 0 9	
4 Tailors	2 pairs of trousers made $\frac{4}{6}$ $\frac{3}{4}$ pair	0 9 0	
	174 do. $\frac{4}{-}$ "	34 16 0	
	1 do. $\frac{3}{-}$ "	0 3 0	
	16 do. $\frac{2}{-}$ "	0 8 0	
	53 coats made $\frac{6}{-}$ each	15 18 0	
	6 do. $\frac{4}{-}$ "	1 4 0	
	2 do. $\frac{10}{-}$ "	1 0 0	
	9 do. $\frac{5}{-}$ "	2 5 0	
	1 do. $\frac{3}{6}$ "	0 3 6	
	1 do. $\frac{6}{6}$ "	0 6 6	
	6 do. $\frac{4}{6}$ "	1 7 0	
	12 vests made $\frac{3}{-}$ "	1 16 0	
	2 do. $\frac{3}{6}$ "	0 7 0	
	2 do. $\frac{2}{6}$ "	0 5 0	
	1 do. $\frac{4}{-}$ "	0 4 0	
	1 suit of clothing	0 15 0	
2 Shoemakers	24 pairs of boots made $\frac{6}{-}$ "	7 4 0	
	2 do. $\frac{6}{-}$ "	0 12 0	
	1 do.	0 9 0	
	Repairs	0 8 6	
13 female prisoners at needlework ..	12 shirts made $\frac{1}{6}$ "	0 18 0	
	Table cloths and linen sewed	0 5 6	
	86 night gowns made..... $\frac{2}{-}$ "	2 3 0	
	47 do. $\frac{1}{-}$ "	2 7 0	
	50 do. $\frac{2}{3}$ "	0 12 6	
	33 do. $\frac{2}{8}$ "	1 2 0	
	62 dozen and 8 bags made..... $\frac{1}{6}$ $\frac{3}{4}$ doz.	4 14 0	
1 Wheelwright ..	1 stove, $\frac{2}{6}$; 1 cot, $\frac{10}{-}$; 1 cot, $\frac{5}{-}$	0 17 6	
	1 scuffler.....	2 0 0	
3 Blacksmiths and 3 assisting.....	1 monkey chain.....	1 10 0	
	2 drays made	7 0 0	
	1 drip-stone frame.....	0 5 0	
1 Saddler	Saddler's work	1 13 4	
	Sundry work for turnkeys	34 13 2	
10 men cutting	10,509 feet 9 inches of stone cut..... $\frac{1}{9}$ $\frac{3}{4}$ foot		919 12 0
	3,597 feet 9 inches do.*		269 16 7
	57 picks made $\frac{5}{-}$ each		14 5 0
	15,725 " pointed $\frac{2}{4}$ "		27 6 0
	273 chisels made $\frac{2}{-}$ "		262 1 8
3 preparing			217 8 8
3 stone setting.....			
6 assisting	26,092 " pointed $\frac{2}{2}$ "		
	Sundry blacksmith's work †		219 0 4
6 Carpenters	Work of six carpenters valued at		664 0 0
2 Painters	Painting and whitewashing.....		164 7 0
1 Slater.....	Repairs to slates on roof		5 0 0
	Needlework for Destitute Children's Asylum ..		79 11 6
	Breaking 2 tons bones for Botanical Gardens ..		10 0 0
		296 6 10	2,852 8 9
TOTAL		£ 3,148 15 7	

* As masons' wages fell in the City so was the estimated value of stone cutting reduced.

† This blacksmith's work, and part of that charged in 1858, is principally for the new wing.

1858.

WORK PERFORMED BY PRISONERS IN DARLINGHURST GAOL.

5

1858.

(To the 31st of July.)

NUMBER EMPLOYED.	DESCRIPTION OF WORK.	PRIVATE WORK PAID FOR.	PUBLIC WORK, ESTIMATED VALUE.
<i>Weekly Average.</i>			
24 men & 18 women picking hair & rope	7,479 lbs. of hair picked.....at $\frac{1}{12}$ $\frac{1}{2}$ lb. 11,281 lbs. of coir rope $\frac{1}{3}$ "	46 14 11 $\frac{1}{2}$ 141 0 3	
9 Tailors.....	7 coats made 5/- each	1 15 0	
	4 do. 4/6 "	0 18 0	
	25 do. 5/6 "	6 17 6	
	5 do. 7/- "	1 15 0	
	4 do. 8/- "	1 12 0	
	2 do. 9/- "	0 18 0	
	23 do. 6/- "	6 18 0	
	1 do. 7/6 "	0 7 6	
	4 do. 6/6 "	1 6 0	
	2 do. 3/- "	0 6 0	
	7 do. 2/6 "	0 17 6	
	9 vests made 3/6 "	1 11 6	
	33 do. 2/- "	4 19 0	
	2 do. 4/- "	0 8 0	
	138 pairs of trousers..... 4/- $\frac{1}{2}$ pair	27 12 0	
	2 do. 6/- "	0 12 0	
	12 do. 3/- "	1 16 0	
	6 do. 4/6 "	1 7 0	
	4 do. 3/6 "	0 14 0	
	121 do. 1/9 "	10 11 9	
12 women at needle-work	3 suits of clothing..... 11/- each	1 13 0	
	2 do. 10/- "	1 0 0	
	1 do. 10/6 "	0 10 6	
	2 do. 8/- "	0 16 0	
	63 chemises, 16 small..... -/6 & -/3	1 15 6	
	26 petticoats..... -/8 "	0 17 4	
	15 shirts at 1/6 and 12 at 1/-.....	1 14 6	
	26 pinafores -/4 "	0 8 8	
	12 pillow cases..... -/2 "	0 2 0	
	Repairs.....	0 16 0	
	2 wooden frames 9/- "	0 18 0	
2 Shoemakers	4 flower boxes 2/6 "	0 10 0	
	1 iron bedstead	0 15 0	
	1 drawing stone.....	0 5 0	
	Sundry work for turnkeys	13 6 9	
12 men cutting	6,515 feet of stone cut..... 1/6 $\frac{1}{2}$ foot		488 12 6
13 " preparing ..	2,877 x 5 do. 1/- "		144 2 0
2 cutting moulding	316 feet of moulding stone..... 3/- "		47 8 0
3 blacksmiths	58 picks made 5/- each		14 10 0
	8,988 " pointed -/4 "		149 16 0
3 assisting	220 chisels made 2/- "		22 0 0
	16,023 " pointed -/2 "		133 10 6
	Sundry blacksmiths' work		63 11 0
4 Carpenters*	Carpenters work valued at		244 0 0
2 Painters	Painting and whitewashing.....		60 2 6
	Needlework for Destitute Children's Asylum ..		20 12 0
	Do. Military Barracks		2 8 0
		286 5 2 $\frac{1}{2}$	1,390 12 6
TOTAL		£ 1,676 17 8 $\frac{1}{2}$	

* Carpenters are now framing the roof for the new wing, the walls of which are complete.

H. M. Gaol, Darlinghurst,
16 September, 1858.H. C. BEVERLEY,
Principal Gaoler.JOHN O'NEILL BRENNAN,
Sheriff.

538—B

QUANTITY

WORK PERFORMED BY PRISONERS IN DARLINGHURST GAOL.

QUANTITY of STONE Cut Weekly by Prisoners under Sentence in H. M. Gaol Darlinghurst, from 1st January, 1856, to 31st July, 1858.

1856.					1857.					31st JULY, 1858.				
The Week Ending.	Stone Cut.	No. of Men.	Rate.	Amount.	The Week Ending.	Stone Cut.	No. of Men.	Rate.	Amount.	The Week Ending.	Stone Cut.	No. of Men.	Rate.	Amount.
	ft. in.					ft. in.					ft. in.			
Jan. 5	1,078 0	37	Two shillings per foot.		Jan. 3	224 8	12	One shilling and ninepence per foot.		Jan. 2	369 3	12	One shilling and sixpence per foot.	
12	1,072 0	40			10	397 4	20			9	362 0	13		
19	1,095 9	37			17	406 2	18			16	328 9	12		
26	1,258 0	42			24	325 0	16			23	375 4	12		
Feb. 2	788 5	35			31	396 0	17			Feb. 30	256 6	13		
9	1,077 11	34			Feb. 7	223 0	9			6	399 0	12		
16	953 0	33			14	408 8	28			13	393 10	12		
23	1,114 0	33			21	151 0	9			20	348 0	16		
Mar. 2	1,317 9	37			28	314 0	22			27	277 6	13		
9	1,161 5	34			Mar. 7	323 3	20			Mar. 6	278 8	11		
16	1,086 10	35	Two shillings per foot.		14	175 0	9	One shilling and ninepence per foot.		13	314 2	11	1s. per foot.	
23	958 6	28			21	210 0	14			20	319 4	11		
30	1,119 0	39			28	252 0	16			27	417 6	16		
April 6	987 0	37			April 4	109 7	16			Apl. 3	453 5	17		
13	1,168 0	33			11	103 0	9			10	411 0	17		
20	1,073 5	40			18	no stone				17	303 0	11		
27	1,066 7	37			25	93 0	6			24	257 9	11		
May 4	1,166 7	37			May 2	146 0	7			31	260 3	11		
11	1,267 1	33			9	132 0	9			May 7	376 8	12		
18	1,163 7	38			16	203 0	11							
25	1,032 0	38	Two shillings per foot.		23	163 4	8	One shilling and ninepence per foot.			6,515 11	243	1/6	488 12 6
31	1,229 9	35			30	81 1	7			May 14	300 0	11	1s. per foot.	
June 7	1,328 0	27			June 6	116 1	9			21	375 11	9		
14	1,258 0	19			13	215 11	6			28	170 1	8		
21	919 4	17			20	254 4	10			June 4	297 9	11		
28	4 7 0	19			27	236 6	14			11	426 6	10		
July 5	453 4	15			July 4	143 0	13			18	215 11	8		
12	415 2	12			11	101 1	6			25	97 9	5		
19	359 6	27			18	73 0	9			July 2	no stone			
26	318 9	28			25	151 0	9			9	456 3	16		
Aug. 2	706 11	23	Two shillings per foot.		Aug. 1	142 10	10	One shilling and ninepence per foot.		16	none			
9	792 5	24			8	199 0	10			23	256 10	10		
16	395 4	31			15	290 8	14			30	285 0	15		
23	581 3	24			22	154 6	13							
30	813 0	31			29	388 0	14							
Sept. 6	706 7	27			Sept. 5	358 0	13							
13	778 9	26			12	344 3	11							
20	764 9	27			19	276 0	10							
27	778 5	34			26	303 0	10							
	36,101 1	1220	2/-	3,610 2 0	Oct. 3	381 4	11							
Oct. 4	965 11		1s. 9d. per foot.		10	284 7	12	1s. 6d. per foot.						
11	698 7				17	447 7	11							
18	538 8				24	423 0	11							
25	451 2				31	396 0	11							
Nov. 1	543 1					10,509 9	417	1/9	919 12 0 1/2					
8	395 2				Nov. 7	509 8	17	1s. 6d. per foot.						
15	428 0				14	655 8	10							
22	328 0				21	432 0	10							
29	508 2				28	410 2	18							
Dec. 6	383 2				Dec. 5	341 0	10							
13	498 8				12	435 6	11							
20	248 4				19	434 6	10							
27	316 5				26	379 3	10							
	6,303 4	289	1/9	551 10 3		3,597 9	96	1/6	269 16 7 1/2					
Total ..	42,404 5	1509		£ 4,161 12 3	Total..	14,106 6	513		£ 1,189 8 8 1/2	Total..	9,397 11	346		£ 632 14 6
WEEKLY AVERAGE. 815 feet of stone cut by 29 men,					WEEKLY AVERAGE. 276 feet of stone cut by 10 men.					WEEKLY AVERAGE. 327 feet of stone cut by 12 men.				

BUILDINGS and PORTIONS of BUILDINGS Erected by the Prisoners under Sentence, since the 1st day of January, 1854, in H. M. Gaol at Darlinghurst.

1. Debtor's Prison and Principal Turnkey's House.	Is built entirely of cut stone—48 feet by 40 feet, and 26 feet high—has a slated roof, and contains 8 cells for Debtors, each 8 feet by 12 feet, with a large dining room and 5 rooms, and kitchen for Principal Turnkey, with water-closets and dividing wall. Masons', carpenters', painters', blacksmiths', and slaters' work in this building was done by prison labor during 1854 and 1855.
2. Water-Closets.	Nine stone water-closets in prisoners' airing yards, containing 1,932 feet of stone.
3. Watch-Boxes.	Two stone watch-boxes for Turnkey on duty, one 10 feet by 6 feet, and 10 feet high; the other 5 feet square, 9 feet high.
4. New Wing.	The stone-work of this building has been complete some time waiting for the roof, which is now being put on; it is built of 56,938 feet of stone, cut and set during 1856, 1857, and is divided into 78 Solitary Cells. A sketch showing the measurement and elevation of this building is annexed.
5. Dead House and Dissecting Room.	Walls are complete; this building is now waiting to be roofed, but all the carpenters are employed upon the roof of the new wing; it contains 2,363 feet of stone, cut and set during end of last and beginning of present year.
6. Kitchen for the Female Turnkeys.	Walls partially built; they now contain 2,142 feet of stone, but are to be raised 8 feet higher.

In addition to the above Buildings the Mill-House, intended originally for the Treadmill, has been floored on the two upper storeys, and flagged on the ground floor, and has been fitted up as an Hospital for Male Prisoners, Gaol Store, and Dispensary.

WORK PERFORMED BY PRISONERS IN DARLINGHURST GAOL.

7

SEPARATE MEASUREMENT OF WALLS AND PARTITIONS.

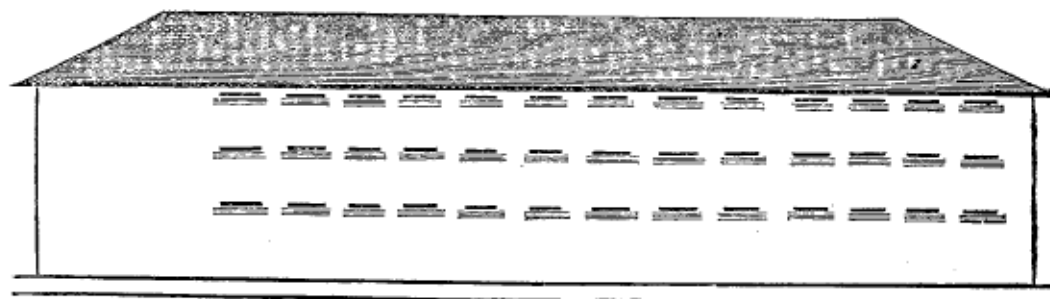
Section.



Outside wall	10422'0
Do.	10422'0
Inside wall	7200'0
Do.	7200'0
Partition walls	5760'0
Flooring of cells	2702'0
Circular end.....	6228'0
Flat end	4428'0
Stairs and landing	656'0
Flagging, &c.	3920'0
TOTAL.....	56938'0

This measurement is taken according to the cut surface of the stone used in the building by passing the measuring tape, for actual cut work, on the outside surface, and is allowed in all buildings.

ELEVATION.



39
78

All Prisoners at Work in Darlinghurst Gaol are allowed Tea and Sugar as an indulgence, but only when they do as much work as their Overseer thinks they are able to perform, and occasionally when a Prisoner has made himself useful to the establishment by his labor and good conduct, he is allowed a small gratuity on his discharge from Gaol. The cost of these indulgencies is charged to the money earned principally by tailors and oakum pickers, as may be seen by the foregoing Returns, and the amount expended is shown in the subjoined Account.

1854.	Money earned by Prisoners	201 10 1	Paid for tea and sugar, indulgence to prisoners at work from 1st January, 1854, to the 31st July, 1858..	914 5 6
1855.	Do.	654 1 11	Gratuities during the same period..	38 0 0
1856.	Do.	624 12 0½		
1857.	Do.	296 6 10		
1858. } 31 July.)	Do.	286 5 2½	Balance to the credit of the Establishment	1,110 10 7
		£ 2,062 16 1		£ 2,062 16 1

H. M. Gaol, Darlinghurst,
16 September, 1858.

JOHN O'NEILL BRENNAN,
Sheriff.

H. C. BEVERLEY,
Principal Gaoler.

1858.

Legislative Assembly.

NEW SOUTH WALES.

WORK PERFORMED BY PRISONERS IN PARRAMATTA GAOL.

(FURTHER RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 8 October, 1858.

THE VISITING JUSTICE to THE COLONIAL SECRETARY.

H. M. Gaol, Parramatta,

2 September, 1858.

SIR,

I have the honor herewith to enclose a similar Return of the description and value of work executed in this Gaol from the 1st January, 1854, to the 31st December, 1855, to that forwarded to you by me on the 27th ultimo for the subsequent period to July, 1858; in doing which I beg to state that the records kept in the Gaol do not enable me to show the number of persons employed in its execution, and no price is stated in the books for the work performed for the Government; nor are the accounts sufficiently ample to enable me to make out the return month by month. In every instance practicable I have valued the Government work at the price at present charged for such work.

I have, &c.,

F. O. DARVALL, P.M.,

Visiting Justice.

THE HONORABLE

THE COLONIAL SECRETARY.

RETURN, shewing the Work performed in this Establishment from the 1st April, 1854, to the 31st December, 1855, specifying the quantity of each kind of work, and the prices obtained for such work, together with the expenses incurred by it; also the proportion of proceeds received by the Prisoners and by the Government.

DATE.		Amount realised by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government share.
1854.					
1 April to 30 June.	Male Prisoners cut 1,601 feet of stone, at 3d. per foot....	20 0 3	.....	6 13 5	13 6 10
	" " cut 1,800 feet of stone for Government free of charge, but valued at 3d. per foot....	.....	.....	.....	22 10 0
	Female " picked 327 ends of tweed, at 9d. each....	12 5 3	.....	4 1 9	8 3 6
	" " made 73 pair tweed trousers, at 1s. 6d. per pair.....	5 9 6	.....	1 16 6	3 13 0
	" " made 670 garments for Government Institutions, free of charge, at 4d. each....	.....	.....	.....	11 3 4
	Male " broke 157 loads of metal stone for the Parramatta Road Trust, at 5s. ....	.....	.....	.....	39 5 0
	£	37 15 0	.....	12 11 8	98 1 8
1 July to 30 Sept.	Male Prisoners cut 2,096 feet of stone, at 3d. per foot....	26 4 0	}	11 1 2	19 0 0
	" " broke 64 loads of metal stone, valued at 5s. per load.....	.....			22 2 4
	Female " picked 84 ends of tweed cloth, at 9d.	3 3 0	} .....	.....	9 16 8
	" " made 51 pair of tweed trousers.....	3 16 6			
	" " made 590 garments for Government Institutions, free of cost, at 4d. each....	.....	.....	.....	.....
	£	33 3 6	.....	11 1 2	50 19 0
1 Oct. to 31 Dec.	Male Prisoners cut 2,473 feet of stone, at 3d. per foot....	30 18 3	.....	10 6 1	20 12 2
	Female " picked 17 ends of tweed cloth, at 9d.	0 2 9	.....	0 4 3	0 8 6
	" " made 579 garments for Government Institutions, free of cost, at 4d. each....	.....	.....	.....	9 13 0
	£	31 11 0	.....	10 10 4	30 13 8
1855.					
1 Jan. to 31 Jan.	Male Prisoners cut 1,438 feet of stone, at 3d. per foot....	17 19 0	.....	8 19 6	8 19 6
	" " cut 230 feet of stone for Government, free of cost, but valued at 3d. per foot....	.....	.....	.....	2 17 6
	£	17 19 0	.....	8 19 6	11 17 0
1 Feb. to 28 Feb.	Male Prisoners cut 1,970 feet of stone, at 3d. per foot....	24 12 6	.....	12 6 3	12 6 3
	" " earned by tailoring.....	4 4 0	.....	2 2 0	2 2 0
	Female " made 250 garments for Government Institutions, free of charge, valued at 4d. each....	.....	.....	.....	4 3 4
	£	28 16 6	.....	14 8 3	18 11 7
1 March to 31 March.	Male Prisoners cut 3,386 feet of stone, at 3d. per foot....	42 6 6	.....	21 3 3	21 3 3
	" " earned by tailoring.....	1 19 6	.....	0 19 9	0 19 9
	" " earned by shoemaking.....	4 6 8	.....	2 3 4	2 3 4
	Female " made 243 garments for Government Institutions, free of charge, valued at 4d. each....	.....	.....	.....	4 1 0
	£	48 12 8	.....	24 6 4	28 7 4
1 April to 30 April.	Male Prisoners cut 1,930 feet of stone, at 3d. per foot....	24 2 6	.....	12 1 3	12 1 3
	" " earned by tailoring.....	3 1 0	.....	1 15 6	1 15 6
	" " shoemaking.....	7 6 0	.....	3 13 0	3 13 0
	Female " needlework.....	1 10 0	.....	0 15 0	0 15 0
	" " made 54 garments for Government Institutions, free of cost, valued at 4d. each....	.....	.....	.....	0 18 0
	£	35 19 6	.....	18 4 9	19 2 9
1 May to 31 May.	Male Prisoners cut 2,379 feet of stone, at 3d. per foot....	29 14 9	.....	14 17 4½	14 17 4½
	" " earned by tailoring.....	3 4 0	.....	1 12 0	1 12 0
	" " shoemaking.....	8 6 0	.....	4 3 0	4 3 0
	Female " needlework.....	0 6 4	.....	0 3 2	0 3 2
	" " made 821 garments for Government Institutions, free of cost, valued at 4d. each....	.....	.....	.....	13 13 8
	£	41 11 1	.....	20 15 6½	34 9 2½

WORK PERFORMED BY PRISONERS IN PARRAMATTA GAOL.

3

DATE.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government's Proportion.
1855.					
1 June	Male Prisoners cut 2,773 feet of stone, at 3d. per foot...	34 13 3	} 6 7 6	20 8 9	20 8 9
	" " made 33 cabbage-tree hats, at 2s. each ..	3 6 0			
to	" " earned by tailoring, £3 4s.; and by shoemaking, £5 5s. 3d.	8 9 3			
30 June.	Female " earned by needlework	0 16 6			
	" " made 656 garments for Government Institutions, free of cost, valued at 4d. each	10 18 8
		£ 47 5 0	6 7 6	20 8 9	31 7 5
1 July	Male Prisoners cut 3,751 feet of stone, at 3d. per foot...	46 17 9	} 5 1 3	29 1 2	29 1 2
	" " made 34 cabbage tree hats, at 3s. each ..	5 2 0			
to	" " earned by tailoring	3 18 6			
	" " shoemaking	6 18 0			
31 July.	Female " needlework	0 7 4			
	" " made 209 garments for Government institutions, valued at 4d. each	3 9 8
		£ 63 3 7	5 1 3	29 1 2	32 10 10
1 Aug.	Male Prisoners cut 3,654 feet of stone, at 3d. per foot...	45 13 6	} 7 16 7	29 3 10½	29 3 10½
	" " made 47 cabbage tree hats, at 4s. each ..	9 8 0			
to	" " earned by tailoring	7 4 6			
	" " shoemaking	2 5 0			
31 Aug.	Female " needlework	1 13 4			
	" " made 200 garments for Government institutions, valued at 4d. each	3 6 8
		£ 66 4 4	7 16 7	29 3 10½	32 10 6½
1 Sept.	Male Prisoners cut 4,101 feet of stone, at 3d. per foot...	51 5 3	} 27 10 5	29 1 6	29 1 6
	" " made 68 cabbage tree hats, at 4s. each ..	13 12 0			
to	" " 3 carts, at 70s. each	10 10 0			
	" " earned by tailoring	6 5 0			
30 Sept.	" " shoemaking	12 15 6			
	" " made boots, which were sold on commission	10 7 6			
	Female " earned by needlework	1 15 2			
	" " made 263 garments for Government institutions, valued at 4d. each	4 7 8
		£ 106 10 5	27 10 5	29 1 6	33 9 2
1 Oct.	Male Prisoners cut 5,677 feet of stone, at 3d. per foot...	70 19 3	} 26 13 10	36 9 11	36 9 11
	" " made 54 cabbage tree hats, at 4s. each ..	10 16 0			
to	" " earned by tailoring	4 11 0			
	" " shoemaking	9 10 9			
31 Oct.	Female " needlework	3 15 10			
	" " made 925 garments for Government institutions, free of cost	15 8 4
		£ 99 12 10	26 13 10	36 9 11	52 18 3
1 Nov.	Male Prisoners cut 4,617 feet of stone, at 3d. per foot...	57 14 3	} 19 12 2	40 14 5	40 14 5
	" " made 70 cabbage tree hats, at 4s. each ..	14 0 0			
to	" " earned by tailoring	6 9 0			
	" " shoemaking	9 15 9			
30 Nov.	" " painting carts	1 14 0			
	" " making tinware	1 17 0			
	" " fishing net	3 0 0			
	Female " made 5 wheelbarrows, at 10s. each	2 10 0			
	" " by needlework	4 1 0			
	" " 301 garments for Government institutions, valued at 4d. each	5 0 4
		£ 101 1 0	19 12 2	40 14 5	45 10 9
1 Dec.	Male Prisoners cut 4,874 feet of stone, at 3d. per foot...	60 18 6	} 43 4 5	53 8 0½	53 8 0½
	" " made 74 cabbage tree hats, sold by auction for	72 3 0			
to	" " earned by tailoring	4 1 0			
31 Dec.	" " shoemaking	8 5 6			
	Female " needlework	4 12 6			
		£ 150 0 6	43 4 5	53 8 0½	53 8 0½

RECAPITULATION.

RECAPITULATION.

	Amount realised by Prisoners' Labor.	Amount of Expenses for Raw Material, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
From the 1st April, 1854, to the 30th June, 1854.....	37 15 0	.....	12 11 8	98 1 8
" 1st July, 1854, to the 31st September, 1854	33 3 6	.....	11 1 2	50 19 0
" 1st October, 1854, to the 31st December, 1854 .	31 11 0	.....	10 10 4	30 13 8
" 1st January, 1855, to the 31st January, 1855	17 19 0	.....	8 19 6	11 17 0
" 1st February, 1855, to the 28th February, 1855 ..	28 16 6	.....	14 8 3	18 11 7
" 1st March, 1855, to the 31st March, 1855	48 12 8	.....	24 6 4	28 7 4
" 1st April, 1855, to the 30th April, 1855	35 19 6	.....	18 4 9	19 2 9
" 1st May, 1855, to 31st May, 1855	41 11 1	.....	20 15 6½	34 9 2½
" 1st June, 1855, to the 30th June, 1855	47 5 0	6 7 6	20 8 9	31 7 5
" 1st July, 1855, to the 31st July, 1855	63 3 7	5 1 3	29 1 2	32 10 10
" 1st August, 1855, to the 31st August, 1855.....	66 4 4	7 16 7	29 3 10½	32 10 6½
" 1st September, 1855, to the 30th September, 1855.	106 10 5	27 10 5	29 1 6	33 9 2
" 1st October, 1855, to the 31st October, 1855	99 12 10	26 13 10	36 9 11	52 18 3
" 1st November, 1855, to the 30th November, 1855.	101 1 0	19 12 2	40 14 5	45 10 9
" 1st December, 1855, to the 31st December, 1855.	150 0 6	43 4 5	63 8 0½	53 8 0½
Total from 1st April, 1854, to the 31st December, 1855....£	909 5 11	136 6 2	359 5 2½	673 17 2½

1858.

Legislative Assembly.

NEW SOUTH WALES.

WORK PERFORMED BY PRISONERS IN PARRAMATTA GAOL.

(RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 8 October, 1858.

THE VISITING JUSTICE to THE COLONIAL SECRETARY.

*H. M. Gaol, Parramatta,
25 August, 1858.*

SIR,

In accordance with the instructions conveyed in your communication of the 16th instant, I have the honor to herewith enclose a Return shewing the quantity, the description, the value as per book, of work performed within the Parramatta Gaol; and the number of prisoners employed in its execution from the 1st January, 1856, to the 31st July, 1858.

The two previous years' accounts having been kept on an entirely different system from the present, and being prior to the present clerk entering into office, will take a longer time to prepare; I have therefore deemed it expedient to forward the enclosed, and will have the others prepared and forwarded with the least possible delay.

I have, &c.,

F. O. DARVALL, P. M.,
Visiting Justice.

THE HONORABLE
THE COLONIAL SECRETARY.

H. M. GAOL, PARRAMATTA.

RETURN shewing the work performed in the above Establishment, from the 1st January, 1856, to the 31st July, 1858, specifying the quantity and description of each kind of work, the prices either obtained for such work or the value entered in the Books; also the number of persons employed in its execution, together with the actual expenses incurred by such work, and the proportion of proceeds received by the Prisoners and by the Government.

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1856.					
1 January	33 prisoners made 108 cabbage tree hats	66 11 0	6 11 0	30 0 0	30 0 0
	45 " cut 5,174 feet of stone, at 3d. per foot	64 13 6	3 19 0	30 7 3	30 7 3
	7 " made 40 pairs boots	15 12 0			
to	7 " earned by repairing and making boots	5 13 6	17 0 0	2 2 9	2 2 9
	4 " earned by tailoring	4 1 6		2 0 9	2 0 9
31 January	4 " made 1 dray at £4 10s., and 1 cart at £5	9 10 0	16 3 10		
	1 " earned by making tin-ware	1 15 0	1 2 0	0 6 6	0 6 6
	Female prisoners earned by needlework	4 2 6		4 2 6	
	Value of needlework made by female prisoners for Government Institutions	2 15 6			
	£	174 14 6	44 15 10	68 19 9	64 17 3
1 February	48 prisoners cut 6,039 feet of stone, at 3d. per foot	75 9 9	9 5 0	33 2 4½	32 2 4½
	34 " made 102 cabbage tree hats	60 3 4	17 19 11	21 1 8½	21 1 8½
to	7 " made 4 pairs of boots at 8s., £1 12s.; and earned by repairing ditto, £5 7s.	6 19 0	0 2 6	3 8 3	3 8 3
	7 " earned by tailoring	4 6 9		2 3 4½	2 3 4½
28 February	3 " made 16 wheelbarrows	14 0 0	13 18 5		0 1 7
	1 " earned by making tin-ware	1 18 0	4 17 9		
	1 " earned by painting	1 0 0	0 1 0	0 10 0	0 10 0
	Value of needlework made by female prisoners for Government Institutions, £3 10s. 6d.; ditto for private parties, £9 8s	12 18 6		9 8 0	
	£	176 18 4	46 4 7	69 13 8½	59 7 3½
1 March	47 prisoners cut 5,033 feet of stone, at 3d. per foot	73 15 9	17 0 0	28 7 10½	28 7 10½
	35 " made 87 cabbage tree hats, at 6s. 8d., £29; and 3 ditto at 15s. 4d., £2 6s.	31 6 0	8 17 8	11 4 2	11 4 2
to	4 " made 20 pairs boots, at 8s. per pair	8 0 0	12 17 11		
	1 " made 42 articles of tin-ware	3 0 0	2 19 6	0 0 3	0 0 3
31 March.	6 " made by tailoring	4 10 0	1 12 8	1 8 8	1 8 8
	2 " earned by shoemaking	4 0 9			
	Value of needlework made by female prisoners for Government Institutions, £2 5s. 6d.; ditto for private parties, £2 2s. 6d.	4 8 0		2 2 6	
	£	129 0 6	43 7 9	43 3 5½	41 0 11½

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1856.					
1 April	46 prisoners cut 4,435 feet of stone, at 3d. per foot	55 8 9	6 10 0	24 9 4½	24 9 4½
	4 " earned by tailoring	4 8 0	2 3 6	1 2 3	1 2 3
	4 " earned by shoemaking, £3 15s. 6d.; and made 16 pairs boots, at 9s., £7 14s	10 19 6	12 15 10		
to	37 " made 9 dozen cabbage tree hats, at 80s. per dozen, £36; and 6 dozen and 4, at 70s., £22 3s. 4d.	58 3 4	15 6 2	21 8 7	21 8 7
	5 " made 6 wheelbarrows, at 21s. 2d. each	6 7 0	10 12 6		
30 April	1 " earned by making tin-ware	2 4 9	0 5 0	0 19 10½	0 19 10½
	Value of needlework made by female prisoners for Government Institutions, £15 8s.; ditto for private parties, £1 2s.	16 10 0	.....	1 2 0	.....
	£ 154 1 4	47 13 0	49 2 1	48 0 1	
1 May	48 prisoners cut 4,258 feet of stone, at 3d. per foot, £53 4s. 2d.; and 1,228 feet ditto for King's School, at 1d. per foot, £5 2s. 4d.	58 6 6	3 15 9	27 5 4½	27 5 4½
	58 " made 11½ dozen cabbage tree hats, at 75s. per dozen, £43 2s. 6d.; and 20, at 6s. 3d., £6 5s.	49 7 6	24 10 6	12 8 6	12 8 6
to	5 " made 4 wheelbarrows, at 25s. 4d. each, £5 1s. 4d.; and 8 ditto, at 30s. each, £12	17 1 4	0 10 0	.....	16 11 4
	4 " made 17 pairs boots, at 9s. 6d., £8 1s. 6d.; and earned by sundry work, £3 11s. 9d.	11 13 3	0 14 0	.....	10 19 3
31 May	3 " earned by tailoring	3 14 0	0 10 0	1 2 0	1 2 0
	Value of needlework made by female prisoners for Government Institutions, £3 0s. 6d.; ditto for private parties, £3 10s.	6 10 6	.....	3 10 0	.....
	£ 146 13 1	30 0 0	44 5 10½	68 6 5½	
1 June	43 prisoners cut 3,373 feet of stone, at 3d., £47 3s. 3d.; and 492½ feet for the King's School, at 1d., £2 1s. 0½d.	49 4 3½	3 15 0	23 14 7½	23 14 7½
	53 " made 180 cabbage tree hats	82 2 6	32 18 1	24 12 2½	24 12 2½
to	7 " earned by shoemaking	7 1 3	.....	0 8 0	6 13 3
	3 " earned by tailoring	3 7 6	.....	1 9 3	1 9 3
30 June	Value of needlework made by female prisoners for Government Institutions, £8 19s.; ditto for private parties, £2 3s. 6d.	11 2 6	.....	2 3 6	.....
	£ 152 18 0½	36 13 1	51 7 6½	55 9 3½	
1 July	43 prisoners cut 4,206 feet of stone, at 3d., £52 11s. 7d.; and 1,048 feet ditto for King's School, at 1d., £4 7s. 4d.	56 18 11	11 10 7	28 5 8	28 5 8
	58 " made 159 cabbage tree hats, at 15s. each	119 5 0	11 19 9	52 12 7½	52 12 7½
to	3 " made by tailoring	3 9 6	0 11 6	1 9 0	1 9 0
	7 " made 20 pairs boots, at 9s., £9; and earned by making and repairing ditto, £4 17s.	13 17 0	12 16 5	0 10 3½	0 10 3½
31 July	5 " made 15 wheelbarrows, 14 at 16s. 6d., £11 11s. 6d., and 1 at 16s. 9d.	12 8 0	6 46 11½	2 2 0	3 19 0½
	Value of needlework made by female prisoners for Government Institutions, £5 9s. 6d.; ditto for private parties, £1 19s.	7 8 6	.....	1 19 0	.....
	£ 213 6 11	42 2 1½	86 18 7	86 16 7½	

RETURN—continued.

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1856.					
1 August to 31 August	48 prisoners cut 3,836 feet of stone, at 3d., £47 19s.; and 1,392 feet of stone for King's School, at 1d., £5 16s.....	53 15 0	9 9 0	22 3 0	22 3 0
	58 " made 190 cabbage tree hats, at 15s. each.....	142 10 0	24 5 0	59 2 0	59 2 0
	1 " made 1 wheelbarrow.....	1 0 0	.....	0 5 0	0 15 0
	2 " earned by tailoring.....	6 12 0	0 15 0	2 18 6	2 18 6
	Value of needlework made by female prisoners for Government Institutions, £4 6s.; ditto for private parties £3 19s.	8 5 0	.....	3 19 0	.....
	£	212 2 0	34 9 0	88 7 6	84 18 6
1 September to 30 September	38 prisoners cut 3,764 feet of stone at 3d., £47 11s. 3d.; 3 stone troughs, at 6s., 18s.; and 422 feet stone for King's School, at 1d., £2 2s. 9d.	51 1 3	24 13 2	8 16 0	17 12 1
	58 " made 179 cabbage tree hats, at 14s. 3d.	133 5 0	21 12 9	37 4 1	74 8 2
	5 " made 10 pairs women's shoes, at 3s. per pair, £1 10s.; 3 pairs boy's boots, at 4s. per pair, 12s.; and 1 pair women's, do. at 3s. 6d.	2 5 6	1 5 0	0 6 10	0 13 8
	1 " earned by repairing farming implements.....	0 10 6	.....	0 3 6	0 7 0
	Value of needlework made by female prisoners for Government Institutions, £4 12s.; ditto for private parties, £1 13s. 11d.	6 5 11	.....	1 13 11	.....
	£	194 8 2	47 10 11	48 4 4	93 0 11
1 October to 31 October	40 prisoners cut 4,152 feet of stone, at 3d., £51 18s.; and 813 feet of stone for King's School, at 1½d., £1 13s. 10½d.	53 11 10½	8 0 0	15 3 11½	30 7 11
	59 " made 170 cabbage tree hats, at 19s. per dozen.....	131 10 0	38 14 6	30 18 6	61 17 0
	5 " made 27 pairs boots, at 5s. per pair, £6 15s.; 3 pairs do., at 5s. 6d., 16s. 6d.; 4 pairs do., at 4s., 16s.; 3 pairs shoes, at 3s., 9s.	8 16 6	.....	2 18 10	5 17 8
	5 " made 6 wheelbarrows, at 17s. each, £5 2s.; 2 ditto, at 21s. 6d., £2 3s.; and 1 ditto, 18s.	8 3 0	4 12 4	1 3 6	2 7 2
	£	202 1 4½	51 6 10	50 4 9½	100 9 9
1 November to 30 November	37 prisoners cut 3,358 feet of stone, at 3d. per foot, £41 19s. 6d.; and 467 feet of stone for King's School, at 1½d. per foot, £2 18s. 4d..	44 17 10	15 6 0	9 17 3	18 14 7
	59 " made 165 cabbage tree hats, at 132s. per dozen.....	89 7 6	23 10 8	21 18 11	43 17 11
	5 " made 11 pairs boots, at 8s. 6d. per pair, £4 13s. 6d.; and 21 pairs ditto, at 5s. 6d. per pair, £5 15s. 6d.	10 9 0	4 13 0	1 18 8	3 17 4
	Female prisoners earned by needlework.....	3 4 0	.....	3 4 0	.....
	£	147 18 4	43 9 8	36 18 10	66 9 10
1 December to 31 December	36 prisoners cut 3,248 feet of stone, at 3d. per foot, £40 12s. 8d.; and 385 feet for King's School, at 1½d., £2 8s. 6½d.	43 0 6½	11 6 5	10 11 4½	21 2 9
	58 " made 159 cabbage tree hats, at 9s. 11½d., £79 6s. 8½d.; and 6 ditto, at 14s., £4 4s.	83 10 8½	26 6 7	19 1 4	38 2 8
	6 " made 30 pairs boots, at 5s. 6d. per pair.....	8 5 0	2 3 6	2 0 6	4 1 0
	Female prisoners made 147 garments, at 8½d. each; and 1 at 3½d.	5 4 5	.....	5 4 5	.....
	" " made 335 garments for Government Institutions, free of cost, valued at 5½d. each.....	7 13 6	.....	.....	.....
	£	147 14 1½	39 16 6	36 17 7½	63 6 5
	TOTAL FOR 1856 £	2,051 16 8½	507 9 6½	701 2 2½	832 3 4½

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1857.					
1 January	38 prisoners cut 3,912 feet of stone, at 3d. per foot.				
to	10 " made 20 pairs boots, at 6s. 6d. each, £5 10s.; and 18 pairs, at 6s., £5 8s.	48 18 0	13 7 8	11 16 9	23 13 7
	61 " made 169 cabbage tree hats, at 70s. per dozen.	10 18 0	0 10 0	3 9 4	6 18 8
31 January	Female prisoners made 60 garments, at 10d., £2 10s.; 30 ditto, at 1s., £1 10s.; and one ditto, 6d.	49 5 10	26 11 3	7 11 6	15 3 1
	" made 1,092 garments for Government Institutions, free of cost, at 4d. each.	4 0 6	.....	4 0 6	.....
		18 4 0	.....	.....	.....
		£ 131 6 4	39 8 11	26 18 1	45 15 4
1 February	38 prisoners cut 2,928 feet of stone, at 3d. per foot.				
to	54 " made 178 cabbage tree hats, 4 dozen, at 80s., £16; 9 dozen ditto, at 65s.; and 1 dozen ditto, at 84s.	36 12 0	5 10 0	10 7 4	20 14 8
	6 " made 5 wheelbarrows, at 25s.; 2 ditto, at 20s. 6d.; and 4 ditto, at 16s.	51 17 1	16 19 4	11 12 7	23 5 2
28 February	10 " made 40 pairs boots, at 6s.	12 14 0	6 15 6	1 19 6	3 19 0
	Female prisoners made 140 garments, at 10d. each; and 2 ditto, at 3d.	12 0 0	2 5 2	3 4 11	6 9 10
	" made 115 garments for Government Institutions, free of cost, at 4d.	5 17 3	.....	5 17 3	.....
		1 18 4	.....	.....	.....
		£ 120 18 8	31 10 0	33 1 7	54 8 8
1 March	31 prisoners cut 3,717 feet of stone, at 3d. per foot.				
to	49 " made 90 cabbage tree hats, at 85s. per dozen; and 4 $\frac{2}{3}$ dozen, at 200s. per dozen.	46 9 3	6 11 0	13 6 1	26 12 2
	5 " made 9 wheelbarrows, 6 at 15s. 6d. each; 2 ditto at 25s.; and 1 at 29s.	55 16 8	35 19 1	6 12 6	13 5 1
31 March	9 " made 44 pairs of boots, at 6s. per pair.	8 12 0	2 0 6	2 3 10	4 7 8
	Female prisoners made 137 garments, at 8d. each.	13 4 0	2 12 6	3 10 3	7 1 6
	" made 89 garments for Government Institutions, free of cost, valued at 4d. each.	4 11 5	.....	4 11 5	.....
		1 9 8	.....	.....	.....
		£ 130 3 0	48 3 1	30 4 1	41 6 5
1 April	31 prisoners cut 4,459 feet of stone, at 3d. per foot.				
to	48 " made 144 cabbage tree hats, 9 dozen at 130s., £58 10s.; 1 dozen, 155s., £7 15s.; 1 dozen, 135s., £6 15s.; 1 dozen, 165s., £8 5s.	55 14 9	8 2 6	15 17 5	31 14 10
	9 " made 67 pairs boots, at 6s. per pair.	51 5 0	12 12 0	22 17 8	45 15 4
30 April	Female prisoners made 83 garments, at 1s. 4d. each; and 1 ditto, at 11d.	20 2 0	2 18 9	5 14 5	11 8 10
	" made 576 garments for Government Institutions, free of cost, at 5s. each.	4 17 9	.....	4 17 9	.....
		12 0 0	.....	.....	.....
		£ 173 19 6	23 18 3	49 7 3	88 19 0

RETURN—continued.

6

WORK PERFORMED BY PRISONERS IN PARAMATTA GAOL.

384

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1857.					
1 May to 31 May.	38 prisoners cut 3,554 feet of stone, at 3d. per foot	44 8 6	6 6 0	12 14 2	25 8 4
	47 " made 127 cabbage tree hats—1 dozen, £6 2s. 6d.; 1 dozen, £6 5s.; 3½ dozen at 75s., £13 8s. 9d.; 2 dozen at 120s., £12; and 3½ dozen at 110s., £19 5s.	57 1 3	6 5 3	16 18 8	33 17 4
	5 " made 2 wheelbarrows, at 31s. 6d.	3 3 0	3 2 8	0 0 1	0 0 3
	9 " made 26 pairs boots, at 6s.	7 16 0	3 15 7	1 6 8	2 13 7
	Female prisoners made 70 garments at 10½d. each, and 1 at 1s.	3 2 3	.....	3 2 3	.....
	" made 221 garments for Government Institutions, free of charge, but valued at 4d. each	3 13 8	.....	.....	.....
	£ 119 4 8	19 9 6	34 1 10	61 19 6	
1 June to 30 June.	34 prisoners cut 4,143 feet of stone, at 3d. per foot	51 15 9	18 0 0	11 5 3	22 10 6
	45 " made 120 cabbage tree hats—3½ dozen at 90s., £15 10s.; 5½ dozen at 140s., £38 10s.	54 0 0	14 7 6	13 4 2	26 8 4
	4 " made 2 wheelbarrows, at 26s.	2 12 0	4 18 8	.....	.....
	8 " made 48 pairs boots, at 6s. per pair	14 8 0	3 2 8	3 15 1	7 10 3
	Female prisoners made 118 garments, at 8d. each	3 18 8	.....	3 18 8	.....
	" made 232 garments for Government Institutions, free of charge, but valued at 4d. each	3 17 4	.....	.....	.....
	£ 130 11 9	40 8 10	32 3 2	56 9 1	
1 July to 31 July.	36 prisoners cut 4,658 feet of stone, at 3d. per foot	58 4 6	21 10 0	12 4 10	24 9 8
	43 " made 117 cabbage tree hats, at 9s. 10d. each, and 1 ditto at 9s. 6d.	58 0 0	14 9 10	14 10 0	29 0 0
	7 " made 21 wheelbarrows, at 25s. 3d. each, and 3 clothes-horses at 20s., and repaired 1 cart, 7s.	31 4 0	6 11 3	5 17 7	18 15 2
	9 " made 52 pairs boots, at 6s. per pair	15 12 0	2 15 0	4 5 8	8 11 4
	Female prisoners made 133 garments, at 9d. each	4 19 9	.....	4 19 9	.....
	" made 168 garments for Government Institutions, free of charge, but valued at 5d. each	3 10 0	.....	.....	.....
	£ 171 10 3	45 6 1	41 17 10	80 16 2	
1 August to 31 August.	37 prisoners cut 4,248 feet of stone, at 3d. per foot	53 2 0	13 7 6	13 4 10	26 9 8
	43 " made 98 cabbage tree hats, at 10s. each	49 0 0	24 19 6	8 0 0	16 0 0
	7 " made 8 wheelbarrows, at 23s. 9d. each, £9 10s.; 2 clothes-horses at 5s., 10s.; and 2 ditto at 12s., £1 4s.	11 4 0	5 0 0	2 1 4	4 2 8
	10 " made 52 pairs boots, at 6s. per pair	15 12 0	3 16 6	3 18 6	7 7 0
	Female prisoners made 122 garments, at 6d., £3 1s.; and 1 ditto at 8d.	3 1 8	.....	3 1 8	.....
	" made 262 garments for Government Institutions, free of charge, but valued at 6d.	6 11 0	.....	.....	.....
	£ 138 10 8	47 3 6	30 6 4	53 19 4	

Date.		Amount realized by Prisoners' Labor.	Amount of Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits or Government Share.
1857.					
1 September	32 prisoners cut 4,671 feet of stone, at 3d. per foot	58 7 9	13 9 0	14 19 11	29 19 10
	36 " made 132 cabbage tree hats, at 9s. 3d. each; and 9 ditto, at 10s. 4d. each	65 3 2	11 9 8	18 5 0	36 10 0
to	6 " made 12 wheelbarrows, at 24s. 4d., £14 12s.; 2 clothes-horses, at 4s. 6d., 9s.; 2 ditto, at 5s. 6d., 11s.; 2 clothes-presses, at 40s., £4; and 1 step-ladder, 10s.	20 2 0	8 4 8	3 19 1	7 8 3
30 September	10 " made 77 pairs boots, at 6s. per pair	23 2 0	3 1 4	6 13 6	13 7 2
	Female prisoners made 84 garments, at 11d. each	1 11 9	.....	1 11 9	.....
	" " made 252 garments, at 5½d. each, for Government Institutions	5 16 6	.....	.....	.....
	£	174 3 2	36 4 8	45 9 3	87 5 3
1 October	31 prisoners cut 4,302 feet of stone, at 3d. per foot	53 15 6	19 3 7	11 10 7	23 1 4
	46 " made 125 cabbage tree hats, at 13s. 11d.; and 1 at 15s. 5d.	87 15 0	11 11 0	25 7 11	50 15 10
to	10 " made 28 pairs boots, at 8s. 3d., £11 11s.; and 19 pairs, at 6s., £5 14s.	17 5 0	25 6 0	.....	.....
31 October	3 " made 1 clothes-horse, at 21s.; and 1 ditto, at 6s.	1 7 0	1 4 3	0 0 11	0 1 10
	Female prisoners made 71 garments, at 10d. each; and 1 at 4d.	2 19 6	.....	2 19 6	.....
	" " made 209 garments for Government Institutions, free of charge, valued at 4d. each	3 9 8	.....	.....	.....
	£	166 11 8	57 4 10	39 18 11	73 19 0
1 November	36 prisoners cut 5,228 feet of stone, at 3d. per foot	65 7 0	26 6 9	13 0 1	26 0 2
to	51 " made 115 cabbage tree hats, at 12s. 9d. each; and 1 ditto, at 13s. 9d.	74 0 0	16 11 6	19 2 10	38 5 8
30 November	9 " made 35 pairs boots, at 8s. 9d. per pair	15 6 3	7 13 10	2 10 9	5 1 8
	Female prisoners made 79 garments, at 1s. 3d., £4 18s. 9d.; and 1 ditto, at 3s. 4d.	5 2 1	.....	5 2 1	.....
	£	159 15 4	50 12 1	39 15 9	69 7 6
1 December	30 prisoners cut 2,446 feet of stone, at 3d. per foot, £30 11s. 6d.; and 899 feet ditto for Government, valued at 3d. per foot, £11 4s. 9d.	41 16 3	16 2 0	4 16 9	20 18 3
to	49 " made 102 cabbage tree hats, at 14s. 4d. each; and 1 ditto, at 9s. 3d.	73 11 3	17 2 2	18 16 4	37 12 9
31 December	9 " made 23 pairs strong boots, at 9s., £10 7s.; and 27 pairs light boots, at 7s. 6d., £12 16s. 6d.	23 3 0	7 8 2	5 4 11	10 9 11
	Female prisoners made 18 garments, at 1s. 7d. each	1 10 0	.....	1 10 0	.....
	" " made 240 garments for Government Institutions, free of charge, but valued at 4d. each	4 0 0	.....	.....	.....
	£	144 0 6	40 12 4	30 8 0	69 0 11
	TOTAL FOR 1857 £	1,874 6 3	479 17 1	451 18 9	819 19 9

RETURN—continued.

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Shares.
1858.					
1 January	34 prisoners cut 2,243 feet of stone, at 3d. per foot, £28 0s. 9d.; and 670 feet ditto for Government, valued at 3d. per foot, £8 7s. 6d.	36 8 3	16 17 10	3 14 3	7 8 8
to	48 " made 108 cabbage tree hats, at 9s., £48 12s.; and 1 ditto at 15s. 6d.	49 7 6	7 11 2	13 18 9	27 17 7
	6 " made 6 wheelbarrows, at 12s., £3 12s.; woodwork of rolling stone, £1.	4 12 0	2 11 0	0 13 8	1 7 4
31 January	7 " made 43 pairs of boots, at 9s. per pair	19 7 6	26 9 7	.....	.....
	Female prisoners made 228 garments for Government Institutions, free of charge, valued at 4d. each	3 16 0	.....	.....	.....
		£ 113 10 9	53 9 7	18 6 8	36 13 7
1 February	34 prisoners cut 772 feet of stone, at 3d. per foot, £9 13s.; and 873 feet ditto, for Government, valued at 3d. per foot, £10 18s. 3d.	20 11 3	8 3 10	0 9 8	0 19 6
to	89 " made 86 cabbage tree hats, at 11s. 5d. each, £49 1s. 10d.; and 8 ditto, at 11s. 4d. each, £4 10s. 8d.	53 12 6	25 7 0	9 8 6	18 17 0
28 February	6 " made 14 wheelbarrows, 8 at 16s. 8d. each, £6 13s. 4d.; 1 ditto at 30s., £1 10s.; 1 ditto at 17s. 8d., 17s. 8d.; 4 small ditto at 10s. 4d., £2 1s. 6d.; 2 clothes-horses, at 8s. 8d., 17s.	11 19 6	5 10 4½	2 3 0½	2 6 1
	Female prisoners made 115 garments, at 10d.; 1 ditto, at 1s. 2d.	4 17 0	.....	4 17 0	.....
		£ 91 0 3	39 1 3½	16 18 2½	22 2 7
1 March	33 prisoners cut 727 feet of stone, at 3d. per foot, £9 19s.; and 645 ditto for Government, free of charge, valued at 3d. per foot, £8 1s. 3d.	17 3 0	7 7 6	1 16 0	7 19 6
to	47 " made 111 cabbage tree hats—1 dozen at 100s., £5; 7½ dozen ditto, at 117s. 6d., £41 12s. 3d.	61 3 11	10 0 2	17 1 3	24 2 6
	7 " made 63 pairs of boots, at 10s. per pair	32 19 2	18 19 5	4 13 3	9 6 6
31 March	6 " made 2 wheelbarrows, at 25s., £2 10s.; and 1 small ditto, at 12s.	3 2 0	2 8 0	0 4 8	0 9 4
	Female prisoners made 130 garments at 10d., and 1 at 11d.	5 9 3	.....	5 9 3	.....
	" " made 44 garments for Government Institutions, free of charge, valued at 6d.	1 2 0	.....	.....	.....
		£ 120 19 4	38 15 1	29 4 5	41 17 10
1 April	25 prisoners cut 654 feet of stone, at 3d. per foot, £8 3s. 6d.; and 980 feet for Government, valued at 3d. per foot, £12 5s.	20 8 6	10 13 0	1 16 8	7 18 10
to	42 " made 6½ dozen cabbage tree hats, at 150s., £46 17s. 6d.; 9 dozen at 18s., £8 2s.; and 6 dozen at 7s., £2 2s.	57 1 6	11 9 2	15 4 1	30 8 3
	7 " made 41 pairs boots, at 5s. 6d. per pair	14 0 6	2 17 6	4 1 0	8 2 0
30 April	Female prisoners made 56 garments, at 1s. 3d. each, and 1 at 1s. 1d.	3 11 1	.....	3 11 1	.....
	" " made 120 garments for Government Institutions, free of charge, valued at 6d. each, £8 16s. 3d.	3 0 0	.....	.....	.....
		£ 98 1 7	24 19 8	24 12 10	46 9 1

Date.		Amount realized by Prisoners' Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1858.					
1 May to 31 May	27 prisoners cut 889 feet of stone, at 3d., £11 4s. 9d.; and 705 feet for Government, valued at 3d. per foot, £8 16s. 3d. 42 " made 5 $\frac{3}{4}$ dozen cabbage tree hats, at 100s., £26 5s.; 4 ditto at 6s., £1 4s.; and 5 ditto ditto at 15s., £3 15s. 8 " made 22 pairs of boots, at 5s. 6d. per pair Female prisoners made 89 garments at 10d. each, and 1 at 11d. " " made 118 garments for Government Institutions, free of charge, valued at 6d.	20 1 8 32 14 0 6 1 0 3 15 1 2 18 0	11 16 3 8 1 0 3 14 2	2 14 11 8 4 4 0 15 7 3 15 1	5 9 10 16 8 8 1 11 3
	£	65 9 9	23 11 5	15 9 11	23 9 9
1 June to 30 June	26 prisoners cut 1,078 feet of stone, at 3d. per foot, £13 9s. 6d.; and 1,080 feet for Government, at 3d., £13 10s. 43 " made 1 dozen cabbage tree hats, at 240s., £12; 8 dozen ditto, at 15s., £6; 1 dozen ditto, at 220s., £11; 3 $\frac{1}{2}$ dozen ditto, at 115s., £27 2s. 6d.; 1 dozen ditto, at 160s., £8; and 1 dozen ditto, at 157s. 6d., £7 17s. 6d. 7 " made 73 pairs boots, at 5s. 6d. Female prisoners made 120 garments for Government institutions, free of charge, valued at 4d.	26 19 6 70 0 0 20 0 6 2 0 0	10 0 6 23 9 6 2 10 6	2 16 5 15 10 2 5 16 8	14 2 7 31 0 4 11 13 4
	£	119 0 0	36 0 6	24 3 3	56 16 3
1 July to 31 July	27 prisoners cut 2,501 feet of stone, at 3d. per foot, £31 5s. 3d.; and 482 feet for Government, at 3d. per foot, £6 0s. 6d. 41 " made 1 dozen cabbage tree hats, at 142s. 6d., £7 2s. 6d.; 4 $\frac{1}{2}$ dozen ditto, at 140s., £32 1s. 8d.; and 1 dozen ditto, at 225s., £11 5s. 5 " made 2 wheelbarrows, at 25s. each, £2 10s.; 1 chest of drawers, 20s.; 1 book shelf, 20s. Female prisoners made 97 garments, at 10d. each; and 1 at 1s. 10d. " " made 87 garments for Government Institutions, free of charge, valued at 4d. each 7 prisoners made 42 pairs of boots, at 5s. 6d. per pair	37 5 9 50 9 2 4 10 0 3 1 4 1 9 0 11 11 0	12 15 11 11 1 3 3 15 6	6 3 3 13 2 11 1 10 0 3 1 4 2 11 10	18 6 7 26 5 10 3 0 0 5 3 8
	£	108 6 3	27 12 8	26 9 4	52 16 1
TOTAL TO 31 JULY, 1858		£ 602 17 2	243 10 2 $\frac{1}{2}$	128 15 3 $\frac{1}{2}$	280 5 3

WORK PERFORMED BY PRISONERS IN PARRAMATTA GAOL.

RECAPITULATION.

DATE.	Amount realised by Prisoners Labor.	Expenses for Raw Material, Tools, &c.	Proportion paid to Prisoners.	Net Profits, or Government Share.
1856.				
1 January to 31 January	174 14 6	44 15 10	68 19 9	64 17 3
1 February to 28 February	176 18 4	46 4 7	69 13 8½	59 7 3½
1 March to 31 March	129 0 6	43 7 9	43 3 5½	41 0 11½
1 April to 30 April	154 1 4	47 13 0	49 2 1	48 0 1
1 May to 31 May	146 13 1	30 0 3	44 5 10½	68 6 5½
1 June to 30 June	152 18 0½	36 13 1	51 7 6½	55 9 3½
1 July to 31 July	213 6 11	42 2 1½	86 18 7	86 16 7½
1 August to 31 August	212 2 0	34 9 0	88 7 6	84 18 6
1 September to 30 September	194 8 2	47 10 11	48 4 4	93 0 11
1 October to 31 October	202 1 4½	51 6 10	50 4 9½	100 9 9
1 November to 30 November	147 18 4	43 9 8	36 18 10	66 9 10
1 December to 31 December	147 14 1½	39 16 6	36 17 7½	63 6 5
1857.				
1 January to 31 January	131 6 4	39 8 11	26 18 1	45 15 4
1 February to 28 February	120 18 8	31 10 0	33 1 7	54 8 8
1 March to 31 March	130 3 0	48 3 1	30 4 1	41 6 5
1 April to 30 April	173 19 6	23 13 3	49 7 3	88 19 0
1 May to 31 May	119 4 8	19 9 6	34 1 10	61 19 6
1 June to 30 June	130 11 9	40 8 10	32 3 2	56 9 1
1 July to 31 July	171 10 3	45 6 1	41 17 10	80 16 2
1 August to 31 August	138 10 8	47 3 6	20 6 4	53 19 4
1 September to 30 September	174 3 2	36 4 8	45 9 3	87 5 3
1 October to 31 October	166 11 8	57 4 10	39 18 11	73 19 0
1 November to 30 November	159 15 4	50 12 1	39 15 9	69 7 6
1 December to 31 December	144 0 6	40 12 4	30 8 0	69 0 11
1858.				
1 January to 31 January	113 10 9	53 9 7	18 6 8	36 13 7
1 February to 28 February	91 0 3	39 1 3½	16 18 2½	22 2 7
1 March to 31 March	120 19 4	38 15 1	29 4 5	41 17 11
1 April to 30 April	98 1 7	24 19 8	24 12 10	46 9 1
1 May to 31 May	65 9 9	23 11 5	15 9 11	23 9 9
1 June to 30 June	119 0 0	36 0 6	24 3 3	56 16 3
1 July to 31 July	108 6 3	27 12 8	26 9 4	53 16 1
GRAND TOTAL, from 1 January, 1856, to 31 July, 1858	£4,529 0 1½	1,230 16 10	1,281 16 3½	1,932 8 4½

1858.

Legislative Assembly.
NEW SOUTH WALES.

ALLEGED CASE OF KIDNAPPING ISLANDERS.

(CORRESPONDENCE, &c., RELATIVE TO CAPTAIN WILSON'S PROCEEDINGS.)

Ordered by the Legislative Assembly to be Printed, 14 July, 1858.

THE COLONIAL SECRETARY, MAURITIUS, to THE UNDER SECRETARY, NEW SOUTH WALES.

*Colonial Secretary's Office,
Mauritius, 6 April, 1858.*

SIR,

I have the honor, by direction of His Excellency Governor Stevenson, to transmit to you the accompanying Papers, disclosing a very apparent case of kidnapping perpetrated by the Master of a vessel recently sailing out of the Port of Sydney. His Excellency trusts that by bringing these circumstances to the knowledge of the Government of New South Wales measures may be taken to prevent a recurrence of similar practices, and the punishment of the offenders.

I have, &c.,

HUMPHREY SANDWICH,

THE UNDER SECRETARY TO

Colonial Secretary.

THE GOVERNMENT OF NEW SOUTH WALES,
Sydney.

TO HIS EXCELLENCY WILLIAM STEVENSON, ESQUIRE, Governor and Commander-in-Chief of Mauritius and Dependencies, &c., &c., &c.

YOUR EXCELLENCY,

The humble Petition of William Ferrier, late of Byron's Island, now of Port Louis,

Respectfully Sheweth:—

That on or about the month of October last, Captain Joseph Wilson, of the English barque "Sutton," called at Byron's Island, where your Petitioner and his family resided since sixteen years, and induced your Petitioner to ship himself on board the said barque, as interpreter, to the effect of enabling him, the said Captain J. Wilson, to gather cocoanuts from all the neighbouring islets.

That with Petitioner, the said captain took on board the said barque six natives of the said Byron's Island, composing the crew of your Petitioner's canoe.

That it was only to be serviceable to Captain Wilson that Petitioner, with his crew, consented so to embark in the barque "Sutton."

That the express condition and agreement made with the said Captain Wilson were, that as soon as he would have effected his object—to wit, of gathering cocoanuts—he would land your Petitioner and his crew on the said Byron's Island. That at Peru and Clark's Island the said J. Wilson induced about sixty-five male natives to ship themselves on board the "Sutton," for the same object as above, and under the express condition to land them back on their respective islands in a short time.

That instead of acting up to such agreement, the said captain made for Mauritius, where we arrived last month, and again made for Bourbon in twenty-four hours. That on our passage out to Mauritius Petitioner strongly remonstrated against the captain's conduct; whereupon he tried to hush up the matter—made Petitioner drink liquors—and when he was almost insensible, caused him to sign his articles, as steward and seaman. The chief of his crew resisted all the captain's efforts to make him sign the said articles.

* 372—A

That

That on our arrival at Bourbon the said Captain Wilson landed the same sixty-five natives, who were engaged to certain planters for the consideration of £40 a head, and sold the said English barque "Sutton" for £1,600, as Petitioner was told.

That your Petitioner having applied to the said Captain Wilson for his maintenance at Port Louis, his passage back, board and lodging, from this Colony to Byron's Island, and for a compensation for the trouble and misery he has subjected your Petitioner to, the said Captain Wilson flatly declined to afford any redress to your Petitioner.

That having applied to the Marine Magistrate of Port Louis, he has raised doubts on the power he has to entertain your Petitioner's case, and ultimately refused to admit your Petitioner to sue *in forma pauperis*.

That your Petitioner being altogether destitute at Mauritius, where he lives on charity, has not been able to enter his complaint against Captain Wilson.

Wherefore, your humble Petitioner craves your Excellency's interference in this case, to have redress against the said Captain Wilson.

And your Petitioner, as in duty bound, will ever pray, &c., &c., &c.

WILLIAM FERRIER.

Port Louis, 8 December, 1857.

DEPOSITIONS TAKEN BEFORE THE CROWN SOLICITOR.

William Ferrier: Has resided on Byron's Island (Kingsmill's Group, on the Line, N.E. of Australia); has been there 16 years. Captain Wilson, of English barque "Sutton," arrived at Byron's Island in August last. He engaged me as an interpreter, to procure natives for him. He was to go about amongst the islands to procure his complement of men and to return in three days to Byron's Island to land me. An American named William Meadows, who was also residing on Byron's Island, came on board also in the same boat with me; we both went on shore again. I went to tell my family that I should be absent for a few days; we embarked after this willingly—I as interpreter, and Meadows worked on board as seaman. Some twelve natives of Byron's Island came on board, and went below of their own accord; no one asked them to come on board, or to remain on board; no one prevented their landing again. I believe that they were under the impression that the ship would return again in three days, as they had heard me tell my family so when ashore. The "Sutton" left Byron's Island in the evening of the day that she arrived there, taking away myself, Meadows, and about a dozen natives. We sailed for Pirhoot Island, one of the same group, distant 28 miles from Byron's Island. We arrived there next morning; a lot of natives came off in canoes. By the captain's desire I spoke to the natives, and asked whether any of them were willing to come to make cocoanut-oil for the captain on an island a short distance to the west; I told them that the captain would bring them back in ten or twelve months at the furthest; that they would be paid 1lb of tobacco, or one dollar per month for their trouble. About 20 natives embarked willingly, and we sailed that night. We arrived next morning at Clark's Island, one of the same group, about 40 miles west of Pirhoot. I spoke to the natives there as I had done at Pirhoot; about 20 natives embarked at Clark's Island on the same promises as had been made to the natives of Pirhoot. We sailed same evening to the southward, the captain saying he was going to take me back to my island. We beat for 24 hours against contrary winds and current, and the captain then said he could not spare any more time to take me back, and he stood to the west for about four or five days, when we reached the Solomon's Group of Islands. The men of Kingsmill's Group had been accustomed to ship as they did in the "Sutton" for the purpose of making cocoanut-oil. It was usual to bring them back again. There was a Frenchman on board called Captain Dumaine. He heard all that the captain told me to say to the natives. The Kingsmill Group belong to the British Government. There is no Government Officer on any of the Islands. The men were not confined on board; they were well treated. Besides the captain and Captain Dumaine, there were two mates, a carpenter, and six seamen, besides myself and the Yankee. The crew had each of them a cutlass; the officers of the ship had each a musket; two muskets were put in the cabin that was occupied by the Yankee and myself; the captain gave them to us to be used in case of the natives rising. There were plenty of muskets, cutlasses, carpenters' axes, adzes, and gunpowder in canisters in the captain's state room. He said that they were to purchase ponies in Torres Straits. There were two swivels mounted on the quarters of the ship. Before arriving at the Solomon's Group, the captain said that I must sign articles, as he was afraid of falling in with a man-of-war. I don't know whether he asked the Yankee to sign articles. I refused to sign articles, and asked him to take me back to Byron's Island according to promise. He asked me to go with him as interpreter to the island where he was to make cocoanut-oil. He never told me the name of the island. I said I would go if he would touch at Byron's Island and let me take my children. He asked me repeatedly to sign articles, and I refused, but one morning, Captain Dumaine having given me two tumblers of rum to drink, the captain induced me to sign. The captain asked the natives who had embarked to sign articles to work for ten or twelve months making cocoanut-oil. Captain Dumaine was present. I acted as interpreter. He said to me that if he fell in with a man-of-war, and the men had not signed these articles, he might be taken to be a slaver. The natives all touched the captain's pen by way of signing. I explained to the men, by the captain's order, what they were signing—I told them it was an engagement to work for ten or twelve months at the utmost, making oil, at the end of which time they were to be taken back to the places from whence they came. I engaged as interpreter, steward, and seaman; I was to have £5 a month. The natives were to have 1lb of tobacco or 1 dollar per month.

This

This took place on the morning that I had been drinking, and in the presence of Captain Dumaine. It occurred after we had left Kingsmill Group and just before arriving at Solomon's Group, whilst out of sight of land. I did not read the articles or engagement which was signed. I cannot read very well. I was not offered the perusal of them.

We arrived at Solomon's Group about six days after leaving Kingsmill's Group. We stopped there six days, cruising about amongst the different islands. We took twelve natives from two islands. I could not speak the language of these islanders; I do not think that any one on board could speak their language. The captain landed here two men belonging to Clark's Island and Pirhoot; he landed them because they were insubordinate. They regretted having left their native islands, and told the other natives that they intended to kill the captain and me. One of them was arrested as he was coming aft with a knife in his hand. I do not know what he was going to do with the knife, but the natives told me that he was going to kill us. Some of the natives caught hold of him, and he stabbed one of them with his knife. Both these men were made fast and kept below with the others until we reached the Solomon's Group, where they were landed. The other natives could have released them if they had chosen, as they were at first made fast with cord. They were afterwards made fast with a chain and padlock. The men who were taken on board at Solomon's Group appeared to embark of their own free will. I did not see any force used. The captain went ashore at the Solomon's Group to look for copper, but did not find any. We sailed for Torres Straits. The captain tried to procure ponies at one of the islands there in exchange for muskets, powder, and axes, &c, &c, but he could not succeed; he only got one pony and one buffalo. From there we came straight to Mauritius, where we anchored outside the Bell Buoy for a day, after which we proceeded to Bourbon. About 60 natives were landed and left at Bourbon. I heard ashore that they were engaged for five years, and that the captain got £40 a head for them. The ship was sold there, and the crew paid off and discharged. I got about £22. The captain paid the passage of myself and crew up to Mauritius. Six of the natives who embarked with me from the same canoe at Byron's Island, on the promise of being sent back in three days, were also sent up here. The captain has found a passage for the Yankee and for these six natives to go back again, whether to Sydney or to Byron's Island I do not know.

WILLIAM FERRIER.

William Henry Meadows: I had been resident on Byron's Island for about sixteen months. On 12th August last, the English barque "Sutton," Captain Wilson, arrived there. I went off to her with Ferrier. Captain Wilson asked me if I could procure him some natives to make cocoanut-oil for ten months on an island to the westward. He would not tell me what island, saying he did not wish to let every one know his business. He promised to land Ferrier and myself, as well as six natives who came off in the canoe with us, in three days' time, on the place from whence we came. We procured 15 natives from Byron's Island (not including my boat's crew). They were told that they were to go and make cocoanut-oil on an island, and were to be brought back to Byron's Island in ten months. We went to Pirhoot, and got 16 or 17 men there in the same manner and upon the same promises. From thence we went to Clarke's Island, where we got 13 or 14 men in a similar manner. All these men came on board willingly, upon hearing the terms of agreement. Ferrier and myself acted as interpreters, and translated what Captain Wilson and Captain Dumaine told us to say. I do not know what was Captain Dumaine's business on board, but he seemed to be much the same as the captain of the ship. On leaving Clark's Island, Captain Wilson tried to go back to Byron's Island, for the purpose, as he said, of landing Ferrier, myself, and my boat's crew. He beat for two days against a strong wind and a head current. He then told me that he could not put me back on Byron's Island, as the wind was against us, and said I had better come on with him. I asked where he was going? He then said he was going first to look for some copper, of which he showed me samples, and that if he did not find any copper, he would go and make cocoanut-oil, as he had told me before. I persisted in asking to be put back on Byron's Island. The captain, however, bore away to west, Byron's Island being then to east of our position. The captain shortly after asked me to sign articles. I positively refused. I believe that Ferrier did sign articles one morning when he was half drunk. The captain, to my knowledge, had given Ferrier some drink on this occasion. All the natives, with the exception of my boat's crew, were induced to sign by touching the captain's pen, in a large book. Captain Dumaine was then present. I do not know what they signed. I had been asleep, but woke up and came into the cabin in time to see the last eight or ten sign. I asked what they had been made to sign, and got an evasive answer. I then told my boat's crew not to sign, and they did not do so. The captain said if we did not all sign he might get into trouble in event of falling in with a man-of-war. Two of the natives became quite crazy when they found that they were being taken away altogether from their native country. They became violent, and it was found necessary to make them fast. None of the others were confined in any way, or ill-treated. There were quantities of arms in the cabin and state-room, about 30 or 40 loaded muskets, 2 swivels on the ship's quarters, and the crew had each man a cutlass. The captain said to me one day, "There is a musket a-piece for you and Ferrier," pointing to two in the cabin. I told him I did not want them. There were plenty of axes in cases; also a case of muskets. There were cutlasses and pistols in the cabin. I do not know what they were for. We went to the Solomon's Group. Captain Dumaine, the mate, a boat's crew, and some ten natives, landed and went to search for copper. They came off in the afternoon without any copper, saying that they had been afraid to go into the interior, as they had been surrounded by natives. We took on board 13 natives at this group. Some of these natives could speak a word or two of English.

English; none of us could speak their language. The captain conversed with them by signs, and gave them pipes and tobacco. They appeared to embark willingly. Captain Dumaine spoke to them; he appeared to understand a word or two of their tongue. We landed the two crazy men at this group, and sailed for Torres Straits. The captain tried to purchase ponies at some of the islands in exchange for muskets, powder, &c., but could not succeed. When the captain was bargaining at Sabre Island with a man for ponies, he said he should want two men for each pony to take care of them; he was answered, that one man was enough to take care of two ponies. The captain got one pony and a bullock; that was all he got. He sailed for Mauritius, where he arrived in October last. He anchored outside for seven hours, and then went to Bourbon, where he landed all the natives except my boat's crew. He wanted to dispose of my boat's crew, but I told him I would get him hung if he did. When the doctor came off at Bourbon, I told him the circumstances under which the natives had been embarked. The captain told the doctor not to listen to me, as I was drunk. I heard that the natives were engaged for five years, and that the captain got £40 a-head for them. The ship was sold at Bourbon, and the crew paid off and sent up to Mauritius. I received £20. As soon as I landed here I went to the American Consul, and told him everything. He gave me a letter to Mr. Slade. I went to Mr. Slade, and asked that I and my boat's crew might be sent back to Byron's Island, and that the captain might be made to pay me damages for having taken me away. I said I wished to bring the matter before a magistrate. Mr. Slade told me, in the captain's presence, that the captain was willing to compromise the matter, and recommended me to accept a compromise, as law business was very uncertain, and I might be detained here by legal proceedings for a long time. The captain did not speak to me. The compromise offered was, that the board in this island of myself and boat's crew should be paid; that a passage should be found for us to Sydney, and from thence to Byron's Island; that all our expenses at Sydney should be paid; and that £6 should be paid me. Mr. Slade wrote out three or four documents that I refused to sign. He drew up a fourth one, which I signed. There were some blanks left in the paper which I signed. The draft of an agreement was read to me, which I agreed to. The copy which I produce, and which I signed, was never read to me. I signed it in presence of my consul. My boat's crew have been put on board the barque "Fernand," to be taken to Sydney. This vessel has been advertised to go to Singapore*. I was told that my passage was paid on board the "Fernand." I went on board this vessel yesterday, and the mate said he knew nothing about the matter.

* She is going to Sydney.—W. H. M.

Christian Miller: (A Dane, late A.B. on the barque "Sutton.") The barque "Sutton" took natives as passengers from some islands of the Kingsmill Group. Ferrier was interpreter, also the American, Meadows. I do not know what instructions were given to the interpreters by the captain, or Mr. Delmayne. I do not know what the interpreters told the natives. It was talked of amongst the crew that we were going to the westward to make cocoanut-oil, and that the natives were engaged to work there for ten months. I do not know whether the captain said anything of the kind. I never heard either him or Mr. Delmayne say so. The natives were well treated on board, and appeared happy and contented, as far as I could judge, not knowing their language. Two of them went mad during the voyage, and it was found necessary to make them fast. The captain landed them on two different islands. One of the islands was New Georgia. I do not recollect the name of the other island. I do not know that the natives signed any agreement. I very seldom went into the cabin, as my business was forward. I did not know until after I had arrived at Bourbon that Ferrier was borne on the ship's articles. I do not know when he signed the articles. I never heard that the captain was afraid of meeting with a ship of war. I do not think that the natives were taken away against their will.

CHRISTIAN MILLER.

John Thompson, late carpenter on board the "Sutton," was examined by me on board the "Blue Rock," a vessel now in the harbour, in which he was shipped as carpenter. He corroborates the foregoing statements in most of the particulars. He says that he managed to pick up some words of the language spoken by the natives, and that he is convinced that they did not know where they were being taken to. They said that they were to be taken back in twelve months. He believes that Ferrier knew perfectly well where the men were to be taken to, but cannot say what he told them. The natives all—with the exception of the boat's crew of the American, Meadows—signed in an emigration printed book, which was put on board on purpose. This man, at first, was not disposed to give any information unless he knew whether it was to be used for or against Captain Wilson. On my telling him that he would be summoned before a magistrate and compelled to state what he knew, he gave me the above information.

Charles Wilkie, late seaman on board the "Sutton," now on board the "Blue Rock," does not know what promises were held out to the natives, nor where the ship was going. He confirms the story told by the other witnesses in nearly every other particular.

W. H. MARSH,
Crown Solicitor.

16 December, 1857.

CHARTER

ALLEGED CASE OF KIDNAPPING ISLANDERS.

5

CHARTER PARTY.

Sydney, 15 May, 1857.

It is this day mutually agreed between Joseph Wilson, master of the ship "Sutton," of Sydney, burthen, per register, 232 tons, now lying in Sydney Cove, and Didier Numa Joubert,—That the said ship, being tight, staunch, and strong, and every way fitted for the voyage, shall with all convenient speed proceed to the South Sea Islands and there receive on board as many male and female immigrants as shall be engaged by Mr. John Delmayne, who proceeds in the said ship, cabin passenger, free of expenses. The number of immigrants not to exceed in all three hundred and seventy, not exceeding what she can reasonably stow and carry over and above her tackle, apparel, provisions, water, and furniture, and exclusive of the poop or cabins, which shall remain for the use and benefit of the captain and owners. The said Joseph Wilson to provide all necessary dunnage and ballast; and, being so loaded, shall therewith proceed to the Port of St. Denis, Island of Réunion, (Bourbon,) or so near thereto as she may safely get, and deliver the same, on being paid freight as follows:—The sum of three thousand pounds sterling per calendar month, from the first day of June, 1857, until the day of the delivery of the said immigrants at St. Denis. The said freight to be paid in cash, free of commission or interest, fifteen days after the delivery of the immigrants: (the act of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation, of what nature and kind soever, during the said voyage, always excepted.)

The freight to be paid on unloading and delivery of the cargo.

The charterer to supply the provisions, water, and water casks, for the immigrants.

In default of the freight being paid as above specified, demurrage beyond that time to be paid by the charterer eight pounds sterling per running day.

Penalty for non-performance of this agreement, one thousand pounds sterling.

POLICE No. 4, TRAVAILLEURS EMIGRANTS.

St. Denis, 27 Octobre, 1856.

MONSIEUR,

En réponse à votre demande j'ai l'honneur de vous informer que l'Administration vous autorise à tenter l'introduction à la Réunion de Travailleurs recrutés dans les Iles de l'Océan Pacifique. Vous avez exposé que les résultats de cet essai n'étant pas assez assurés pour que vous puissiez opérer des affrètemens, vous desirez avoir la faculté d'effectuer le premier ou les deux premiers voyages par navire étranger pris sur les lieux.

Cette autorisation vous est également accordée, à charge par vous de vous entendre avec M. le Consul de France à Sydney pour la régularisation de vos opérations, et notamment pour le choix d'un délégué dont la présence est obligatoire. Les conditions fondamentales imposées à l'Immigration par la Législation qui régit la matière sont, indépendamment de cette obligation de placer à bord un délégué de l'Administration, que les travailleurs soient en état de liberté au lieu de recrutement, qu'ils connaissent parfaitement les clauses des Contrats de Travail qu'ils sont appelés à souscrire, et qu'ils consentent pleinement à les accepter.

L'Administration écrit en ce sens à M. le Consul, en le priant, dans l'intérêt de la Colonie, de vouloir bien faciliter par ses interventions la réussite de cette entreprise.

Recevez Monsieur l'assurance de ma considération très distinguée.

Le Directeur de l'Intérieur,
ED. MANÈS.

A MONSIEUR CHATEAU,
à St. Denis.

1858.

Legislative Assembly.
NEW SOUTH WALES.

METROPOLITAN POLICE.

(RETURNS CONNECTED WITH.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

THE INSPECTOR GENERAL OF POLICE to THE COLONIAL SECRETARY, transmitting Returns
connected with the Metropolitan Police during the year 1857.

*Office of Inspector General of Police,
Sydney, 27 March, 1858.*

SIR,

I do myself the honor to transmit, for your information, the enclosed Returns, numbered from 1 to 7, in connection with the duties of the Police in the Metropolitan District (including the City of Sydney,) during the year 1857.

2. As these Returns have for the first time been framed in accordance with the forms used by the Commissioners of the London Metropolitan Police, in their Annual Returns submitted for the information of Parliament, there are no means of shewing comparatively with previous years many of the particulars contained in those Returns.

3. The Return No. 1 gives the number of persons of each sex taken into custody in each month during the year, shewing a total of 4,157 males and 3,049 females, or 7,206 offenders of all classes; and this number, although apparently large, it is satisfactory to observe, is a decrease of 2,148 compared with 1856, the number of persons taken into custody in that year having amounted to 9,354. The number of persons charged with felony during the year 1857 shews an increase on 1856 of 20; but this increase is confined to one species of crime only, that of shoplifting, or stealing show goods, no less than 390 persons having been apprehended on this charge during the year; on other offences, exclusive of drunkenness, there is a decrease of 175, and the number of cases of drunkenness shews a satisfactory decrease of no less than 1,993.

4. Although the number of persons taken into custody appears to be 7,206, it is proper to observe, that the actual number of offenders during the year was only 5,376; 1,930 of the offences included in the former number having been repeatedly committed by the same individuals, viz., 810 twice, 417 three times, 293 four times, and 310 five, or more times; in the last number some female offenders are included, who have been 18 and 19 times in custody for drunkenness, and crimes arising out of that offence during the year.

5. Return No. 2 shews how the persons taken into custody have been disposed of. 1,309, or about 18 per cent., have been discharged by the Magistrates; 202 committed for trial, and 5,695 summarily dealt with.

6. Return No. 3, giving the ages of persons apprehended, shews that only 47 males and 26 females (about 1 per cent.) under 15 years of age, were taken into custody during the year, thereby presenting the pleasing fact that juvenile delinquency does not exist to any great extent, notwithstanding the number of unfortunate children that are permitted to roam about the City, unheeded and uncared for, by their parents. The prevalence of offences among the old and *hardened* female criminal population of the City, as already referred to, is further exemplified by this Return; the number of females taken into custody for drunkenness, obscene language, disorderly conduct, and vagrancy, being 2,599, whilst 1,977 (or 72 per cent.) are shewn to have been committed by females above 30 years of age.

* 74—A

7.

7. It would appear, from Return No. 4, that of the persons taken into custody during the year about 45 per cent. had received no education, 49 per cent. an imperfect education, and that 6 per cent. could read and write well.

8. The sum of £8,569 5s. 6d. is stated, in Return No. 5, to be the final loss during the year on property reported to the Police as stolen; but this sum must not be taken as the actual value of the amount stolen as frequent cases have occurred in which burglaries, robberies, and thefts have been reported to the Police where it was subsequently ascertained beyond any doubt that no such offence had been committed, but that such reports were made for the purpose only of screening the loss of money or other property in some questionable place, or by some means not desirable to be known.

9. The number of persons taken into custody for other offences than drunkenness and petty misdemeanors, during the year 1857, was 1,423, and Return No. 6 shews that this is a large increase on previous years,—the number of this class, in 1856, having been 802 only. It may, however, be observed by the same Return that the number of persons committed for trial was 202, against 224 in 1856, thereby shewing a decrease of 22 on that year; whilst the number summarily disposed of by the Magistrates amounts to no less than 738, or an increase of 481 on the year 1856. Of this increase, 226, as shewn by Return No. 2, charged with the crime of stealing show goods, or shop-lifting, were summarily disposed of under the jurisdiction given to Magistrates by the provisions of the Acts of Council 16 Vic. No. 6, and 19 Vic. No. 24; and, as this species of petty larceny has increased since the summary jurisdiction has been given to Magistrates to the amount of 40s., and is, in fact, becoming daily more prevalent, it is quite apparent that, so far from the punishments awarded summarily for the commission of this offence having the effect of checking its repetition, they are of that slight nature, compared with the sentences formerly passed at the Courts of Quarter Sessions, that they have entirely a contrary tendency.

10. Under the Police and other Acts, 515 informations have been filed by the Police during the year; of this number there were 416 convictions, 72 dismissed, and 27 were withdrawn on the nuisance, &c., being abated.

11. In conclusion, it is considered necessary to remark, that in the number and description of persons taken into custody, as shewn by these Returns, seamen, apprehended for offences against the Merchant Seaman's and Shipping Acts, are not included, neither the offenders nor offences being considered as affecting the moral or social state of society within the City of Sydney.

I have, &c.,

JOHN M'LERIE,

Inspector General of Police.

THE HONORABLE

THE COLONIAL SECRETARY,

&c. &c., &c.

No. 1.

PERSONS taken into CUSTODY by the SYDNEY POLICE.

OFFENCE.		Total in the Year 1857.		January.		February.		March.		April.		May.		June.		July.		August.		Septem- ber.		October.		Novem- ber.		Decem- ber.		
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
No. 1. Offences against the person	Murder and Manslaughter	12	6	18	..	..	..	1	1	..	1	2	..	..	..	..	..	..	1	..	..	1	..	1	..	8	2	
	Rape	1	..	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	Assault with intent to commit a Rape	2	..	2	..	..	..	..	..	..	..	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..
	Attempt to commit Suicide	5	1	6	..	..	1	..	1	..	..	..	..	..	1	..	2	1	..	..	..	..	..	..	..	..
	Presenting Firearms	1	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	Assault Common	277	83	360	25	4	28	12	28	11	25	5	20	4	11	6	21	6	14	..	27	3	16	6	34	6	28	20
	Assault on Police	114	18	132	11	7	11	3	11	3	12	2	6	..	6	2	9	..	9	..	13	..	8	..	12	1	6	..
	Attempting to rescue from Custody	23	3	26	..	..	..	..	1	..	3	1	..	4	..	2	..	4	1	4	1	1	1	1	..	3	..	
Violent Assault	35	7	42	2	1	3	..	6	..	1	1	7	..	2	..	1	2	4	..	2	2	1	1	4	..	3	..	
No. 2. Offences against property committed with violence	Burglary	9	1	10	..	..	1	4	..	1	..	..	..	..	1	3	..	1	..	4	..	..	2	..	1	..		
	Assault and Robbery	23	4	27	..	..	3	..	3	..	1	2	..	..	..	3	..	3	..	4	..	3	..	..	3	1		
	Stealing from a Shop, Store, or Unoccupied House	270	120	390	18	9	16	18	20	8	13	10	20	9	29	14	36	12	19	9	25	13	24	5	33	4	17	9
	Attempted Robbery with Violence	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
No. 3. Offences against property committed without vio- lence	Horse and Cattle Stealing	10	..	10	3	..	1	..	..	1	..	1	..	1	..	1	..	1	..	..	..	..	..	1	..	1	..	
	Stealing from a Dwelling	64	39	103	1	5	8	4	3	1	4	3	8	3	7	2	5	4	8	2	3	3	6	4	3	6	8	2
	Stealing from the person	72	59	131	9	5	10	8	6	6	5	8	7	3	3	3	6	3	5	10	6	8	2	2	4	4	2	
	Embezzlement	22	..	22	4	..	2	..	6	..	1	..	3	..	..	2	..	..	2	..	..	..	1	..	1	..	1	..
	Fraud	1	1	2	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	2	..	..	..	1	..	1	..	
	Unlawful possession of Goods	20	53	73	1	2	3	8	3	9	..	3	3	..	2	3	3	6	1	4	1	4	1	4	3	2	7	1
No. 4. Malicious Offences against property	Receiving Stolen Property	3	1	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	1	..	
	Arson	3	..	3	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..		
	Wilful Damage	12	22	34	1	10	..	2	1	3	..	2	2	..	1	..	1	1	..	..	..	..	..	..	..	2	2	
No. 5. Forgery	Illegally on Premises	5	..	5	1	..	1	..	..	1	..	1	..	..	..	..	..	..	..	2	1	2	1	..	..	2	..	
	Forgery	9	2	11	4	..	1	..	1	..	..	..	..	1	..	..	..	..	1	..	..	..	1	..	2	..	..
No. 6. Other Offences not in- cluded in the above classes	Drunkenness	2213	1799	4012	146	153	108	128	189	164	187	177	221	189	200	141	204	169	199	165	229	160	180	109	175	153	175	141
	Using Obscene language	286	233	519	14	27	16	8	16	25	22	25	31	28	23	15	29	20	27	16	36	9	27	17	22	24	23	19
	Disorderly Conduct	322	223	545	16	14	15	5	20	24	22	20	39	26	37	7	45	35	21	19	27	19	23	16	36	17	21	21
	Vagrancy	235	344	579	19	23	22	36	20	51	20	14	24	32	13	21	14	20	21	25	15	29	21	30	21	36	25	27
	Prisoners illegally at large	11	1	12	..	..	..	1	1	..	..	..	..	..	..	..	..	2	..	3	..	2	..	1	..	1	..	..
	Cruelty to Animals	8	2	10	2	1	..	..	..	1	..	..	..	..	..	..	..	2	..	2	..	1	..	..	..	1	..	..
	Furious Driving	10	..	10	..	3	..	..	..	2	..	..	..	..	..	..	1	..	..	..	..	1	..	..	..	3	..	..
	Indecent Exposure of Person	37	15	52	3	5	..	2	1	1	1	5	..	2	..	5	1	..	9	2	2	3	1	1	2	4	..	..
	Deserting from Lawful Service	17	..	17	..	3	..	..	..	1	..	1	..	1	..	3	..	2	..	2	..	4	..	1	..	1	..	..
	Protection	25	12	37	2	3	1	..	3	..	2	2	2	1	2	..	2	..	2	..	4	..	2	..	3	2	2	2
			4157	3049	7206	282	266	260	235	346	308	329	275	404	249	345	215	391	283	343	249	421	252	334	199	355	257	347	261

No. 2.
RESULT of MAGISTERIAL INQUIRY.

OFFENCE.		TAKEN INTO CUSTODY.	DISCHARGED BY THE MAGISTRATES.	SUMMARILY DISPOSED OF.	COMMITTED FOR TRIAL.
No. 1. Offences against the Person	Murder and Manslaughter	18	12	....	6
	Rape	1	1	....	....
	Assault with intent to commit a Rape	2	....	....	2
	Attempt to commit Suicide	6	1	5	....
	Presenting Fire Arms	1	....	....	1
	Assault Common	360	128	212	20
	Assault on Police	132	22	108	2
	Attempting to rescue from Custody	26	2	24	....
No. 2. Offences against Property, committed with Violence	Violent Assault	42	12	22	8
	Burglary	10	5	1	4
	Assault and Robbery	27	11	11	5
	Stealing from a Shop, Store, or unoccupied House	390	120	226	44
No. 3. Offences against Property, committed without Violence	Attempted Robbery with Violence .. .. .	....	....	....	....
	Horse and Cattle Stealing	10	6	....	4
	Stealing from a Dwelling	103	31	48	24
	Stealing from the Person	131	74	22	35
	Embezzlement	22	4	2	16
	Fraud	2	2	....	....
	Unlawful Possession of Goods	73	31	25	17
No. 4. Malicious Offences against Property	Receiving Stolen Property	4	1	....	3
	Arson	3	1	....	2
	Wilful Damage	34	12	22	....
No. 5. Forgery	Illegally on Premises	5	3	2	....
	Forgery	11	2	....	9
No. 6. Other Offences not included in the above classes ..	Drunkenness	4,012	412	3,600	....
	Using Obscene Language	519	43	476	....
	Disorderly Conduct	545	142	403	....
	Vagrancy	579	187	392	....
	Prisoners illegally at large	12	....	12	....
	Cruelty to Animals	10	2	8	....
	Furious Driving	10	1	9	....
	Indecent Exposure of Person	52	21	31	....
	Deserting from Lawful Service	17	6	11	....
	Protection	37	14	23	....
		7,206	1,309	5,695	202

No. 3.

TABLE showing the AGE and SEX of the Prisoners taken into Custody by the Sydney Police, during the year 1857.

* 74-B

OFFENCE.		TOTAL in the Year 1857.			Under 15 Years of Age.		15 Years and under 20.		20 and under 30.		30 and under 40.		40 and under 50.		50 Years and upwards.	
		M.	F.	M. & F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
No. 1. Offences against the Person	Murder and Manslaughter	12	6	18	..	..	2	..	3	6	2	..	4	..	1	..
	Rape	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..
	Assault with intent to commit a Rape	2	..	2	..	..	1	..	..	..	1	..	..	..	..	..
	Attempt to commit Suicide	5	1	6	..	..	..	..	5	..	..	..	..	..	..	1
	Presenting Fire Arms	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..
	Assault, Common	277	83	360	1	..	16	4	92	28	90	36	51	15	27	..
	Assault on Police	114	18	132	..	..	13	..	51	8	36	10	11	..	3	..
	Attempting to rescue from Custody	23	3	26	..	..	2	..	10	2	9	1	2	..	..	..
No. 2. Offences against Property committed with Violence	Violent Assault	35	7	42	..	..	2	..	8	3	14	2	7	2	4	..
	Burglary	9	1	10	..	..	1	..	4	..	4	..	..	1	..	..
	Assault and Robbery	23	4	27	..	..	4	1	10	2	8	..	1	1	..	..
	Stealing from a Shop, Store, or unoccupied House	270	120	390	15	6	22	13	65	22	48	43	71	23	49	13
No. 3. Offences against Property committed without Violence	Attempted Robbery with Violence .. . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	Horse and Cattle Stealing	10	..	10	..	..	..	..	4	..	6	..	..	..	..	..
	Stealing from a Dwelling	64	39	103	2	1	4	1	21	8	16	8	15	11	6	10
	Stealing from the Person	72	69	131	3	2	6	13	26	19	16	17	14	7	7	1
	Embezzlement	22	..	22	..	..	3	..	12	..	3	..	2	..	2	..
	Fraud	1	1	2	..	..	..	..	1	..	1	..	..	..	..	..
	Unlawful Possession of Goods	20	53	73	2	2	1	9	5	13	5	10	5	16	2	3
No. 4. Malicious Offences against Property	Receiving Stolen Property	3	1	4	1	..	..	0	..	..	1	1	..	..	1	..
	Arson	3	..	3	..	..	..	..	..	2	..	1	..	..	..	..
	Wilful Damage	12	22	34	..	..	7	2	4	11	..	9	1	..	..	..
No. 5. Forgery	Illegally on Premises	5	..	5	..	..	..	..	2	..	2	..	..	..	1	..
	Forgery	9	2	11	..	..	..	..	4	..	3	2	2	..	..	..
No. 6. Other Offences not included in the above classes	Drunkenness	2,213	17,99	4,012	..	..	57	29	631	320	756	618	459	524	310	308
	Using Obscene Language	286	233	519	1	..	26	15	74	52	62	83	75	49	48	34
	Disorderly Conduct	322	223	545	7	..	35	20	99	79	115	66	39	50	27	8
	Vagrancy	235	344	579	15	15	33	35	37	57	55	82	44	99	51	56
	Prisoners illegally at large	11	1	12	..	..	..	..	3	..	6	1	2	..	..	..
	Cruelty to Animals	8	2	10	..	..	..	..	6	..	2	..	..	2	..	..
	Furious Driving	10	..	10	..	..	2	..	3	..	5	..	..	..	..	..
	Indecent Exposure of Person	37	15	52	..	..	2	..	15	8	8	5	9	..	3	2
	Deserting from Lawful Service	17	..	17	..	..	3	..	12	..	2	..	..	..	..	..
	Protection	25	12	37	..	..	..	..	8	..	16	..	9	..	..	..
		4,157	3,049	7,206	47	26	242	146	1,206	647	1,296	994	824	800	542	436

TABLE showing the degree of INSTRUCTION of the Persons taken into Custody in 1857.

OFFENCE.		TOTAL IN THE YEAR 1857.			NEITHER READ NOR WRITE.		READ ONLY, OR READ AND WRITE IMPERFECTLY.		READ AND WRITE WELL.		SUPERIOR INSTRUCTION.	
		Male.	Female.	Male and Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
No. 1. Offences against the person	Murder and Manslaughter .. .	12	6	18	2	2	9	4	1	..	..	..
	Rape .. .	1	..	1	..	..	..	..	1	..	..	..
	Assault with intent to commit a Rape .. .	2	..	2	1	..	1	..	..	..	..	..
	Attempting to Commit Suicide .. .	5	1	6	1	..	2	1	2	..	..	..
	Presenting Fire Arms .. .	1	..	1	..	..	1	..	25	5	..	..
	Assault, Common .. .	277	83	360	58	43	194	35	8	..	..	..
	Assault on Police .. .	114	18	132	24	14	82	4	2	..	..	..
	Attempting to rescue from Custody .. .	23	3	26	4	1	17	2	2	1	..	..
No. 2. Offences against property, Committed with Violence ..	Violent Assault .. .	35	7	42	6	2	26	4	3	..	..	..
	Burglary .. .	9	1	10	2	1	6	..	1	..	..	..
	Assault and Robbery .. .	23	4	27	4	1	19	3	..	..	..	..
	Stealing from a Shop, Store, or unoccupied House .. .	270	120	390	87	98	180	22	3	..	..	..
No. 3. Offences against property, Committed without Violence.	Attempted Robbery with Violence .. .	..	..	..	..	..	..	..	..	..	..	..
	Horse and Cattle Stealing .. .	10	..	10	3	..	7	..	..	..	..	..
	Stealing from a Dwelling .. .	64	39	103	35	27	25	11	4	1	..	..
	Stealing from the Person .. .	72	59	131	18	36	49	23	5	..	..	..
	Embezzlement .. .	22	..	22	2	..	9	..	8	..	3	..
	Fraud .. .	1	1	2	..	..	..	1	1	..	..	..
	Unlawful possession of Goods .. .	20	53	73	7	45	9	8	4	..	..	..
No. 4. Malicious Offences against Property ..	Receiving Stolen Property .. .	3	1	4	1	..	2	1	..	..	..	..
	Arson .. .	3	..	3	2	..	1	..	..	..	..	..
	Wilful Damage .. .	12	22	34	6	21	3	1	3	..	..	..
No. 5. Forgery .. .	Illegally on Premises .. .	5	..	5	1	..	3	..	1	..	..	..
	Forgery .. .	9	2	11	..	1	9	1	..	..	..	..
No. 6. Other Offences not included in the above Classes ..	Drunkenness .. .	2,213	1,799	4,012	567	1,191	1,478	552	168	56	..	..
	Using Obscene Language .. .	286	233	519	96	130	141	81	49	22	..	..
	Disorderly Conduct .. .	322	223	545	137	160	161	62	24	1	..	..
	Vagrancy .. .	235	344	579	86	255	133	87	16	2	..	..
	Prisoners illegally at large .. .	11	1	12	..	1	11	..	..	..	..	..
	Cruelty to Animals .. .	8	2	10	4	1	4	1	..	..	..	..
	Furious Driving .. .	10	..	10	2	..	8	..	..	..	..	..
	Indecent Exposure of Person .. .	37	15	52	11	9	25	6	1	..	..	..
	Deserting from Lawful Service .. .	17	..	17	8	..	7	..	2	..	..	..
	Protection .. .	25	12	37	4	4	17	7	4	1	..	..
		4,157	3,049	7,206	1,179	2,043	2,639	917	336	89	3	..

METROPOLITAN POLICE RETURNS.

No. 5.

RETURN of Property reported as Stolen during the year 1857, within the Metropolitan Police District, under each head, viz.:—First Amount of Loss; Amount recovered by Police; Total Loss.

MONTH.	AMOUNT OF LOSS.								
	FIRST LOSS.			AMOUNT RECOVERED.			FINAL LOSS.		
	£	s.	d.	£	s.	d.	£	s.	d.
January	974	12	3	119	4	7	855	7	8
February	784	9	9	68	6	6	716	3	3
March... .. .	1,005	10	9	72	16	3	932	14	6
April	558	6	6	62	19	10	495	6	8
May	416	3	8½	213	8	6½	203	15	2
June	672	4	0	69	10	3	602	13	9
July	2,133	19	3	122	12	0	2,011	7	3
August	1,191	5	5	82	14	8	1,108	10	9
September	419	17	9	33	4	8	416	13	1
October	614	0	1	156	6	4	457	13	9
November	613	8	9	84	0	7	529	8	2
December	625	0	7	384	9	1	240	11	6
	10,038	18	9½	1,469	13	3½	8,569	5	6

No. 6.

COMPARATIVE Statements from the Year 1851 to 1857 inclusive.

YEAR.	Taken into Custody.	Discharged.	Summarily disposed of.	Committed for Trial.	PROPERTY REPORTED AS STOLEN.					
					First Loss.		Amount Recovered.		Final Loss.	
					£	s. d.	£	s. d.	£	s. d.
1851	736	386	.....	350	4,136	15 11½	1,227	15 3½	2,909	0 8
1852	662	351	18	293	6,804	4 5½	2,120	14 10½	4,683	9 7½
1853	858	441	80	337	10,655	17 11½	1,635	8 10½	9,020	9 1
1854	857	427	68	362	12,582	16 5½	4,310	17 5½	8,271	19 0
1855	957	466	149	342	10,181	0 1½	8,850	7 4	1,330	12 9½
1856	802	321	257	224	8,514	12 4½	2,879	16 1	5,634	16 3½
1857	1,423	483	738	202	10,038	18 9½	1,469	13 3½	8,569	5 6

No. 7.

NUMBER of Informations filed by the Sydney Police during the Year 1857.

OFFENCE.	CONVICTED.	DISMISSED.	WITHDRAWN ON NUISANCE BEING ABATED OR OTHERWISE.	TOTAL.
Breach of Police Act	197	37	....	234
Do. Licensed Victuallers' do. .. .	105	22	....	127
Do. Deserted Wives' and Children's do. ..	17	....	3	20
Do. Vagrants' do.	76	13	....	89
Keeping a Common Brothel	21	....	24	45

1858.

Legislative Assembly.

NEW SOUTH WALES.

POLICE GUARD FOR COCKATOO ISLAND.

(PROPOSED STRENGTH AND COST OF.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

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 reorganization 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, 13th April, 1858.*

PRINTED BY J. J. J.

COCKATOO ISLAND.

PRESENT STRENGTH OF POLICE AND MILITARY GUARD.						PROPOSED STRENGTH OF POLICE GUARD.					
	Subaltern.	Sergeant.	Corporals.	Privates.	TOTAL.		Inspector.	Sergeants.	Acting Sergeants.	Constables.	TOTAL.
Military Guard.....	1	1	4	45	51	Metropolitan Police	1	2	.....	30	33
Police Force, including Visitors' Boat's Crew	1 Inspector	1	.....	14 Constables	16						
TOTAL PERSONS	2	2	4	59	67	TOTAL PERSONS	1	2	..	30	33

COMPARATIVE COST OF THE PRESENT AND PROPOSED ARRANGEMENTS.

PRESENT.		PROPOSED.	
Allowance to Subaltern, £91 5s.; Colonial Allowance to Military:—50 Men, at 6d. each, £456 5s.; Rations, Fuel, and Light for 51 persons, £994 0s. 9d.	1,541 10 9	Pay of Inspector, 2 Sergeants, and 30 Constables	3,761 0 5
Rations, Fuel, and Light for 1 Inspector, 1 Sergeant, and 14 Police, £359 12s. 6d.; Clothing, £70 7s.; Pay of Inspector, Sergeant, and 14 Constables, £1,727 3s. 9d.	2,157 3 3	Rations, Fuel, and Light, £678 10s.; Clothing, £176 3s. 4d	854 13 4
£	3,698 14 0	£	4,615 13 9

Office of Inspector General of Police,
Sydney, 13 April, 1858.

JOHN McLERIE,
Inspector General of Police.

1858.

Legislative Assembly.

NEW SOUTH WALES.

NATIVE POLICE.

(RETURN FROM GOVERNMENT RESIDENT, MORETON BAY, RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 13 July, 1858.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

*Government Resident's Office,
Brisbane, 8 July, 1858.*

Sir,

I do myself the honor to forward to you a Return of the expense of the Native Police Force, for the quarter ending 31st March, 1858; also, the estimated expenses of the quarter ending 30th June, shewing a probable saving on a moiety of the vote for the expenses of the Force for 1858 of about £1,000.

2. I also enclose a Return shewing the strength and distribution of the Force on the 17th of last month.

I have, &c.,

JNO. C. WICKHAM,
Government Resident.

THE HONORABLE
THE COLONIAL SECRETARY.

RETURN of EXPENDITURE of the NATIVE MOUNTED POLICE CORPS, for the Quarter commencing 1 January, and ending 31 March, 1858, with probable Expenditure for the Quarter ending June, 1858.

Pay and Allowance.— 1 Commissioner, 1 Secretary, 3 First Lieutenants, 12 Second do., 12 Camp Sergeants, 76 Troopers.	Provisions.	Clothing.	Accoutrements.	Farriery.	Medical Expenses.	Repairs to Saddlery.	Incidental Expenses.	Ammunition.	TOTAL.	REMARKS.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1,449 11 8	563 11 5½	723 19 8	718 18 2	5 8 0	.....	12 18 9	189 15 4	47 6 8	3,711 9 8	{ Including Clothing for the year, and Accoutrements to complete.
FOR QUARTER ENDING JUNE.										
1,708 3 0	591 10 0	.....	.....	10 0 0	20 0 0	10 0 0	150 0 0	50 0 0	2,539 13 0	{ Estimated in accordance with the strength. No Returns yet received.
3,157 14 8	1,155 1 5½	723 19 8	718 18 2	15 8 0	20 0 0	22 18 9	339 15 4	97 6 8	6,251 2 8	

W. B. HAMPTON,

Secretary, Native Mounted Police Corps.

This Return shows a probable saving of about £1,000 on the vote for Native Police purposes, for the half-year ending 30 June, 1858.

JNO. C. WICKHAM,

Government Resident.

NATIVE POLICE.

3

RETURN SHEWING THE DISTRIBUTION OF THE NATIVE POLICE FORCE
ON THE 17TH JUNE, 1858.

DISTRICT.	NAMES OF OFFICERS.	DIVISION.	NUMBER OF TROOPERS.
Upper Dawson	Lieut. Murray, Commanding .....	.....	..
	Second-Lieut. Murray	1st	8
	Second-Lieut. Phibbs	2nd	6
	Second-Lieut. Morehead	3rd	8
Leichhardt	Second-Lieut. Carr, at Banana	1st	6
	Second-Lieut. Wheeler, at the Fitz Roy	1st	6
Port Curtis	Second-Lieut. Powell	1st	5
Maranoa and Condamine	Second-Lieut. Walker, at Wandai Gumbal	3rd	7
Balonne	Second-Lieut. Allman	3rd	4
Clarence and M'Leay	Second-Lieut. Dempster	4th	10
Burnett and Wide Bay	Lieut. Bligh	2nd .....	..
	Second-Lieut. Swete	1st	10
Moreton Bay	Second-Lieut. Williams	5th	7
			77

JNO. C. WICKHAM,
Government Resident.

1858.

Legislative Assembly.
NEW SOUTH WALES.

NATIVE POLICE.

(LETTER OF CAPTAIN WICKHAM, IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 27 July, 1858.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

*Government Resident's Office,
 Brisbane, 21 July, 1858.*

SIR,

I do myself the honor to inform you that fifteen recruits, from the southern part of New England, reached this place yesterday, on their way to Wide Bay, for the purpose of being added to the Leichhardt and Port Curtis division of the Native Police.

2. They are strong young men, and appear most anxious for employment in the Force. This augmentation raises the number of Troopers to 92, and I hope that before long the full number will be completed by recruits from the Namoi, or some other southern district.

I have, &c.,

J. C. WICKHAM,

Government Resident.

THE HONORABLE

THE COLONIAL SECRETARY.

1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

2. The second part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

3. The third part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

4. The fourth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

5. The fifth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

6. The sixth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

7. The seventh part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

8. The eighth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

9. The ninth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

10. The tenth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

1858.

Legislative Assembly.

NEW SOUTH WALES.

NATIVE POLICE FORCE.
(CORRESPONDENCE RELATIVE TO RECRUITS FOR.)

Ordered by the Legislative Assembly to be Printed, 24 August, 1858.

SCHEDULE.

No.		PAGE.
1.	The Under Secretary to the Government Resident, Moreton Bay, respecting Recruits for the Native Police being procured from the Namoi District. 30th June, 1858.....	1
2.	The Government Resident to the Colonial Secretary, in reply. 7 July, 1858	2
3.	The Government Resident to the Colonial Secretary, forwarding Report from the Commandant, detailing proceedings of the Native Police Force in the Leichhardt District. 19 August, 1858	5

NATIVE POLICE FORCE.

No. 1.

THE UNDER SECRETARY to THE GOVERNMENT RESIDENT, MORETON BAY.

*Colonial Secretary's Office,
Sydney, 30 June, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 15th instant, No. 229, reporting the proceedings of Lieutenant Murray, in command of the 1st Division of Native Police, in the Leichhardt District.

2. In this Report it is stated that Second Lieutenant Wheeler having been directed to join Lieutenant Murray, was unable to do so in consequence of the desertion of all the troopers of his detachment, who, it appears, were recruits obtained about three months since from the Clarence District; and also that much difficulty is experienced in procuring natives for the service, and to complete the Force to its full strength.

3. The Colonial Secretary desires me in reply to express his deep regret in receiving this report of the wholesale desertion in the corps, and to state, that a Select Committee having been appointed by the Legislative Assembly on the subject of the Native Police, an opinion has been expressed by a witness, at whose examination Mr. Cowper was present, that no difficulty would be experienced in obtaining a sufficient number of recruits in the Namoi District, and that they would not be so likely to desert. The gentleman who expressed this opinion being an experienced settler, it is the wish of the Colonial Secretary that you should direct the attention of the Commandant to this suggestion, as, if it can be carried out, it would appear to provide an immediate remedy for what has been supposed to be the greatest drawback to the efficiency of the Native Police. Mr. Cowper is indeed surprised that Mr. Morisset has not long before taken this course in recruiting his Force.

I have, &c.,

W. ELYARD.

THE GOVERNMENT RESIDENT,
MORETON BAY.

No. 2.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

*Government Resident's Office,
Brisbane, 7th July, 1858.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 30th ultimo, and in reference to the third paragraph, on the subject of raising recruits for the Native Police Force, I beg to enclose copies of correspondence with the Commandant, to shew that, in consequence of the desertion of the troopers recruited in the Clarence Districts, that officer had suggested the propriety of a recruiting party to the south country, and which has only been waiting a satisfactory arrangement and distribution of the Force to be carried into effect.

2. I trust that you will exonerate Mr. Morisset from any blame in not having endeavoured to procure recruits from that part of the Colony, as the delay in doing so is solely in consequence of my disapproving of the arrangements proposed by him in the formation of a recruiting party, objections which appeared to me to be reasonable, when, considering the evident disposition shewn by the blacks to drive the white men from the northern parts of the country, aided, as they are, by the broken and almost impenetrable nature of a portion of the Leichhardt District, circumstances calling for the greatest exertions on the part of the Native Police officers, and involving duties which can only be carried out by men of energy and experience.

3. On receipt of the Commandant's letter of the 17th ultimo, (enclosed), in which are shewn his arrangements for the protection of the northern frontier, and which appear to me to be as complete as the present strength of the Force will admit, I have addressed a communication to him, requesting that he will, as soon as possible, take such steps as may appear

appear to be the most desirable for the formation of a recruiting party to the Namoi District, where, as pointed out in your letter, there will be no difficulty in procuring the requisite number of recruits.

4. No doubt this service will be attended with considerable expense, but, from the tenor of your communication, I do not anticipate any objection on the part of the Government to make a reasonable allowance to the officers employed, and which, I think, can be met by the savings from the vote of the Assembly, in consequence of the incomplete state of the Force.

5. In the meantime I venture to suggest that the Magistrates in the Namoi District might be requested to aid the Native Police officers in accomplishing the service which they are sent to perform.

6. I have suggested to the Commandant that, in the event of his not being able to procure the requisite number of recruits in the Namoi District, he should use his own discretion in endeavouring to procure them elsewhere.

I have, &c.,

JNO. C. WICKHAM,

Government Resident.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure 1 in No. 2.]

Cooper's Plains, 14 May, 1858.

Sir,

I do myself the honor to report the desertion of twelve troopers from the Fitz Roy detachment, under the command of Second Lieutenant Wheeler; I have not yet received any official intimation of the fact from Lieutenant Murray, but from the source through which the intelligence reached me, I regret to say there cannot be a doubt as to its correctness.

These were some of the recruits lately brought by me from the Clarence, and being such a distance from their own country, I had hoped no such desertions would have occurred; but from this I am now convinced that it is almost useless attempting to re-organize this Force with any but men from the south country.

It is more than probable that when these men's comrades, who were enlisted at the same time, hear of their desertion, will follow their example. I therefore most respectfully and urgently recommend that I am allowed to proceed without delay to the south country, where, notwithstanding Mr. Commissioner Cole's unfavorable report as to the chance of obtaining men there, I believe, from information I have since received from gentlemen intimately acquainted with that part of the Colony, that I should be successful in getting the number required, of really good men.

Should this step be deemed advisable by the Government—and I think it is the only course that can be pursued—I should propose taking with me Lieutenant Bligh, a sergeant, and one of the Murray men, who has been with me now for nearly six years, and who, of course, can speak the language of the blacks there, and, having obtained the number required, return with them to this place by water.

I am also under the necessity of requesting that, whilst engaged on such service our expenses may be defrayed by Government; my salary, I beg leave to state, is totally inadequate to meet the expenses of travelling, and particularly on an expedition of the kind I now propose, when living at hotels will be for the most part necessary, and various other incidental expenses will arise, such as the purchase of horses, &c., which latter item even now exhausts the greater part of my income.

I beg leave to suggest that the expenses of the recruiting expedition might be defrayed from the unexpended balance of the amount voted for the Native Police for the year 1857, and there will be a further saving in this year's expenditure.

During my absence Lieutenant Murray would take command of the force stationed in the Northern Districts; I would place the few men left here, with Second Lieutenant Swete, under the direction and control of Mr. Commissioner Halloran, who has consented to act for me; and the Brisbane and Clarence and McLeay detachments might be under your own immediate supervision.

I do not think I could manage with a smaller party than that I propose taking with me, as we should very likely have to travel some distance inland, and at first have much trouble with so large a body of raw recruits.

I earnestly hope this proposition may be favorably received by the Government, for nothing gives the blacks in the Northern Districts greater confidence in themselves than witnessing the frequent desertions from our Force, which I am certain, will be prevented by obtaining men from the south country and bringing them here by water.

As I hope to receive a reply from you at your earliest convenience I shall not visit the Dawson as I had intended, but proceed to Port Curtis, where I believe Mr. Murray is, and having arranged matters with him, will (should my proposal be acceded to) start at once for Brisbane, where my plans can be finally determined on.

I have, &c.,

E. V. MORISSET,

Commndt. Native Police.

The Government Resident,
Moreton Bay.

[Enclosure

[Enclosure 2 in No. 2.]

Government Resident's Office,
Brisbane, 5 June, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 14th ultimo, on the subject of desertion from the Native Police Force, and recommending that you be authorized to proceed without delay to procure recruits in the south country.

2. I fully concur in your opinion, that it is next to useless to attempt to reorganize the Force with any but men from the southern part of the Colony, although I cannot quite agree with you in the arrangement you propose for recruiting.

3. The present very unsettled state of the Leichhardt District requires the presence of experienced officers in that locality, therefore I am of opinion that Mr. Bligh, *for a time*, should be stationed on the Upper Dawson, and that as many troopers as can be spared should be placed at his disposal. It appears to me that unless some decided check is given to the blacks in that vicinity, we may shortly expect to hear of fresh outrages.

4. I think that any officer might be better spared than Mr. Bligh at present, and I am also of opinion that it would not be prudent for you to undertake a service which would naturally take you away from the immediate field of your duties for so long a time.

5. Mr. Bligh, I should think, might safely be sent in charge of the recruiting service, with a junior officer and such others as you may think necessary, but even in that case it appears to me that you should be at hand to direct the movements of the Force, especially in the Leichhardt District.

6. I have not yet brought the subject of your letter before the consideration of the Government, but in the meantime I think that the sooner an officer can be despatched on recruiting service the better, and I will apply to the Government that all reasonable expenses should be allowed.

7. With reference to the 7th paragraph of your letter, I do not think that the arrangement therein suggested will be necessary; and, moreover, I see an objection to any others than the officers immediately connected with the Force having any control over any portion of it. As either arrangement will take Lieut. Bligh from Wide Bay, I would suggest the propriety of placing another officer in that district, as I do not think that Lieut. Swete should be in command of a division, especially as his appointment has not yet been confirmed by the Government.

8. I have offered the above suggestions for your consideration; at the same time I fully enter into your plan of procuring recruits from the south country, but see the great necessity which at present exists that the Force on the Upper Dawson should be made as efficient as possible, with a view to check the outrages which the blacks appear determined to continue, and which have the appearance of an organized system of exterminating the white population.

I have, &c.,

J. C. WICKHAM,
Government Resident.

The Commandant
of Native Police.

[Enclosure 3 in No. 2.]

Cooper's Plains, 17 June, 1858.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 5th instant, and regret to find you do not coincide with the suggestions I offered for the consideration of the Government in my letters to you of the 16th ultimo, inasmuch as my opinion still is—

1st, That none but the south country men will be thoroughly efficient; 2nd, That only officers of experience should be sent to obtain such recruits; and, 3rdly, That no officers could be so well spared, at the present time, as myself and Mr. Bligh.

I will endeavour to point out to you more fully my reasons for arriving at the above conclusions, that the Government may have all the requisite information in deciding on the necessity for the expedition.

I observe by the second paragraph of your letter that you fully agree with me with regard to the necessity of obtaining recruits from the southern part of the Colony; but to procure a number of recruits, and to keep them together during the whole journey from the interior to Adelaide, and from thence to Sydney and Wide Bay, would be a hard task for even two officers of the greatest experience.

It is impossible to say how far they might have to go into the interior before getting any recruits, and after a sufficient number is procured the utmost despatch must be used in getting them down the country, to prevent desertion. Moreover, it would be requisite for one officer to be constantly with the men; and I beg to remind you that the country from whence the recruits are to be procured is wholly unknown to any of the officers, which will of course add to the difficulty of travelling, and will necessitate the exercise of considerable judgment and experience. Indeed I feel sure that it would be but a waste of time to send any of the newly appointed officers on such a duty.

I fully agree with you that the force on the Upper Dawson should be rendered as efficient as possible, and I have endeavoured to accomplish this object by concentrating in that locality every available officer and trooper in the force, consistently with the safety of the other districts; and I believe that Lieut. Murray is fully competent to direct the movements of the division during my absence.

Lieut.

NATIVE POLICE FORCE.

5

Lieut. Bligh has just returned from the Dawson, and were I to send him there again I have not any other officer whom I could place here in his stead. In either case I should be obliged to leave Second-Lieut. Swete in charge at this place, and he could also be under Lieut. Murray's orders, as there is an objection to the Commissioner's interference.

The present disposition of the force is as follows:—

PORT CURTIS AND LEICHHARDT.

Upper Dawson:—

Lieut. Murray, (Commanding); Second Lieut. Phibbs, with 6 troopers of the 2nd division; Second-Lieut. Morehead, with 8 troopers of the 3rd division; Second-Lieut. Murray, with 8 troopers of the 1st division.

Leichhardt:—

Second-Lieut. Carr, at Banana and Rannes, with 6 troopers of the 1st division; Second-Lieut. Wheeler, at the Fitz Roy, with 6 troopers of the 1st division.

Port Curtis:—

Second-Lieut. Powell, with 5 troopers of the 1st division.

MARANOA AND CONDAMINE.

Wandai Gumbal:—

Second-Lieut. Walker, with 7 troopers of the 3rd division.

Bulonne:—

Second-Lieut. Allman should be now in this locality with 3 or 4 of the troopers left at Wandai Gumbal.

CLARENCE AND M'LEAY.

Second-Lieut. Dempster, with 10 troopers.

BURNETT AND WIDE BAY.

Lieut. Bligh and Second-Lieut. Swete, with 10 troopers, (3 of whom accompany me to the Dawson.)

MORETON BAY.

Second-Lieut. Williams, with 7 troopers.

I think on perusing the foregoing statement you will perceive that no alteration could be made that would not prove prejudicial to the routine of duty, and that, after all, the arrangement I first proposed is the only one by which the desired object may be effected; for I know, by experience, that the troopers look up to, and have more respect for, the officer by whom they are taken from their own country than any other, and this is my reason for desiring to recruit them myself.

I beg respectfully to state, that knowing the great difficulties to be encountered in the satisfactory performance of this duty, I would decline the service without the assistance of an experienced officer.

I have the honor to inform you, that since my letter of the 16th ultimo, I have seen Lieut. Murray, and made all necessary arrangements with him for the management of his division; and I am now starting for the Upper Dawson, and shall probably be absent from this place four or five weeks.

I leave Lieut. Bligh in command here, and he will remain to receive any instructions which you may forward for his guidance.

I have no further suggestions to offer, but that should not the Government think fit to adopt my proposal, some arrangement might perhaps be made between the Government at Sydney and Melbourne, by which recruits could be forwarded here without taking any of the officers away from their duty.

I have, &c.,

The Government Resident,
Moreton Bay.

E. V. MORISSET,
Commdt. Native Police.

No. 3.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

*Government Resident's Office,
Brisbane, 19 August, 1858.*

SIR,

I do myself the honor to forward the enclosed copy of a report from the Commandant of the Native Police, detailing the proceedings of the Force in the Leichhardt District, and at the Dawson River.

2. It is satisfactory to observe in perusing the report that the steps which have been taken, and are still being carried out, have had the effect of restoring order in the different sections of the Force and offer a reasonable guarantee against the recurrence of such outrages as have lately taken place.

3. You will observe that in consequence of Mr. Morisset, having been employed in visiting the detachments in the Leichhardt District, he did not receive my letter on the subject of sending a recruiting party to the Namoi Country until the 25th of last month, when at the Upper Dawson; however, as I expect to see him in a day or two, no time shall be lost in despatching that party, and carrying out the instructions of the Government with regard to that subject.

4. I am happy to see that Mr. Morisset is in a position to contradict the reports which have been circulated with regard to desertions of the troopers, and to the want of discipline observed in the Force generally.

5. I have every reason to know that the efficiency of the Force has very much improved of late, and that the officers (generally) are actively and zealously performing their duty.

THE HONORABLE
THE COLONIAL SECRETARY.

I have &c.,
J. C. WICKHAM,
Government Resident.

[Enclosure in No. 3.]

*Native Police Camp,
Wide Bay, 8th August, 1858.*

Sir,

I do myself the honor to inform you that I returned to this place on the 5th instant, having visited all the detachments of Native Police stationed at the Leichhardt and on the Dawson River.

At the Banana, in the Leichhardt District, I determined on a site for the main Camp of the detachment allowed for the protection of that district and the Lower Dawson, and have made arrangements with Mr. Robinson, the proprietor of a neighbouring station, for the erection of huts, &c., for the accommodation of the officer and his men.

From the Banana, I crossed over to Palm Tree Creek, on the Dawson, taking with me Second Lieutenant Carr and his men, expecting to meet in some of the large scrubs, I knew lay between the Leichhardt and Dawson some of the aborigines connected with the late outrages in the latter district, having previously heard a large party of them had been driven that way. We were however unsuccessful in our search, and did not even see any tracks or traces of them.

On my arrival at Palm Tree Creek, I learnt that Mr. Gregory's station had been attacked in the night, about a fortnight previously, by a party of about fifty or sixty blacks, but on one of their number being shot, they retreated immediately, without doing any mischief; they were pursued by Second Lieutenant Phibbs and five troopers, accompanied by Mr. Gregory, who followed on their tracks for six days, through scrubs and over the most broken country, the blacks travelling about thirty miles a day; when two days and nights heavy rain quite obliterated the tracks, and being unprovided with rations, and several of the horses being knocked up, they were obliged to make their way back to the station.

Before leaving the Upper Dawson I organized a party to follow the blacks to their strongholds; consisting of Second Lieutenants Phibbs, Carr and G. Murray, with seventeen troopers, taking with them a month's rations, and accompanied by Mr. H. C. Gregory, whose knowledge of the country will be of great assistance to them; so I hardly fear that they will again return unsuccessful. I have instructed these officers to start from Mr. Gregory's station together, and to travel together, or separate, as they may afterwards deem advisable. I directed Second Lieutenant Morehead to continue patrolling with eight troopers round the out-stations, until the return of the above party.

On the 25th ultimo, on the Upper Dawson I received your communication, directing me to make arrangements, without delay, for procuring a number of recruits on the Namoi, so proceeded direct to this place, as there is much to be done before starting on an expedition of that sort, otherwise, I should have visited the third division at Wandai Gumbal.

You will observe in the enclosed report from Lieutenant Bligh that several of the ringleaders in the past outrages on the Upper Dawson were shot by his men in an encounter with them on the Auburn, and as their names were afterwards given by one of their own countrymen, staying at Mr. Pigott's station, there can be no doubt as to their identity. Some old gowns, and other articles of wearing apparel, were found in the camp, which also proves their participation in the late scenes of bloodshed and plunder.

Before leaving the Dawson I removed the Native Police camp from the "Dawson River" to the "Robinson," where there is an abundance of grass and water for the horses, and a much more eligible site than the former, being about equidistant from all the frontier stations, and in that part of the country which the blacks generally travelled to and from, the "broken country," when engaged in their murderous expeditions against the whites.

Mr. Gregory has agreed to put up buildings, for which he is to be remunerated when money is granted by the Government for that purpose, for the use of the officers and men, and has undertaken to supply them with rations.

I found on my return that Second Lieutenant Williams had arrived here with fifteen recruits, raised by Second Lieutenant Dempster, in the Clarence and New England Districts. I am much pleased with the men, and believe they will make good and efficient troopers; they will be drilled here until the arrival of Lieutenant Murray from the Fitz Roy, whom I have directed by letter to meet me at this place, and who will conduct them to their different stations in his division.

As I deem it advisable to wait on you without delay at Brisbane, I shall leave written instructions for Lieutenant Murray here.

Believing

Believing that the numerous letters which have lately appeared in the public journals may perhaps in some degree influence the opinion of the Government as to the state of the Force, I am induced to point out for their information, some of the many falsehoods contained in those letters, lest their remaining uncontradicted any longer should imply their truth. I think it necessary also to state that all the publications would have been contradicted long since, had I not waited until now in expectation that I should be called on to do so by the Government; some of the above mentioned letters reflecting on the discipline of the Force are utterly false; the troopers, I am glad to say, are under complete discipline, and are most orderly and well behaved. They are never allowed to have any communication with the blacks, consequently the statement of their letting murderers escape for the sake of their gins cannot be true; desertions are not frequent, as stated in more than one of these letters; the only men that have left since I found it necessary to dismiss those now annoying the regular Force on the Dawson under Mr. F. Walker, are twelve recruits from the Clarence, and I have since found out that the undue severity of their officer made them leave, and they would any of them willingly have returned to myself or the officer that recruited them. Another falsehood is published, viz., that blood money has been offered and received by the troopers; this is a most malicious untruth, not having the slightest foundation, and I trust the Government would never suppose that I could allow such a practice to be carried on. But the falsehoods in these letters are so numerous, that not having the letters themselves by me, I will not pursue the subject any further, but content myself with a general and distinct denial, and I challenge examination into any of them which the Government wish to have explained more fully.

I have, &c.,

The Government Resident,
Moreton Bay.

E. V. MORISSET,
Commndt. Native Police.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ERECTION OF A CHURCH AT ALBURY.

(CERTAIN MEMBERS OF THE CHURCH OF ENGLAND.)

Ordered by the Legislative Assembly to be Printed, 3 August, 1858.

The Honorable the Members of the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Members of the Church of England, resident in the District of Albury, in the Murrumbidgee Squatting District, in the Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioners purchased land, and made Albury their home, confidently expecting that the fostering hand of Government would be extended towards them in furthering the material and moral interests of the district, to the extent of the revenue derived from the sale of land, which, up to the present period, has realized the sum of (£40,000,) forty thousand pounds, exclusive of land purchased as pre-emptive rights.

That a sum of money is annually provided by Act of Council for the maintenance of Clergymen, and the erection of Churches within the Settled Districts, but that provision not extending to the Squatting Districts, your Petitioners have been left to their own resources, and have been compelled to maintain a Clergyman at their own cost and charge, otherwise the Ordinances of their Religion must have been in total abeyance—a state of things which, in a population of two thousand five hundred souls, would, your Petitioners humbly submit, be a stigma and reproach to the Colony.

That, from the large amount aforesaid, realized by the sales of land in Albury, your Petitioners consider they have not only a right to be placed on an equal footing with the Settled Districts, but humbly submit that, as a struggling young community, they have a preferential claim for aid, on account of their small and scattered population, and the manifold difficulties and hardships that a residence on this distant border entails.

That your Honorable House has always liberally voted money for the erection of benevolent, charitable, and literary institutions throughout the Colony, and your Petitioners venture to hope that the same philanthropic and noble principle will not be withheld from the erection of Churches in the Unsettled Districts, for without such buildings no community can be considered in a sound or healthy state.

That your Petitioners have recently subscribed the amount of seventeen hundred pounds towards the erection of a Church in the Town of Albury, and have accepted a contract for building the same for the sum of two thousand three hundred pounds.

Your Petitioners therefore respectfully, but confidently, hope that your Honorable House will take the premises into your consideration, and afford us such aid and relief as you deem just.

And your Petitioners will every pray, &c., &c.

[Here follow 25 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

NEW MARINERS' CHURCH.

(PETITION FROM MARINERS IN SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 1 September, 1858.

To the Honorable the Legislative Assembly of the Parliament of New South Wales.
The Petition of the undersigned Master Mariners and Mariners,—

RESPECTFULLY SHEWETH :—

That those of your Petitioners who are engaged in the commerce of the Port are called upon to pay taxes, in the shape of fees at the Shipping Office, to a larger amount than any other class of Her Majesty's subjects, and that the surplus of such imposts upon mariners, and others connected with shipping, is paid over to the Revenue of the Colony for general purposes.

That your Petitioners have been given to understand that large grants of land, and sums of money, have been given, from time to time, by the Government to four denominations of professing Christians, together with stipends for the support of the Ministers of the said denominations, and also a salary to the Jewish Minister; but that no grant, (save two grants of land for the site of a Mariners' Church), and no grant of money in the shape of stipend, or otherwise, has ever been made to minister to the spiritual wants of the maritime body, who are, from the necessity of their position, as much a distinct body of Christians as any of the denominations heretofore exclusively favored by Government.

That your Petitioners labor under a very great disadvantage in attending the worship of Almighty God, from the circumstance that most of the pews are let in all the places of Worship in Sydney by the year, and, therefore, whenever mariners attend Public Worship, they obtain seats only by sufferance.

That your Petitioners feel they ought to have as much claim upon your bounty, to the extent of their peculiar requirements, in regard to the Ordinances of Religion as landsmen, who are liberally provided with places of Worship, and stipends for their Ministers, out of the public funds.

That your Petitioners beg to state, that the charitable public have subscribed for the building of the new Mariners' Church, on a site granted by the Crown, at the Circular Quay, West, on which is erected a neat substantial stone building, at the estimated cost of six thousand pounds (£6,000), when complete, and that of this sum about four thousand six hundred pounds (£4,600) has been already paid—leaving (£1,400) one thousand four hundred pounds to be provided for on account of the building, but which balance, your Petitioners beg to represent, is not now likely to be made good from the same charitable sources, which, in the multitude of demands upon them, cannot be expected to flow otherwise than in a diminished stream to each of the increasing objects of its direction.

That your Petitioners, therefore, pray that your Honorable House will be pleased to consider the premises, and afford to your Petitioners such consideration therein as to your Honorable House shall seem just and reasonable.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 189 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

REV. J. D. LANG, D.D.

(PRAYING INQUIRY AND REDRESS.)

Ordered by the Legislative Assembly to be Printed, 1 October, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of John Dunmore Lang, Doctor of Divinity, Senior Minister
of the Scots Church, Sydney,—

HUMBLY SHEWETH :—

1. That towards the close of the year 1841 your Petitioner became convinced, from various facts and circumstances that had fallen under his own experience and observation, that the politico-ecclesiastical system of this Colony, under which all forms of Religion are supported indiscriminately from the Public Treasury, was unwarranted by the Word of God, inimical to the best interests of the Christian Church, and such as a Presbyterian Minister, occupying the influential position of your Petitioner, could no longer, with a safe conscience, continue to uphold.

2. That, under the influence of this conviction, your Petitioner delivered an Address to his Congregation on the sixth of February, 1842, in which, while desiring to maintain his connection with the Church of Scotland, he formally renounced all further connection with the Synod of Australia, of which he had previously been the Senior Minister, together with all his own right and title to a salary from the State; intending at the time to leave the Colony forthwith, and to proceed to New Zealand.

3. That the Congregation of your Petitioner, unwilling to be thus deprived of his services as their Pastor (which he had then been for nineteen years), immediately, on being apprised of his intentions, interposed to prevent his resigning his Pastoral charge, as Minister of the Scots Church, or leaving the Colony; and accordingly held a Public Meeting, on the 22nd of the same month, at which they all but unanimously expressed their cordial approval of the procedure of your Petitioner in resigning his Government Salary, and renouncing all further connection with the Synod of Australia, and voluntarily assumed the entire burden of supporting the Ordinances of Religion in the Scots Church (as they have done accordingly for the past sixteen years), from their own private resources, and without assistance of any kind from the State.

4. That certain Ministers of the Synod of Australia, actuated, as your Petitioner believes, and is fully warranted to believe from their own public acts and deeds, by the bitterest malice towards himself individually, as well as by an inordinate desire to become
533—
possessed,

possessed, by whatever means, of certain valuable Church property which your Petitioner had created for his Congregation through the sacrifice of his own, wickedly conspired together to ruin and degrade your Petitioner in the estimation of the public, and to dispossess him of the property aforesaid under the desecrated forms of ecclesiastical law; instituting frivolous and unfounded charges against him, on the ground of words contained in his published address to his Congregation, (which they wrested for the purpose from their plain and obvious meaning,) and combining in their own persons, in order to secure a conviction on these charges, the utterly incompatible offices of accusers, judges and jury, contrary alike to the law and practice in all such cases in the Presbyterian Church.

5. That in all cases of charges against Ministers of Religion, the laws of the Presbyterian Church are well known, and its forms of procedure precisely and strictly defined, and that both the law and forms are characterized in an eminent degree by equity and justice; but that these salutary forms and laws were systematically set aside and openly violated in the case of your Petitioner, in order to achieve his degradation and ruin; the majority of the Synod of Australia, who had banded together in this unconstitutional manner, pretending, as the result of their sanctimonious mockery of a judicial investigation, to depose your Petitioner from the office of the Christian Ministry—a proceeding which implies the deepest degradation to which a Presbyterian Minister can possibly be subjected, and which is never resorted to in the Presbyterian Church, but in cases of gross heresy or of flagrant immorality.

6. That the constitution of the Presbyterian State Church of this Colony admitting, as it does, of no appeal from the decision of the Synod of Australia, such as there would unquestionably have been, in any similar proceeding, from any Presbytery or Synod in Scotland, your Petitioner (whose Congregation all the while regarded these entire proceedings with mingled feelings of indignation and contempt) had to appeal, in a somewhat indirect manner, (as to whether he had been guilty of anything unworthy either of a Minister of Religion or of a member of society), to the Colonial public generally; and the result of that virtual appeal was his election, on four different occasions, as a Member of the late Legislative Council of this Colony—first for the District of Port Phillip, now the Colony of Victoria; then twice successively for the City of Sydney; and afterwards for the County of Stanley, at Moreton Bay—a circumstance altogether unprecedented in the Colonial history of the British Empire.

7. That the late Reverend Dr. McGarvie, who became the Senior Minister of the Synod of Australia when your Petitioner withdrew from that body, being strongly opposed, in common with a minority of the Synod, to these outrageous proceedings of a majority of its Members, no attempt was made by that majority, for the long period of thirteen years, or during the life time of Dr. McGarvie, to take advantage of their own wrong doing by instituting law-proceedings for the possession of the Church property aforesaid; but no sooner had Dr. McGarvie died, and the flagrant character of the whole proceeding against your Petitioner been in some measure forgotten by the public through the lapse of time, than such proceedings were instituted, in the form of an Equity Suit, in the Supreme Court, and that Suit, which is still pending, had been in progress for upwards of three years past, subjecting your Petitioner, and his friends and supporters, to much personal annoyance as well as to serious expense.

8. That, although your Petitioner is under no apprehension as to the decision of the Supreme Court in the Equity Suit aforesaid, that decision will in no way affect the question really at issue between your Petitioner and the Synod of Australia, or serve in any way to heal the present divisions of the Presbyterian Church, which your Petitioner firmly believes are mainly, if not exclusively, owing to the discreditable proceedings of the said Synod in the case of your Petitioner in the year 1842.

9. That your Honorable House, as the grand inquest of the nation, is the only tribunal to which your Petitioner can possibly appeal for inquiry and redress under the serious wrong he has thus been sustaining for sixteen years past; and as that wrong was sustained by your Petitioner at the hands of men who were all at the time, and some of whom are still, receiving salaries from the State for very different purposes, while the Colonial public has, on four different occasions, given the highest testimonial to your Petitioner, as a
member

member of society, by electing him as one of their representatives in the Colonial Legislature, your Petitioner humbly conceives that he has some claim on your Honorable House for such inquiry and redress.

10. That the question which your Petitioner would humbly submit for investigation to your Honorable House, although arising out of certain ecclesiastical proceedings, is in no respect a question of doctrine, discipline, or worship, but simply a question of fact, as to whether certain acts and deeds that have most injuriously affected the character and rights of your Petitioner, and destroyed the peace and harmony of the Presbyterian Communion in New South Wales, were or were not in accordance with the laws and forms of procedure in such cases made and provided.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to take the premises into your favorable consideration, by appointing a Select Committee of your Honorable House to inquire into the allegations of your Petitioner, in regard to the procedure of the Synod of Australia towards himself in the year 1842, and to report.

And your Petitioner, as in duty bound, will ever pray, &c.

JOHN DUNMORE LANG, D. D.

Sydney, 30 September, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

REV. J. D. LANG, D.D.

(PETITION FROM MINISTERS OF THE SYNOD OF AUSTRALIA, IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 19 October, 1858.

To the Honorable the Legislative Assembly, in Parliament assembled.

The Petition of the undersigned Ministers of the Synod of Australia,—

RESPECTFULLY SHEWETH:—

That your Petitioners have observed with surprise that a Petition from Dr. John Dunmore Lang was presented to your Honorable House on the evening of Thursday last, praying that you would grant the appointment of a Select Committee to inquire into and report upon the proceedings of the Synod of Australia in the year 1842, with respect to the said Dr. John Dunmore Lang.

That in the said year the said Dr. John Dunmore Lang was, after process, for grave ecclesiastical offences, deposed from the office of the Holy Ministry; an account of which deposition was officially transmitted to the Assembly of the Church of Scotland, and to the Presbytery of Irvine, from which he received license and ordination.

That the said proceedings of the Synod of Australia against the said Dr. John Dunmore Lang received the sanction of, and were confirmed by, the Presbytery of Irvine in the first instance, and thereafter by the Assembly of the Church of Scotland, after the most patient and anxious investigation.

That the Ecclesiastical Courts of the Synod of Australia have a full and unrestricted power over their own members to deprive them of all the rights and privileges belonging thereto for offences committed against their laws, to which every member thereof has voluntarily made himself amenable; and that therefore any interference on the part of the Legislature, as sought by the said Dr. John Dunmore Lang, relative to the said proceedings of the Synod of Australia, would be unconstitutional and oppressive, as a direct encroachment upon the inherent rights and liberties of the said Synod; and as destructive of all proper discipline in the said Synod as an Ecclesiastical Court.

And that inasmuch as a case in Equity against the said Dr. John Dunmore Lang, for the recovery of Church property claimed by the said Synod of Australia, is at present pending in the Supreme Courts of Law in this Colony, involving the subject matter of the Petition of the said Dr. John Dunmore Lang, any expression of opinion from so high a quarter as your Honorable House would be calculated to exercise an undue influence on the usual administration of justice.

Your Petitioners therefore humbly pray that your Honorable House will take the premises into serious consideration, and refuse to grant the prayer of the petition of the said Dr. John Dunmore Lang.

And your Petitioners will ever pray.

JNO. M'GIBBON,
Minister of Woolloomooloo.

JAS. MILNE,
Minister of Paddington.

JOHN DOUGALL,
Minister of St. Andrew's Scots Church, Sydney.

JAMES COUTTS,
Minister of Parramatta.

1858.

Legislative Assembly.
NEW SOUTH WALES.

REV. J. D. LANG, D.D.

(PETITION FROM DR. FULLERTON IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 19 October, 1858.

To the Honorable the Members of the Legislative Assembly of New South Wales.

The Petition of the undersigned,—

RESPECTFULLY SHEWETH :—

That Petitioner has heard with surprise that a Petition from Doctor John Dunmore Lang has been presented to your Assembly, praying that a Committee of your Honorable House may be appointed to consider and to report upon the proceedings of the Synod of Australia in the year 1842, in reference to the said Doctor John Dunmore Lang.

That in that year the said Doctor Lang was, for slander, contumacy, and schism, deposed from the office of the Christian Ministry by the Synod of Australia; and his deposition was officially reported to the General Assembly of the Church of Scotland, and to the Presbytery of Irvine, that being the Presbytery by whom he was ordained.

That Doctor Lang, since he was deposed, resided for a length of time in Scotland; but never asked the Presbytery of Irvine, or the General Assembly of the Church of Scotland, to review the decision of the Synod of Australia in reference to him.

That a Suit in Equity against Doctor Lang is now pending in the Supreme Court, at Sydney, for having misappropriated valuable Church property, belonging to the Synod of Australia, of which he became Trustee before his deposition.

That the appointment of a Committee in compliance with the wish of the said Petitioner would directly interfere with the regular administration of justice, and promote and encourage clerical delinquencies, as it would be impossible to maintain discipline amongst Clergymen if the decisions of Church Courts may be practically reversed by a Committee of Parliament.

Should the prayer of Doctor Lang be granted, every delinquent in Church Courts will protect himself by appealing to your Assembly: similar Petitions will be sent in by those who may be degraded in connexion with the Church of England, the Wesleyans, and the Church of Rome; and the upright and faithful members of these Communions will be deprived of their liberty and privileges in the management of the affairs of their respective Churches.

Your Petitioner prays, therefore, that your Honorable House will be graciously pleased to take the premises into your serious consideration, and that you will refuse to appoint any Committee to consider the proceedings of the Synod of Australia in 1842, in reference to Doctor Lang.

And your Petitioner will ever pray.

JAMES FULLERTON, LL.D.,
Minister.

*Pitt-street South,
Sydney, 7 October, 1858.*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

1858.

Legislative Assembly.
NEW SOUTH WALES.

REV. J. D. LANG, D. D.
(PETITION RELATIVE TO, BY SYNOD OF AUSTRALIA IN 1842.)

Ordered by the Legislative Assembly to be Printed, 22 October, 1858.

To the Honorable the Legislative Assembly of New South Wales.
The Petition of the undersigned Elders and Members of the Committee of Management of
the Congregation of the Scots Church, Sydney,—

HUMBLY SHEWETH:—

That your Petitioners have learned, with equal surprise and indignation, that the Reverend Doctor James Fullerton, on his own behalf, and certain other Ministers of the Synod of Australia, have petitioned your Honorable House not to grant a Committee of inquiry into certain proceedings of the said Synod towards their esteemed and venerated pastor the Reverend Doctor Lang in the year 1842.

2. That the proceedings of the Synod of Australia on that occasion, in pretending to depose the Reverend Doctor Lang from the office of the Christian Ministry, were, in the opinion of your Petitioners, a mere burlesque of a judicial investigation, and afforded the clearest proofs of a foul conspiracy on the part of certain unscrupulous members of the said Synod to degrade and ruin Doctor Lang in the estimation of the public, and to seize and appropriate, on false pretences, the property of the congregation of the Scots Church, of which that congregation has now been in uninterrupted possession for thirty-five years.

3. That the only offence which, in the opinion of your Petitioners, Doctor Lang committed on the occasion referred to, consisted in his nobly renouncing his own Government salary, and denouncing the anti-Christian system on which such salaries are still received by certain other Presbyterian Ministers in the Colony.

4. That the said Doctor Fullerton has a deep and personal interest in deprecating a Parliamentary inquiry into the nefarious proceedings referred to, as he was himself one of the principal offenders in the case, having been guilty—in order the more successfully to achieve the degradation and ruin of his own benefactor—of the serious offence of appearing successively in that case as accuser, judge, and jury, contrary to all law, whether civil or ecclesiastical.

5. That the other Ministers of the Synod of Australia who have also petitioned your Honorable House not to grant a Parliamentary inquiry in the case in question,—viz., the Reverend John McGibbon, James Milne, James Coutts, and John Dougal,—being all comparatively recent arrivals in New South Wales, their conduct in thus endeavouring to prevent an inquiry into the proceedings of a public body in a case of flagrant wrong which had occurred long before their own arrival in the Colony, is, in the estimation of your Petitioners, a violation of all propriety, as well as of the first principles of common justice and Christianity.

6. That the Synod of Australia being supported from the public Treasury the conduct of its Ministers is clearly amenable to inquiry on the part of their paymaster, the State, especially when they travel beyond their own proper functions as an Ecclesiastical body, and proceed, as in the present instance, and on the merest frivolous pretences, to inflict pains and penalties affecting either the character or the civil rights of unoffending citizens and subjects.

7. That as the unlawful and outrageous proceedings of the said Synod of Australia, on the occasion referred to, have broken up and destroyed the peace of the Presbyterian body in this Colony, and greatly promoted and fostered the present divisions, your Petitioners are convinced that peace can never be restored to their Communion, nor these divisions healed, till a searching inquiry is made into the proceedings referred to, that their true character may be exposed, and the enormous wrongs they have inflicted fully redressed.

8. That your Honorable House is the only tribunal to which your Petitioners can appeal, and the only competent authority in the case in question.

Your Petitioners therefore humbly pray, that your Honorable House will be pleased to grant the Select Committee prayed for by the Reverend Doctor Lang, to institute a searching inquiry into the proceedings of the said Synod of Australia in the year 1842, and to report.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[Here follow 11 Signatures.]

Sydney, 16 October, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY UNIVERSITY BUILDINGS.

(RETURN OF RECEIPTS AND EXPENDITURE UPON.)

*Ordered by the Legislative Assembly to be Printed, 4 June, 1858.*RETURN of RECEIPTS and EXPENDITURE on Account of the BUILDING of the
UNIVERSITY of SYDNEY (17 Vict., c. 28).

RECEIPTS.

1857.

Balance in hand 1st January, 1857, in Government Debentures, valued £92 10s. per cent.	£9,786	0	0
Less, in hands of the Architect at that date	468	4	1
			<u>9,317 15 11</u>
Add to the Amount realised for Debentures sold to date over their estimated value of £92 10s., with Interest	1,868	3	10
Appropriated from proceeds of Sale of Sydney College Building	10,852	10	0
Balance due to the Commercial Bank (Building Fund Account) 31st December, secured to them by Debentures on hand	2,462	9	9
			<u>£24,500 19 6</u>

EXPENDITURE.

Paid Loveridge, Balance of Contract for completion of Masonry of Hall, including extras and day work	£2,360	0	0
„ Donovan, on Account of Masonry of Compartment between Hall and Tower	4,895	0	0
„ Loveridge, on Account of Contract for Masonry of Laboratory, extras and day-work included	2,453	0	0
„ Loveridge, Contract for Offices	397	0	0
„ Stone Carving	1,380	7	1
„ Carpenter's Work	4,724	14	1
„ Timber, Iron Work, Painting, Glazing, Plastering, Slating, Brickwork, &c., &c.	5,165	12	0
Architect's Commission during the year	1,000	0	0
In hands of Architect, to be accounted for	181	1	11
			<u>22,556 15 1</u>
Balance, 1st January, 1858, in Debentures	£1,944	4	5

JAS. E. GRAHAM,
Accountant.

1858.

Legislative Assembly.

NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.

(REPORT FROM SENATE.)

Ordered by the Legislative Assembly to be Printed, 12 May, 1858.

REPORT OF THE PROCEEDINGS OF THE UNIVERSITY OF SYDNEY, FOR THE YEAR 1857.

IN accordance with the provisions of the 22nd clause of the Act of Incorporation, 14 Vict., No. 31, the Senate of the University of Sydney have the honor to submit, for the information of the Governor and Executive Council, the following Report of their proceedings during the year 1857.

1. The number of students admitted, after having passed the Matriculation Examination prescribed by the By-laws, was nineteen.

2. The following students having attended the University Lectures during the prescribed period of three years, and having passed the Statutory Examinations, and otherwise complied with the University Regulations, were admitted to the Degree of Bachelor of Arts, viz. :—

Walter Allen,
John Donovan,
James Johnson,
John Kinloch,
James Paterson,
Arthur Renwick,
George Salting,
William Salting,
John Stack.

Of these the undernamed were successful Candidates for Honors, and were placed in the Classes of Merit, as follows :—

<i>Classics, Logic, and Greek Philosophy.</i>			<i>Mathematics and Natural Philosophy.</i>		
1st Class.	{	James Paterson. George Salting.	}	1st Class.	{ O }
2nd Class.		William Salting.		2nd Class.	James Paterson.

3. The Prizes awarded were the following :—

The Provost's Medal for the best composition in English Verse.

William Salting.

The University Medal given for Latin Hexameters.

George Salting.

The Medal given by the Vice-Provost for the best translation into Latin Elegiacs.

George Salting.

The Prize given by Professor Woolley, for the best Latin Essay.

George Salting.

4. Two vacancies in the Senate occurred during the past year.—The first was occasioned by the resignation of Mr. Broadhurst, on his departure for England. The second was caused by the resignation of Mr. W. C. Wentworth, who, in consequence of the uncertainty as to his early return to the Colony, declined to accept the extended leave of absence which, in consideration of his great services to the Institution, had been proffered by the Senate. These vacancies have been filled up by the election of the Honorable Sir Daniel Cooper, and of Mr. Alfred Denison, who had formerly been a Member of the Senate, but had resigned his seat on his departure for England, in 1853.

5. A Scholarship for proficiency in Classical Literature was founded with the munificent donation of £1,000, presented, for this object, by the Honorable Sir Daniel Cooper. This amount having been invested in Government Debentures, bearing 5 per cent. interest, the present value of the Scholarship is £50 per annum. It is tenable for one year, and open to Students of two years' standing in the same manner, and on the same terms, as the Barker and Deas Thomson Scholarships, founded for the encouragement of Mathematical and Physical Science.

6. The Senate also received the handsome donation of £100 from Mr. William Fanning, to be applied to such purpose as they may think fit. This sum has not as yet been appropriated.

7. The Senate were enabled to give up possession of the building in Hyde Park, so as to admit of the opening of the Grammar School on the 1st August last, and at the commencement of the Michaelmas Term the University building was sufficiently advanced to admit of its occupation.

8. Considerable progress was made in the building during the past year. The Great Hall was roofed in, and the internal fittings have now been so far completed that it can be used as soon as the stained glass windows, which are expected from England, can be put up. According to late advices these windows were rapidly approaching completion, and notice of the shipment of a portion of them may be received by the next mail. The internal fittings of the greater part of the compartment between the Hall and the Tower are finished, where accommodation is afforded for the Classical Lectures, the Library, the Registrar's Office, and Retiring Rooms for the Professors and Undergraduates. In the Laboratory Compartment, at the southern end of the building, all the rooms are finished, and afford the required accommodation for the Lectures of the Professors of Mathematics, and of Chemistry and Experimental Physics. Retiring Rooms, an Instrument Room, a Laboratory with dark rooms attached, are included in this compartment, and a tank under the roof, capable of holding 3,000 gallons, provides an ample supply of water. An apparatus for the manufacture of gas has also been formed, under the directions of the Professors of Chemistry, by which light and the heat required for experiments are supplied to the Laboratory. Thus the immediate requirements of the University are provided for, but it is to be borne in mind that, owing to the old Sydney College property having been handed over to the Trustees of the Grammar School at a less sum by at least £8,000 than it was originally estimated to be worth, the funds at the disposal of the Senate for the completion of the building will be insufficient.

9. The Nursery Garden, founded in 1856, has, by liberal contributions from private grounds, been stocked with a large number of young trees and shrubs, which will eventually cause a very great saving in the laying out of the University grounds. A plantation has been commenced along the side of the Parramatta Road, where a screen was most required. The further planting of the grounds, and the formation of the gardens, will be gradually proceeded with year by year as the means at the disposal of the Senate will allow.

10. The College of St. Paul, founded by members of the Church of England, under the Colleges Act of 1854, was opened in the past year, and several Students of the University are now in residence there. An Act of Incorporation was passed for the College of St. John, founded by the Members of the Roman Catholic Church, and vigorous movements have been made by the Presbyterians and the Wesleyan Methodists towards the establishment of Colleges within the University for the Members of their respective creeds. There seems therefore every reason to expect that within a short period the University will be supported by four Colleges of Residence, in which Students not living with their friends can receive moral training and religious teaching whilst attending the course of instruction supplied by the University in its Lay Faculties. With the prospect of these valuable adjuncts, and seeing the

the increasing number of Scholars attending the higher class of Schools, the Senate confidently anticipate that within a shorter period than might have been expected, the number of Students in the University will be such as to yield a considerable addition to its annual income, and thus afford the means of enlarging the Professorial Staff.

11. The power of conferring Degrees having been granted by the Crown to the University of Sydney through Her Majesty's assent to an enactment of the local Legislature, the question arose whether the Degrees would be entitled to recognition beyond the limits of the Colony within which the provisions of the enactment have effect. The Provost, Sir Charles Nicholson, was accordingly requested to ascertain in England whether a further authority might not be granted by the Crown to secure for the Degrees of this University the general recognition which is accorded to those conferred by Universities established in Great Britain under Royal Charter or Acts of the Imperial Legislature. The Provost had a satisfactory interview on the subject with the Secretary of State for the Colonies, and at his instance suggested to the Senate that application should be made for the authority required through the local Government. The annexed Petition was accordingly addressed to Her Majesty, and transmitted through His Excellency the Governor General, whose cordial support it received. The Provost was at the same time accredited as the agent of the University in the matter, and requested to furnish to the authorities in England all information which might be required. A favourable answer has been received from the Secretary of State, and the Provost has been actively engaged in communications with the Officers of Her Majesty's Government, and in the preparation of a Draft Charter, containing provisions similar to those of the Charter granted to the University of London. There seems no reason to doubt that Her Majesty will be advised to issue a Charter on these terms. The communications received from Sir Charles Nicholson on the subject are highly gratifying, as shewing the deep interest taken by Her Majesty's Government in the advancement and progress of this Institution.

13. Appended is the Auditor's Report of the Receipts and Expenditure of the University during the past year.

The foregoing Report was adopted at a meeting of the Senate held on the 21st April, 1858, and ordered to be transmitted to the Honorable the Colonial Secretary for presentation to the Governor and Executive Council and the Parliament, in pursuance of the 22nd Section of the Act of Incorporation, 14 Vic., No. 31.

FRANCIS L. S. MEREWETHER,

Vice-Provost.

HUGH KENNEDY,
Registrar.

APPENDIX I.

UNIVERSITY OF SYDNEY, NEW SOUTH WALES.

Petition of the Senate of the University of Sydney to Her Majesty the Queen, praying for the grant of the further authority required to render the Degrees thereof entitled to recognition in all parts of Her Majesty's Dominions.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Memorial of the Senate of the University of Sydney,—

HUMBLY SHEWETH TO YOUR MAJESTY :—

1. That, under an Act of the Legislature of the Colony of New South Wales, which received your Majesty's assent on the 9th December, 1851, a Senate, consisting of sixteen Fellows, was incorporated, under the name of the University of Sydney, and was empowered to grant, after examination, Degrees in the Faculties of Arts, Laws and Medicine.

2. That, under the said Act, the Governor of the Colony for the time being was appointed to be the Visitor of the said University, and the power of making Statutes or By-Laws touching discipline, examinations, and all other matters in general, regarding the said University, was granted to the Senate, subject to the condition that such Statutes or By-Laws shall not have legal effect until they shall have been submitted to the Governor and Executive Council, and shall have been approved of and countersigned by the Governor.

3. That, on the appointment of a Senate under the said Act, the selection of three gentlemen of high attainments to fill the Professorships of Classics, of Mathematics, and Natural Philosophy, and of Chemistry and Experimental Physics was confided by the said Senate to the undernamed eminent Scholars, viz. :—

Sir John Herschel, Bart.

Professor Airey, the Astronomer Royal.

Professor Malden.

Henry Denison, Esq.

4. That out of sixty-three candidates, of whom it was reported to the Senate by Sir John Herschel that "many, in each Department, produced Testimonials indicating qualifications of a very high order as to their proficiency in their several branches of knowledge, their College distinctions and their general character and competency from ascertained experience in the duties of instruction,"—the following gentlemen were selected, viz. :—

AS PROFESSOR OF CLASSICS.

The Rev. John Woolley, D.C.L., Oxford. First Class in Classics in 1836; late Fellow of University College, Oxford, and Head Master of King Edward VI. School, Norwich.

AS PROFESSOR OF MATHEMATICS.

Morris Birkbeck Pell, Esq., B.A., Cambridge. Fellow of St. John's College, and Senior Wrangler of 1849.

AS PROFESSOR OF CHEMISTRY.

John Smith, Esq., M.D., of Marischall College, Aberdeen, and Assistant Professor of Chemistry in that University.

5. That on the arrival of these gentlemen in the Colony in the year 1851, the Faculty of Arts was established in the University; and the admission, the instruction, and the examination of Students proceeding to Degrees in that Faculty are now regulated by the following By-Laws, viz. :—

ADMISSION.

- "No person shall be admitted as an Undergraduate of the University, except on certificate of having satisfactorily passed the examination for Matriculation.
- "The examination shall be conducted by means of written or printed papers; but the Examiners shall not be precluded from putting *visd voce* questions.
- "The examination for Matriculation shall be in the following subjects :—
 - "The Greek and Latin Languages.
 - "Arithmetic.
 - "Algebra, to simple equations, inclusive.
 - "Geometry, first book of Euclid.

LECTURES.

- "Lectures of an hour each shall be given, daily, by the Professors in Classics, Mathematics, Chemistry, and Experimental Physics, at such times and in such order as the Senate may from time to time direct.
- "Candidates for Degrees shall attend the University Lectures on the following subjects :—
 - "1. Greek.
 - "2. Latin.
 - "3. Ancient History.
 - "4. Mathematics.
 - "5. Natural Philosophy.
 - "6. Chemistry.
 - "7. Experimental Physics.
- "Certificates of having attended Lectures, and complied with the regulations of the University, shall be signed by the Dean of the Faculty of Arts, and by the Registrar, and granted to the Undergraduates on the completion of each Academical year.
- "No Certificate shall be given to any Undergraduate who may, without sufficient cause, have absented himself from Lecture more than six times in any one term, or who may not have passed the Yearly Examinations.

YEARLY EXAMINATIONS.

- "Examinations shall be held once a year during the last fortnight of Michaelmas Term, and no Undergraduate shall absent himself therefrom except under medical certificate.
- "The Undergraduates of each year shall be examined in the subjects of the Undergraduate course, upon which Lectures have been given during the year.
- "After examination, the names of the Undergraduates shall be arranged in classes, and in order of merit.
- "Books, stamped with the University Arms, shall be given to each member of the first class in each year.
- "Such Undergraduates as absent themselves from the examinations, except under medical certificate, or fail to pass them in a satisfactory manner, shall, at the discretion of the Examiners, be required to keep additional terms before proceeding to a B.A. Degree.

B.A. DEGREES.

- "The Degree of B.A. shall be conferred after examination, which shall take place once a-year, at the close of Michaelmas Term.
- "No candidate shall be admitted to this examination unless he produce a certificate from the Dean of the Faculty of Arts of having been a student during three years at the University, and of having complied with its Regulations: this certificate shall be transmitted to the Registrar before the day appointed for the commencement of the examination.
- "The examination shall be conducted, in the first instance, by means of printed papers, and, at the termination of such examination, each candidate shall undergo a *visd voce* examination, at the discretion of the Examiners.
- "To obtain the ordinary Degree of B.A., the candidate shall pass a satisfactory examination in Greek, Latin, Mathematics, Natural Philosophy, Chemistry, Experimental Physics, and Logic."

EXAMINATION FOR HONORS.

- "All persons who have passed the ordinary examination for Degrees are admissible as candidates for honors.
- "The examination for honors in Classics shall take place at the commencement of Lent Term.
- "The examination for honors in Mathematics shall commence within one week after the conclusion of the examination for honors in Classics."

M.A.

M.A. DEGREES.

- "The Degree of M.A. shall be granted to Bachelors of Arts after examination.
- "No candidate shall be admitted to the examination for the Degree of M.A. until after the expiration of two Academical years from the time of his obtaining the Degree of B.A.; during which period he must have kept his name on the books of the University. He will also be required to furnish evidence of having completed his twenty-first year.
- "Candidates for the Degree of M.A. shall elect to be examined in one or more of the following branches of knowledge:—
 - "1. Classical Philology and History.
 - "2. Mathematics and Natural Philosophy.
 - "3. Logic; Moral, Mental, and Political Philosophy.
 - "4. Chemistry, and Experimental Physics.

6. That the following By-Laws have been passed by the Senate in respect to the examination of candidates for Degrees in the Faculties of Laws and Medicine.

LAWS.

- "A Professor appointed by the Senate shall give Lectures in English Jurisprudence, attendance on which will be required from all candidates for the Degree of LL.B.
- "Until other Professorships are established, there shall be a Board of Examiners appointed by the Senate to test the qualifications of candidates desirous of obtaining a Degree in Laws. The examination for the Degree of LL.B. shall take place in Michaelmas Term, and the Degree shall be granted in Lent Term.
- "No candidate shall be admitted to the Degree of LL.B. until after the expiration of one Academic year from the time of his obtaining the Degree of B.A.
- "Candidates for the Degree of LL.B. shall produce certificates of having attended the Lectures of the University Professor of English Jurisprudence.
- "Candidates for the Degree of LL.B. shall be examined in the following subjects:—
 - "Civil and International Law.
 - "Constitutional History, and Constitutional Law of England.
 - "General Law of England.
- "The Degree of LL.D. shall be conferred at the expiration of two Academic years from the granting of the LL.B. Degree. The candidate shall be required to prepare and defend a Thesis on some subject selected by himself from the Pandects, or Institutes: such Thesis to be in the Latin language, and, if approved by the Board of Examiners, printed."

MEDICINE.

- "A Professor appointed by the Senate shall give Lectures in Chemistry.
- "Until other Professorships in the Faculty of Medicine be constituted in the University, there shall be a Board of Examiners, appointed by the Senate, to test the qualifications of candidates who may apply for Medical Degrees, to be granted in accordance with the provisions contained in the Act of Incorporation.
- "Such candidates must lodge with the Registrar of the University satisfactory certificates of having taken the Degree of B.A., or some equivalent Degree, in this or in some other University.
- "In the absence of such Degree, the candidate must submit to an examination similar to that prescribed for the B.A. Degree in this University.
- "The candidate must also furnish evidence of being twenty-one years of age, and of having diligently pursued a course of Medical Studies extending over a period of four years, at some regularly organized Medical School. His certificates must shew that he has attended the following eight classes each for a course of six months:—Anatomy, Practical Anatomy, Physiology, Chemistry, Materia Medica, Surgery, Practice of Medicine, Midwifery;—and the following five classes each for a course of three months: Botany, Practical Chemistry, Medical Jurisprudence, Clinical Medicine, and Clinical Surgery; also that he has attended for eighteen months the Medical and Surgical Practice of a Hospital containing not fewer than eighty beds; and that he has been engaged for six months in compounding and dispensing medicines.
- "Medical or Surgical Diplomas, from regularly constituted examining Boards in Europe or America, may, at the discretion of the Senate, be accepted as equivalent to the whole or part of the above-mentioned certificates.
- "As soon as the required documents have been declared satisfactory by the Senate, the Registrar shall notify to the candidate the day on which his examination will commence.
- "On such candidates as may pass the examination satisfactorily, the Senate shall confer the Degree of M.B., at a duly convened Meeting held in Lent Term.
- "The Degree of M.D. shall be conferred at the expiration of two Academical years from the granting of the M.B. Degree.
- "The candidate shall be required to prepare and defend a Thesis on some Medical subject, to be selected by himself; such Thesis shall be in the Latin or English language, and, if approved by the Board of Examiners, may be printed."

7. That in the Faculty of Laws, your memorialists have not as yet brought the foregoing By-Laws relating thereto into active operation, but in the Faculty of Medicine a Board of Examiners has been recently appointed, composed of the above-named Professor of Chemistry in the University, and of eight of the most distinguished Medical Practitioners in the City of Sydney; all of whom are holders of Diplomas or Degrees from the authorized Medical Bodies of the United Kingdom.

8. That your Memorialists humbly submit to your Majesty, that the foregoing statements shew that the standard of acquirements which must be attained by graduates in the University of Sydney is not below that prescribed by the most learned Universities of the United Kingdom,—that the direction of the studies in the University of Sydney has been committed to Professors who have highly distinguished themselves in British Universities,—that the rules, under which the present high standard in the University of Sydney has been fixed, cannot be altered without the assent and approval of your Majesty's Representative in the Colony,—and that your Majesty's Representative, as Visitor, has vested in him the power of interference, should the rules laid down be unduly relaxed in practice.

9. That your Memorialists therefore confidently hope and expect that the graduates of the University of Sydney will not be inferior in Scholastic acquirements to the majority of graduates of British Universities; and they feel in consequence less hesitation in applying to your Majesty for the concession of such further authority, as, for the reasons hereinafter stated, appears to them to be required to entitle the Degrees of the University of Sydney to general recognition throughout your Majesty's dominions.

10. That although the assent given by your Majesty to the Act of the Legislature of New South Wales, under which the University of Sydney is incorporated, fully satisfies the principle of law that the power of granting Degrees should flow from the Crown, yet, as that assent was conveyed through an Act which has effect only within the Territory of New South Wales, your Memorialists believe that Degrees granted by the University of Sydney under the authority of the said Act, are not legally entitled to recognition beyond the limits of New South Wales.

11. That your Memorialists are in consequence most desirous to obtain a grant from your Majesty of Letters Patent, requiring all your Majesty's subjects to recognise the Degrees given under the Act of the Local Legislature, in the same manner as if the said University of Sydney had been an University established within the United Kingdom under a Royal Charter or an Imperial Enactment.

12. Your Memorialists therefore most humbly pray that your Majesty will be pleased to take the premises into your gracious consideration, and grant to the University Letters Patent effective of the object therein set forth.

And your Memorialists will ever pray to your Majesty, &c.

In testimony whereof, the Common Seal of the said University has been affixed, this ninth day of February, one thousand eight hundred and fifty-seven.

By order of the Senate,

FRANCIS L. S. MEREWETHER,
Vice-Provost.

(L.S.)

HUGH KENNEDY,
Registrar.

APPENDIX II.

REPORT OF THE AUDITORS FOR THE YEAR ENDING 31 DECEMBER, 1857.

The undersigned Fellows of the Senate, appointed to audit and report upon the state of the Accounts of the University of Sydney, report to the Senate as follows:—

1. We have examined the books and have seen warrants duly signed and receipts given for every item of expenditure on account of the University.

2. The full amount of Endowment Fund for 1857, namely, £5,000, has been received. Of the 168 Debentures on hand on the 1st January, 1856, as noticed in our last Report, we have remaining, at this date, forty-four. 124 were sold during the year, at rates from 95 per cent. to par, with accrued interest to date of sale.

3. We find the following to be the state of the monetary affairs of the University at this date:—

RECEIPTS.

Balance in the Commercial Bank, 1st January, 1857, at the			
Credit of the Building Fund Account.....	£366	12	9
General Fund	5,445	4	8
		£5,811	17 5
Received from Government Endowment, for 1857		5,000	0 0
" from sale of Debentures with Interest thereon		13,098	1 9
Interest on Barker, Cooper, Deas Thomson, Levy, and Wentworth			
Debentures		144	0 7
Rent for right of pasturage		151	5 0
Fees from Students, after paying the Professors their share		212	12 9
Received from Sir D. Cooper, for Scholarship stipend for 1857		50	0 0
" from William Fanning, Esq., not yet appropriated		100	0 0
		£24,567	17 6

EXPENDITURE.

Charges for Salaries, Repairs, Stationery, Printing, and			
other expenses, to date	£2,967	13	11
Paid on account of the Building, including the Architect's			
Commission.....	22,240	0	0
" for Furniture	400	0	0
University Scholarships.....	£262	10	0
Barker, Levy, and Cooper, do.....	101	5	0
		363	15 0
Remitted to London Agents for disposal by Sir Charles			
Nicholson.....	260	0	0
Interest paid to Commercial Bank on overdrawn account..	92	0	8
Total amount of Expenditure		26,323	9 7
Being in excess of Receipts.....		£1,755	12 1
* Due to the Commercial Bank, thus:—			
To Debit Building Fund Account	£2,462	9	9
Less at Credit General Account	706	17	8
		£1,755	12 1

* To cover this, there are in the hands of the Bank 44 Government Debentures of 100 each, worth at this date 96 per cent., say £4,224.

J. E. GRAHAM, Accountant

STUART A. DONALDSON, } Auditors.
ROGER THERRY, }

1858.

Legislative Assembly.
NEW SOUTH WALES.

SYDNEY UNIVERSITY ROYAL CHARTER.

(DESPATCH IN REPLY TO ADDRESS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 24 November, 1858.

W. DENISON,
Governor General.

Message No. 48.

The Governor General transmits herewith a copy of a Despatch with which he has been honored by the Secretary of State, acknowledging the receipt of an Address to the Queen from the Legislative Assembly, expressive of their thanks for the privileges conferred by the grant of a Royal Charter to the Sydney University.

*Government House,
Sydney, 24 November, 1858.*

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.
(No. 24.)

*Downing-street,
26 August, 1858.*

SIR,

I have received your Despatch, No. 84, of the 2nd June last, forwarding an Address to Her Majesty from the Legislative Assembly of New South Wales, expressive of the gratitude with which that branch of the Legislature acknowledges the grant of the Royal Charter which has been conferred upon the Sydney University.

I have to acquaint you that I have laid this Address before the Queen, and that Her Majesty was pleased to receive the same very graciously.

I have, &c.,

E. B. LYTTON.

GOVERNOR SIR W. DENISON, K. C. B.,
&c., &c., &c.

1858.

Legislative Assembly.

NEW SOUTH WALES.

BY-LAW OF ST. JOHN'S COLLEGE.

(PASSED BY THE COUNCIL, 9 AUGUST, 1858.)

Ordered by the Legislative Assembly to be Printed, 16 September, 1858.

By-law passed by the Council of St. John's College, August 9th, 1858

RESOLVED : —

That of the five Trustees in whom the Land for the site of the College is to be vested, the Council will appoint two, of whom one shall be a Clergyman and the other a Layman.

D. M. O'CONNELL,

Rector.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ST. JOHN'S COLLEGE ACT.

(DESPATCHES AND CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10 September, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

- “ 1. A Copy of any Communications that may have passed
“ between the Government and any persons in this Colony in
“ reference to the St. John's College Act.
“ 2. A Copy of any Despatches or documents transmitted by
“ this Government to the Home Government in reference to the
“ said Act.
“ 3. A Copy of any Despatches or documents received by this
“ Government from the Home Government in reference to the
“ said Act.”

(Mr. Faucett.)

SCHEDULE.

No.		PAGE.
1.	The Governor General to the Secretary of State, 12 January, 1858, forwarding the St. John's College Act, together with letters from the Lord Bishop of Sydney, and the Attorney General on the subject	2
2.	The Secretary of State to the Governor General, 27 May, 1858, in reply	4
3.	The Under Secretary to the Government to the Bishop of Sydney, 1st September, 1858, enclosing a copy of such reply	5
4.	The Under Secretary to the Government to Archbishop Polding, 1 September, 1858, enclosing copy of Lord Stanley's Despatch	5
5.	Abbot Gregory to the Colonial Secretary, 7 September, 1858, in reply	5
6.	The Under Secretary to Government to the Secretary to the Crown Law Officers, 6 September, 1858, forwarding copy of Lord Stanley's Despatch	5

ST. JOHN'S COLLEGE ACT.

No. 1.

THE GOVERNOR GENERAL TO THE SECRETARY OF STATE.

*Government House,**Sydney, 12 January, 1858.*

SIR,

1. I have the honor to forward herewith an Act of the Legislature of New South Wales, intituled "*An Act to Incorporate St. John's College as a College within the University of Sydney.*" In assenting to this Act, which I have done in the name and on the behalf of Her Majesty, I acted in the usual manner, by referring the enactment to the Law Officers for their report, whether there were any reasons which should induce me to refuse my assent or to reserve the Act for the notification of Her Majesty's pleasure. On their assurance that there were no reasons why the Act should not come into operation, I gave my assent to it.

2. I have since received from the Bishop of Sydney the enclosed letter: he objects to the use of the term "the Archdiocese of Sydney," and to the title "the Roman Catholic Archbishop of Sydney," in the fourth clause.

3. Lord Grey, in a Despatch No. 117, dated 13th July, 1849, referring to some correspondence on a similar subject, forwarded by Sir Charles Fitz Roy in his Despatch No. 27, dated 17th February, 1849, says, "I perceive with regret the intention which appears manifest from the correspondence on the part of the Prelates of the Roman Catholic Church to assume titles which it is out of the power of Her Majesty's Government to recognize." The Bishop of Sydney, therefore, is perhaps right in saying that "the title" assumed by the Archbishop "has been formally rejected by Her Majesty's Secretary of State," though the prefix of "Roman Catholic" might possibly be considered a sufficient mark of distinction between it and the titles granted to Prelates of the Church of England.

4. Having, however, submitted his Lordship's letter to the Attorney General for such remarks as he might think advisable to make, I have received from him the enclosed letter, explanatory of his views with relation to this subject; and I may also observe, with reference to what is stated therein, that had I received the Bishop's letter before I formally assented to the Act, I do not feel at all certain that I should have adopted the views which his Lordship has pressed upon me, or have reserved the enactment for Her Majesty's consideration. As it is, however, the only course now open to me is to submit the whole case for the decision of Her Majesty's Government.

5. Since writing the foregoing I received a letter addressed by the Bishop of Sydney to yourself, which I now beg to enclose.

I have &c.,

W. DENISON.

THE RIGHT HONORABLE

HENRY LABOUCHERE.

[Enclosure 1 in No. 1.]

Sydney, 15 December, 1857.

Sir,

I observe by the public papers that an Act has passed the Houses of Parliament, intituled "*An Act to Incorporate St. John's College, as a College within the University of Sydney,*" in which the title "Archbishop of Sydney," and the territorial designation "Archdiocese of Sydney," are respectively employed in connexion with the temporal matters of the Roman Catholic Community therein particularized.

Considering that the appropriation of such terms in a public Act necessarily implies the admission of the title assumed by the chief dignitary of that communion in this Colony, and which I believe to be incompatible with the law affecting such titles, and in contravention of the rights and prerogatives of the Crown, I do myself the honor to draw the attention of your Excellency thereto.

I

I have no wish to revive the controversy which was formerly maintained by my venerable predecessor in defence of the rightful claims of the Metropolitan of the Church of England, in opposition to the assumption of titles by foreign authority; but on this occasion I deem it my duty, no less to your Excellency, as the Royal Representative, than to my own office, to protest against any legal recognition being given to titles and designations which appear to me unconstitutional, and which have already been discountenanced by the Imperial Government.

I submit to your Excellency that an "Archdiocese of Sydney" is as unknown to the law as an "Archbishop of Sydney." Her Majesty's Letters Patent, bearing date the twenty-fifth day of June, 1847, ordained and constituted certain portions of the Colony of New South Wales, including the City of Sydney, to be a Bishop's See and Diocese, "to be called the Bishopric of Sydney"; and by other Letters Patent, bearing date the 25th day of October, 1854, nominated and appointed us to be the Metropolitan Bishop thereof. I contend, therefore, that the assumption of the title of "Archbishop of Sydney," and the use of the territorial designation "Archdiocese of Sydney," by a Prelate of the Church of Rome, ought not to be recognized by the Colonial Parliament. The title has, your Excellency is aware, been formally rejected by Her Majesty's Secretary of State, and it appears to me necessarily to follow, that the equivalent designation "Archdiocese of Sydney" is to all intents as exceptionable.

Upon these grounds I most respectfully, but earnestly, present to your Excellency my remonstrance against the use and admission of the terms complained of in the before mentioned Act; and I humbly request that your Excellency will take the same into your serious consideration, when the said Act shall be submitted to your Excellency for Her Majesty's Assent.

To His Excellency
The Governor General.

I have, &c.,
F. SYDNEY.

[Enclosure 2 in No. 1.]

Attorney General's Office,
8 January, 1858.

Sir,

Herewith I return the letter addressed to your Excellency by the Bishop of Sydney, in which his Lordship remonstrates against the use by the New South Wales Parliament in the St. John's College Incorporating Act of the terms "Archbishop" and "Archdiocese of Sydney," in connexion with the temporal matters of the Roman Catholic community. When the St. John's College Bill was submitted to me by your Excellency, in the usual course, for the purpose of advising whether or not there existed any reasons for withholding from it the Assent of the Crown, my attention was not drawn to the terms now complained of, nor, so far as I am aware, was any reference made to those terms when the Bill was passing through the Legislative Council and the Assembly. Had my attention, however, been turned in that direction, I should not have considered it my duty to advise your Excellency to do otherwise than assent to the Bill in question.

I am unable to agree with the Bishop of Sydney in the view submitted in his Lordship's letter. In this Colony there is no Church established by law. The Crown has no authority, by parcelling out the Territory into Dioceses, and appointing Bishops, to invest those Bishops with any coercive powers whatever beyond those necessary for enforcing the internal discipline of the Church. Like Bishops of the Church of Rome, the Bishops of the Church of England in this Colony have jurisdiction in spiritual matters within their own Church, and no farther, and the erection of a Diocese in either case does no more than point out the Territorial limits within which that spiritual jurisdiction is to be exercised. In England the Bishop is the Ordinary, and he and the Clergymen under him are by law entitled to certain remuneration, to which all the lands within the Diocese are liable to contribute. It might therefore be regarded there as a matter of importance to protest against the assumption by a Roman Catholic Bishop—whose position as a Bishop is recognized by the Church of England—of a title already held by a Bishop of that Church. But here there is nothing territorial in the English sense in the terms "Bishop," "Diocese," or "Archdiocese." The Bishop of Sydney is the Metropolitan, so far as regards his own Church, within the limits designated by the Queen. The Roman Catholic Archbishop of Sydney is, so far as relates to the members of his Church, regarded by them as having jurisdiction within the limits which are comprised in his Archdiocese. In the point of view taken by me, I see no impropriety or inconsistency in the coexistence in this Colony of a Roman Catholic Bishop and a Bishop of the Church of England, with precisely the same designations, and exercising jurisdiction within exactly the same limits. I can see no difference between the case of a Roman Catholic Bishop exercising in this Colony jurisdiction over a "Diocese," and a Wesleyan Clergyman exercising in the same place jurisdiction over a "Circuit." So far as the general public are concerned the two things are precisely alike.

For these reasons I feel bound to state as my opinion that the Bishop of Sydney's remonstrance is one which in point of constitutional law cannot be upheld.

I have, &c.,
JAMES MARTIN,
Attorney General.

His Excellency
Sir W. T. Denison.

[Enclosure

[Enclosure 3 in No. 1.]

Sydney, 8 January, 1858.

Sir,

I do myself the honor to forward herewith copy of a letter by me to Sir W. Denison, remonstrating against the admission of certain titles and designations applied to the Roman Catholic Archbishop in this Colony into an Act of Incorporation of a Roman Catholic College, and requesting His Excellency's consideration of the subject before granting his assent to that Act on behalf of Her Majesty.

As, however, the Governor General had signified his assent to this Act, in the ordinary form, previous to my letter reaching Government House, I now beg leave respectfully to invite your attention to the subject, and to request that, should you see fit to approve of the representations I have felt it my duty to make, both with regard to the prerogatives of the Crown and the rightful claims of the Metropolitan Bishop of this Province, you will be pleased to advise Her Majesty in the exercise of Her constitutional power to disallow the said Act, so far as relates to the titles and designations therein contained.

I have, &c.,

F. SYDNEY.

The Right Honorable
Her Majesty's Secretary of State
For the Colonies.

No. 2.

THE SECRETARY OF STATE to THE GOVERNOR GENERAL.

Downing-street,

27 May, 1858.

SIR,

I have received your Despatch No. 10, of the 12th of January last, forwarding an authenticated copy of a Private Act passed by the Legislative Council and Assembly of New South Wales, and assented to by yourself in Her Majesty's name, entitled, "*An Act to Incorporate Saint John's College within the University of Sydney*," together with a letter of remonstrance from the Bishop of Sydney.

The objections urged by the Bishop to this enactment have reference to the appellation "Roman Catholic Archbishop of Sydney," which has been employed in the body of the Act to designate the Roman Catholic Archbishop; and also to the locality in which the Sydney University has been founded, being described as the Archdiocese of Sydney, and not as the "City of Sydney" or "Colony of New South Wales."

Having considered the questions thus raised, and bearing in mind the previous Despatches which have passed upon the subject of the Roman Catholic Episcopate, I cannot but agree with the Bishop of Sydney that the Act requires amendment in the particulars to which he has called attention.

By the Imperial Statute 14 and 15 Vict., cap., 60, the assumption of Territorial Titles in this country is prohibited to Roman Catholic Bishops as an interference with the Royal Prerogative; and, although the operation of this Act does not extend to Her Majesty's Colonial Possessions, it is desirable, for the avoidance of disputes which might otherwise arise, that uniformity of practice should prevail throughout the Empire.

I have likewise to point out to you that the use of the term "Archdiocese of Sydney" is substantially in contravention of the instructions contained in Lord Grey's Circular Despatch of the 27th of December, 1848, which enjoins, when documents are in question, that the words "Roman Catholic" shall not be omitted where mention is made of a Bishop of that Church.

I should wish you therefore to propose to the local Legislature the amendment of the Act on the points to which I have adverted, and I shall in the meantime defer submitting it to the Queen.

I have, &c.,

STANLEY.

GOVERNOR SIR WM. DENISON, K.C.B.,
&c., &c., &c.,
New South Wales.

ST. JOHN'S COLLEGE ACT.

5

No. 3.

THE UNDER SECRETARY to THE LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,
Sydney, 1 September, 1858.*

MY LORD,

With reference to your Lordship's communication respecting the wording of a certain portion of the Act to incorporate St. John's College, I am directed by the Colonial Secretary to transmit, for your information, a copy of a Despatch which has been received by His Excellency the Governor General from the Secretary of State on the subject.

I have, &c.,

W. ELYARD.

THE RIGHT REVEREND

THE LORD BISHOP OF SYDNEY.

No. 4.

THE UNDER SECRETARY to ARCHBISHOP POLDING.

*Colonial Secretary's Office,
Sydney, 1 September, 1858.*

MOST REVEREND SIR,

I am directed by the Colonial Secretary to transmit, for the information of your Grace, a copy of a Despatch which has been received by His Excellency the Governor General from the Secretary of State for the Colonies by the last mail, on the subject of the Act to incorporate St. John's College, and the designations which should be used in Acts of the Legislature in reference to Prelates of the Roman Catholic Church.

I have, &c.,

W. ELYARD.

THE MOST REVEREND

ARCHBISHOP POLDING.

No. 5.

ABBOT GREGORY to THE COLONIAL SECRETARY.

*Vicar General's Office,
7 September, 1858.*

SIR,

I have the honor, by direction of His Grace the Archbishop, to inform you that he has referred to the Council of St. John's College your letter of the 1st inst., enclosing a copy of a Despatch which arrived in the last English mail from Lord Stanley, who therein acknowledges to have received, along with a letter from the Protestant Bishop of Sydney, the Act of Incorporation of St. John's College, assented to by His Excellency the Governor General on behalf of Her Majesty, and who, in reply, recommends that His Excellency propose to the local Legislature an amendment of the said Act, which is meantime withheld from Her Majesty's attention.

I have, &c.,

H. G. ABBOT GREGORY.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 6.

THE UNDER SECRETARY to THE CROWN LAW OFFICERS.

*Colonial Secretary's Office,
Sydney, 6 September, 1858.*

SIR,

With reference to the Attorney General's letter of the 8th January last, I am directed by the Colonial Secretary to transmit, for the information of the Crown Law Officers, a copy of a Despatch which has been received by the Governor General from the Secretary of State on the subject of the Act to Incorporate St. John's College.

I have, &c.,

W. ELYARD.

THE SECRETARY TO THE

CROWN LAW OFFICERS.

1858.

Legislative Assembly.
NEW SOUTH WALES.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT AMENDMENT BILL.
(WARDEN AND FELLOWS OF ST. PAUL'S COLLEGE.)

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 Warden and Fellows of St. Paul's College, within
the University of Sydney,—

SHEWETH:—

1. That your Petitioners have heard, with great concern, that a Bill is before your Honorable House by which the 9th section of the Colleges' Endowment Act of 18 Victoria will be repealed.

2. That the said 9th section was founded upon and gave Legislative enactment to a Resolution or By-law of the Senate of the University, passed in the previous year at the instance of a large body of persons, being supporters of the then projected Church of England College, and that upon the faith of that Resolution or By-law, and in reliance on its permanency, many individuals became subscribers to the funds of the College, and the Act was solicited and obtained by which St. Paul's was incorporated.

3. Your Petitioners, therefore, have an interest in the continued existence of the enactment which is now sought to be repealed, and they submit to your Honorable House that under the circumstances the proposed repeal, without the consent of the Incorporated College, and without the substitution of any other enactment calculated to attain the same object, would not be just.

4. Your Petitioners beg further to represent, that whether in themselves desirable or not, the By-law and enactment in question are not opposed to the Act which created and endowed the University, since that Act expressly states that the University was established for the advancement of morality and religion, and the By-law and enactment excluding no denomination, and imposing no confession of any particular faith, seek only to prevent the conferring of Honors or Degrees on those whom the law deems so opposed to religion and morality that it will not even permit them to be witnesses in a Court of Justice.

5. Your Petitioners, therefore, humbly pray that the Bill now before your Honorable House may not be passed.

The Warden and Fellows of St. Paul's College.

By HENRY J. HOSE, M.A.,

Warden.

Signed by order of the Council, this 6th of May, 1858.

the first of these is the fact that the
 the second is the fact that the
 the third is the fact that the

the fourth is the fact that the
 the fifth is the fact that the

the sixth is the fact that the
 the seventh is the fact that the

the eighth is the fact that the
 the ninth is the fact that the

the tenth is the fact that the
 the eleventh is the fact that the

the twelfth is the fact that the
 the thirteenth is the fact that the

the fourteenth is the fact that the
 the fifteenth is the fact that the

the sixteenth is the fact that the
 the seventeenth is the fact that the

the eighteenth is the fact that the
 the nineteenth is the fact that the

the twentieth is the fact that the
 the twenty-first is the fact that the

the twenty-second is the fact that the
 the twenty-third is the fact that the

the twenty-fourth is the fact that the
 the twenty-fifth is the fact that the

1858.

Legislative Assembly.
NEW SOUTH WALES.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT AMENDMENT BILL.
(PROFESSORS OF THE FACULTY OF ARTS.)

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 Professors of the Faculty of Arts, in the
University of Sydney,—

SHWETH:—

1. That your Petitioners are the Professors of the Faculty of Arts in the University of Sydney.

2. That the Act of Incorporation declares, in its preamble, that the University of Sydney holds forth its encouragement for pursuing liberal learning to “all classes and denominations, without any distinction whatever,” and the twentieth clause of the same Act provides “That no religious test shall be administered to any person, in order to entitle him to be admitted as a Student of the said University, or to hold any office therein, or to partake of any advantage or privilege thereof.”

3. That the ninth clause of the Affiliated Colleges Partial Endowment Act is, in the opinion of your Petitioners, a violation of the fundamental principle of the University,—for, were there otherwise a possibility of doubt as to the fair interpretation of the above recited twentieth clause of the Act of Incorporation, its meaning is distinctly defined and restricted by the following provisions, which permits a *solitary* interference with the principle of the enactment,—“Provided always that this enactment shall not be deemed to prevent the making of regulations for securing the due attendance of the Students for Divine Worship at such Church or Chapel as shall be approved by their parents or guardians respectively.”

4. That the ninth clause of the Affiliated Colleges Act gives power, in some cases, to the heads of Colleges, in others, to the Senate of the University, of virtually depriving a candidate of well-earned honors; for, whilst it admits of being liberally administered, it is equally capable of being used as an instrument of capricious and irresponsible tyranny.

5. That the experience of ages shews that the imposition of religious tests is not conducive to religion and morality. Even in the ancient ecclesiastical foundations of the Mother Country they are now forbidden by statute.

6. That your Petitioners have heard, with great satisfaction, that a Bill for the repeal of the ninth clause of the Affiliated Colleges Act has been introduced into your Honorable House, and they would respectfully urge that the said Bill may be forthwith passed into law.

And your Petitioners will ever pray.

JOHN WOOLLEY, D.C.L.,

Professor of Classical Literature and Logic.

M. B. PELL, B.A.,

Professor of Mathematics and Natural Philosophy.

J. SMITH, M.D.,

Professor of Chemistry and Experimental Physics.

1858.

Legislative Assembly.

NEW SOUTH WALES.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT.

(PROPOSED AMENDMENT OF.)

Ordered by the Legislative Assembly to be Printed, 18 May, 1858.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned Professors, Graduates, and Undergraduates of the University of Sydney,—

RESPECTFULLY SHEWETH :—

That your Petitioners, perceiving that a Member of your Honorable House has introduced a Bill for the amendment of the Affiliated Colleges Act, by repealing the 9th section thereof, are desirous of urging upon the attention of your Honorable House the propriety of adopting such amendment.

That your Petitioners unhesitatingly declare that, in their opinion, the resolution of the Senate of the University of Sydney, to which legal permanency was sought to be given by the said 9th section, was in direct violation of the 20th section of the Incorporation Act of the University.

That several of your Petitioners having left the Mother Country for the purpose of joining the said University, in the firm belief that the said 20th section of the Incorporation Act would remain inviolate, and others of your Petitioners having been induced to matriculate in the University upon the faith of the national character of the Institution, feel themselves aggrieved by the violation of the said 20th section of the Incorporation Act.

That your Petitioners would respectfully urge upon your Honorable House the danger of allowing the Senate to enforce any resolutions at variance with, and in their operation fatal to, the fundamental principles of the University Charter.

That your Petitioners would respectfully remind your Honorable House that in the ancient Universities of England the religious tests formerly enforced have been absolutely abolished by Act of Parliament, and that the Honors and Degrees conferred by those Universities may now be obtained by any of Her Majesty's subjects without the production of any certificate of religious attainments.

Your Petitioners, therefore, respectfully request your Honorable House to pass the said Bill for the amendment of the Affiliated Colleges Act into law.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 30 Signatures.]

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$
 for $x \in \mathbb{R}$. It is shown that $f(x)$ is an odd function and that it satisfies the inequality

$$f(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The second part of the paper is devoted to the study of the properties of the function $g(x)$ defined by the equation

$$g(x) = \int_0^x \frac{1}{1+t^4} dt$$
 for $x \in \mathbb{R}$. It is shown that $g(x)$ is an even function and that it satisfies the inequality

$$g(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The third part of the paper is devoted to the study of the properties of the function $h(x)$ defined by the equation

$$h(x) = \int_0^x \frac{1}{1+t^6} dt$$
 for $x \in \mathbb{R}$. It is shown that $h(x)$ is an even function and that it satisfies the inequality

$$h(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The fourth part of the paper is devoted to the study of the properties of the function $k(x)$ defined by the equation

$$k(x) = \int_0^x \frac{1}{1+t^8} dt$$
 for $x \in \mathbb{R}$. It is shown that $k(x)$ is an even function and that it satisfies the inequality

$$k(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The fifth part of the paper is devoted to the study of the properties of the function $l(x)$ defined by the equation

$$l(x) = \int_0^x \frac{1}{1+t^{10}} dt$$
 for $x \in \mathbb{R}$. It is shown that $l(x)$ is an even function and that it satisfies the inequality

$$l(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The sixth part of the paper is devoted to the study of the properties of the function $m(x)$ defined by the equation

$$m(x) = \int_0^x \frac{1}{1+t^{12}} dt$$
 for $x \in \mathbb{R}$. It is shown that $m(x)$ is an even function and that it satisfies the inequality

$$m(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The seventh part of the paper is devoted to the study of the properties of the function $n(x)$ defined by the equation

$$n(x) = \int_0^x \frac{1}{1+t^{14}} dt$$
 for $x \in \mathbb{R}$. It is shown that $n(x)$ is an even function and that it satisfies the inequality

$$n(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The eighth part of the paper is devoted to the study of the properties of the function $o(x)$ defined by the equation

$$o(x) = \int_0^x \frac{1}{1+t^{16}} dt$$
 for $x \in \mathbb{R}$. It is shown that $o(x)$ is an even function and that it satisfies the inequality

$$o(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The ninth part of the paper is devoted to the study of the properties of the function $p(x)$ defined by the equation

$$p(x) = \int_0^x \frac{1}{1+t^{18}} dt$$
 for $x \in \mathbb{R}$. It is shown that $p(x)$ is an even function and that it satisfies the inequality

$$p(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$. The tenth part of the paper is devoted to the study of the properties of the function $q(x)$ defined by the equation

$$q(x) = \int_0^x \frac{1}{1+t^{20}} dt$$
 for $x \in \mathbb{R}$. It is shown that $q(x)$ is an even function and that it satisfies the inequality

$$q(x) \leq \frac{1}{2} \ln \frac{x+1}{x-1}$$
 for $x > 1$.

1858.

Legislative Assembly.

NEW SOUTH WALES.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT AMENDMENT BILL.

(PETITION OF PRESBYTERIAN COLLEGE COMMITTEE.)

Ordered by the Legislative Assembly to be Printed, 19 May, 1858.

To the Honorable the Members of the Legislative Assembly of New South Wales.

The Petition of the undersigned,—

HUMBLY SHEWETH :—

That Petitioners have heard with alarm and regret that it is proposed to expunge the words “systematic religious instruction” from the preamble of the Affiliated Colleges Amendment Bill.

That Petitioners, and others, are preparing to erect an Affiliated College in which “systematic religious instruction,” in accordance with the Westminster Standards, shall be given to all Presbyterians who may be pleased to attend.

That Petitioners would not think of subscribing towards the erection of a College to teach only Literature and Science ; the great object which they desire to secure is, “systematic religious instruction,” as in their opinion the domestic supervision of Students should always be combined with systematic religious instruction.

Petitioners respectfully pray, therefore, that the words “systematic religious instruction” may not be expunged ; and that your Honorable Assembly will not adopt any measure that can prevent, or be interpreted to prevent, the Members of the Presbyterian Church from receiving aid towards the erection of a College within the University in which systematic religious instruction, in accordance with the Westminster Standards, may be openly and honestly given.

Signed at Sydney, this eighteenth day of May, 1858, in the name and by authority of the Presbyterian College Committee,

THOS. BARKER,
Chairman.

1858.

Legislative Assembly.
NEW SOUTH WALES.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT AMENDMENT BILL.

(MINISTER, &c., OF PRESBYTERIAN CONGREGATION AT BALMAIN.)

Ordered by the Legislative Assembly to be Printed, 26 May, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Minister and Office Bearers of the Congregation of Presbyterians at Balmain,—

HUMBLY SHEWETH :—

That your Petitioners being earnestly desirous that Presbyterians generally throughout the Colony may be enabled to co-operate for the establishment of a Presbyterian College in connexion with the University of Sydney, have observed with regret that this most desirable object is prevented by the occurrence of the words "*Systematic Religious Instruction*" in the third line of the preamble of the Affiliated Colleges Act, as these words sanction and establish the principle that it is the right and duty of the State to support religion, or to maintain religious bodies of the most opposite sentiments from the public Treasury,—a principle to which a large number of conscientious Presbyterians in the Colony strongly object.

That while these words exclude a very considerable portion of the Presbyterians of the Colony from the benefits of the Act—preventing them from co-operating with others in carrying out its provisions—they are of no real value or importance to any of the other religious denominations that have already established, or are now establishing, Colleges under the Act.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to allow the words "*Systematic Religious Instruction*" to be omitted in the preamble of the amended Act.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 8 Signatures.]

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1858.

Legislative Assembly.

NEW SOUTH WALES.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT AMENDMENT BILL.
(MEMBERS OF VARIOUS RELIGIOUS DENOMINATIONS, SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 26 May, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned, Members of various Religious Denominations in the City of Sydney, in Public Meeting assembled,—

HUMBLY SHEWETH:—

That as it is declared in the Preamble of the Affiliated Colleges Act to be one of the objects of these Institutions to supply "Systematic Religious Instruction" to their students, and to do so at the public expense, the Act recognises and establishes the principle that it is the right and the duty of the State to support religion from the public Treasury.

That several entire denominations of Protestant Christians—in particular the Independents, the Baptists, and the United Presbyterians—repudiate and reject this principle, as unwarranted by the Word of God, and injurious to the best interests of the Christian Religion.

That so long as the words "Systematic Religious Instruction" are retained in the Preamble of the Act, all these denominations are virtually excluded from all participation in its benefits, and prevented from co-operating, as they would otherwise do, in the establishment of Colleges in connection with the University.

That the words in question are also a snare and a stumbling-block to many other conscientious Presbyterians, as they recognise and establish the principle of indiscriminate Religious Endowment, which they repudiate and reject.

That while the retention of these words in the Preamble of the Act operates as a serious grievance to certain classes of the community, and an Act of exclusion to others, their omission can in no way affect any of the Colleges already established, or about to be established, in connection with the University.

Your Petitioners, therefore, humbly pray that your Honorable House will expunge the words "Systematic Religious Instruction" from the Preamble of the Affiliated Colleges Act.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 94 Signatures.]

Sydney 17 May, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PRESBYTERIAN COLLEGE IN CONNEXION WITH SYDNEY UNIVERSITY.

(PETITION RELATIVE TO ESTABLISHMENT OF, FROM REV. J. D. LANG, D.D.)

Ordered by the Legislative Assembly to be Printed, 29 June, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of John Dunmore Lang, Doctor of Divinity, and Senior Minister
of the Scots Church, Sydney,—

HUMBLY SHEWETH:—

That your Petitioner took a zealous and active part, as a Member of the late Legislative Council, in passing the Affiliated Colleges' Act, in the year 1854.

That it is, therefore, accordant with the personal knowledge of your Petitioner that the main object of the framers of that Act, as far as it referred to the Presbyterians of the Colony, was to render the boon which it held forth, in the shape of land and public money, for the erection of a college equally available for all Presbyterians whatsoever, without distinction of any kind.

That certain Presbyterian Ministers and Laymen have, nevertheless, been endeavouring for some time past to defeat this benevolent intention of the Legislature, and to restrict to a chosen few what was thus beneficently intended for all.

That with this view a series of preliminary meetings, to prepare a plan or prospectus for a Presbyterian College, and to draw up resolutions on the subject for a public meeting, was held from time to time in this city, in a private and underhand manner; from all of which preliminary meetings your Petitioner, although the senior Presbyterian Minister in the Colony, and the only one who had ever been publicly identified with the cause of education, was carefully excluded.

That a public meeting of the Presbyterians of the Colony was accordingly held, at the instance of these persons, in the City of Sydney, on the 5th of April last; at which a series of resolutions, embodying a plan or prospectus, and proposing a Committee of Management, was submitted to the meeting; but that, contrary to all established precedent in such cases, these resolutions had never been published beforehand, but were carefully concealed till the hour of meeting from the thirty thousand Presbyterians whom it concerned.

That your Petitioner being earnestly desirous that a Presbyterian College should be established on a broad and popular basis, in accordance with the spirit of the Colleges' Act, and with what he knew to be the intentions of its framers, attended the said public meeting, and offered to move an amendment, of which he had given previous notice in the Daily Papers, on the first of the said resolutions; but that, contrary to the rules and practice of all public meetings throughout the British Empire, he was authoritatively silenced by the Chairman, and no discussion of any kind was allowed; the resolutions, which had been concocted clandestinely, being thus publicly carried by a *coup d'état*.

That, at the instance of those Presbyterians who felt aggrieved at these anomalous proceedings, another public meeting of the Presbyterians of the Colony was held on the twelfth of April last, at which another series of resolutions was passed, in accordance with the spirit of the Colleges' Act, and another Committee appointed; and that both of these Committees are now appealing to the public, and raising funds for a Presbyterian College under that Act.

That the anomalous and unwarrantable proceedings above detailed have tended greatly to aggravate and perpetuate, instead of healing, the existing divisions of the Presbyterian Communion, as it was confidently expected that united action on the common ground of a Presbyterian College would otherwise have done; and that many zealous and influential friends of education, of the Presbyterian Communion, dissatisfied with this state of things, are standing aloof from the movement altogether, and refusing to contribute to either Committee.

Your Petitioner, therefore, humbly prays that your Honorable House will institute an inquiry into the truth of these allegations, and take such further steps in the matter as to your Honorable House shall seem fit.

And your Petitioner, as in duty bound, will ever pray, &c., &c., &c.

JOHN DUNMORE LANG, D.D.

Sydney, 25 June, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED PRESBYTERIAN COLLEGE.
(PETITION FROM THE REVEREND JOHN DUNMORE LANG, D.D.)

REPORT FROM THE SELECT COMMITTEE

ON THE

PROPOSED PRESBYTERIAN COLLEGE;

(PETITION FROM THE REVEREND JOHN DUNMORE LANG, D.D.)

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
30 *September*, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 57. TUESDAY, 13 JULY, 1858.

3. Proposed Presbyterian College:—Mr. Gordon moved, pursuant to notice,—
 (1.) That a Select Committee be appointed to inquire into and report upon the Statements and Allegations made in a Petition from the Reverend John Dunmore Lang, D.D., relative to the proposed Presbyterian College.
 (2.) That such Committee consist of Mr. Hay, Dr. Aldcorn, Mr. Jones, Mr. Buckley, Mr. Marks, Mr. Richardson, Mr. Dickson, Mr. Robertson, Mr. Forster, and the Mover.
 Debate ensued.
 And Mr. Smith having required that the proposed Committee, if granted, be appointed by Ballot,—
 Question,—That a Select Committee be appointed to inquire into and report upon the Statements and Allegations made in a Petition from the Reverend John Dunmore Lang, D.D., relative to the proposed Presbyterian College,—put and passed;—
 Whereupon the House proceeded to the Ballot;—
 And Mr. Macarthur tendering to the Clerk a List of Members for whom he desired to vote;—
 And the Clerk declining to receive the same, on the ground that Mr. Macarthur was not in the House when the Question was put for the appointment of the Committee,—
 And Mr. Macarthur requesting the Speaker's decision in the matter,—
 The Speaker ruled, that the objection taken by the Clerk was a valid one, on the parliamentary principle—that to be entitled to vote, a Member must be present when the Question is put;—
 Upon which Mr. Donaldson, declaring that he also was absent when the Question was put, withdrew the list he had given in to the Clerk;—
 And the Ballot being concluded, the Speaker declared the following Members to be, with the Mover, the Committee duly appointed, viz.:—Mr. Jones, Mr. Hay, Dr. Aldcorn, Mr. Forster, Mr. Richardson, Mr. Dickson, Mr. Buckley, Mr. Robertson, and Mr. Marks.

VOTES No. 69. TUESDAY, 3 AUGUST, 1858.

4. Attendance of Member of Legislative Council:—Mr. Gordon moved, That the following Message be carried to the Legislative Council:—
 The Legislative Assembly having appointed a Select Committee to inquire into the proposed Presbyterian College, and that Committee being desirous to examine the Honorable Francis Lewis Shaw Merewether, Esq., 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, 3 August, 1858.
 Question put and passed.

Speaker.

VOTES No. 70. WEDNESDAY 4 AUGUST, 1858.

4. Messages:—The Speaker reported that whilst the House was in Committee, the following Messages were received from the Legislative Council:—

* * * * *

(4.) Attendance of Member of Legislative Council:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 3rd instant, requesting leave for the Honorable Francis Lewis Shaw Merewether, a Member of the Legislative Council, to attend and be examined before a Committee of the Legislative Assembly appointed to inquire into the "Proposed Presbyterian College," the Council acquaints the Legislative Assembly that leave has been granted to Mr. Merewether to attend and be examined by the said Committee, if he think fit.

Legislative Council Chamber,
Sydney, 4 August, 1858.

W. W. BURTON,
 President.

* * * * *

VOTES No. 98. THURSDAY, 30 SEPTEMBER, 1858.

7. Proposed Presbyterian College:—Mr. Gordon, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 13th July last, to inquire into and report upon the statements and allegations made in a petition from the Rev. John Dunmore Lang, D.D., relative to the proposed Presbyterian College.
 Ordered to be printed.

1858.

PROPOSED PRESBYTERIAN COLLEGE.

(PETITION FROM THE REV. JOHN DUNMORE LANG, D.D.)

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 13th of July, 1858,
*"to inquire into and report upon the statements and allegations made in a Petition
 from the Revd. John Dunmore Lang, D.D., relative to the proposed Presbyterian
 College,"* have agreed to the following Report:—

Your Committee in the course of their inquiry have examined as witnesses the gentlemen named in the margin, whose evidence will be found appended hereto, and have had their attention directed to various documents having reference to the matter, and after the most careful consideration are of opinion that the statements and allegations of the petitioner are in the main satisfactorily proved.

Revd. J. D. Lang, D.D.
 Hon. F. L. S. Merewether,
 M. L. C.
 Revd. John Dougal.
 Revd. John McGibbon.
 Revd. Wm. Lumsdaine.
 N. D. Stenhouse, Esq.
 Revd. A. Salmon.
 Revd. Hugh Darling.
 R. O'Connor, Esq.

Your Committee have ascertained that the Affiliated Colleges Partial Endowment Act provides that the advantages it offers shall be open alike to all denominations of Religionists that may comply with the provisions thereof, and they conceive that the fact, that the Bill when first introduced into the late Legislative Council contained a clause restricting such advantages to the four denominations then receiving State support, and was there altered to the shape of the present Act, places it beyond doubt that the Law, as it now stands, was adopted advisedly.

Your Committee are, nevertheless, of opinion that the Legislature did not intend pledging the Government to assist more than one College for the Presbyterians, or for any other denomination of Religionists, and, therefore, that the constitution of a College for that denomination should, to accord with the spirit of the Act, be framed on a basis sufficiently wide to include every section of Presbyterians.

Your Committee regret that the procedure complained of by your petitioner, not only failed to provide that such should be the case, but was evidently intended directly to exclude the Presbyterians attached to the Synod of New South Wales. That such was the intention, is placed beyond doubt by the admitted facts:—

1st,—That while Ministers of the Synod of Australia, and of the Synod of Eastern Australia, and the only Minister of the United Presbyterian Church, as well as Ministers of the Congregational Denomination, were invited to co-operate in the preliminary arrangements for the Meeting which took place on the 5th of April last, for the purpose of taking measures for the establishment of a Presbyterian College,—not only were the Ministers of the Synod of New South Wales excluded from any such proper courtesy, but the petitioner, who is the senior Minister of the Presbyterian Church of the Colony, was actually prevented from taking part in the proceedings of that Meeting.

2nd,—That although the Committee appointed by the Public Meeting of the 12th and 19th April, to endeavour to obtain the united action of the Presbyterians of the Colony in support of a Presbyterian College, addressed on the 22nd April, to the Committee, that had been appointed on the 5th April, an application for a conference of the two Committees; and subsequently on the 12th May, in compliance with the request of that Committee, furnished their objections to the scheme propounded by the Committee of the 5th April, such conference was eventually refused.

In

In the course of their investigation your Committee have discovered with some surprise, that while all denominations were placed on precisely the same footing by the Affiliated Colleges Partial Endowment Act, passed on the 2nd December, 1854, a deed of grant, issued to the Senate of the University on the 18th January, 1855, intended to convey certain lands to that body for carrying out the objects of the University and Affiliated Colleges Partial Endowment Acts, purports to restrict the benefits of these Acts as regards the land proposed to be made available to merely four denominations, and among them to the Church of Scotland, thereby excluding a large majority of the Presbyterians of the Colony from all right and title to the said land. Your Committee cannot concur with Mr. Merewether that this restriction, which appears to them clearly illegal, was intentional on the part of the Government; they are rather of opinion, with the petitioner and Mr. Stenhouse, that it was a mere oversight of the draftsman who drew up the deed of grant. On the grounds, however, not only of its illegality, but because it seems to interfere with the establishment of a Presbyterian College on a broad and liberal basis in conformity with the Act, your Committee would recommend either that the deed of grant be revoked, or an Act of the Legislature passed to correct the mistake.

In conclusion, your Committee further recommend that the Legislature should refuse to pass any Act for the Incorporation of a Presbyterian College, as contemplated under the Affiliated Colleges Partial Endowment Act, until steps have been taken *de novo* by the parties concerned, and in particular until the above recommendation has been complied with, or fully considered by the Legislature.

SAMUEL DEANE GORDON,
Chairman.

*Legislative Assembly Chamber,
Sydney, 30th September, 1858.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 21 JULY, 1858

Members Present :—

Mr. Gordon,	Mr. Richardson,
Mr. Alcorn,	Mr. Buckley,
Mr. Dickson,	Mr. Marks,
Mr. Forster,	Mr. Robertson.

Mr. Gordon was called to the Chair.

Committee deliberated as to their course of procedure, and it was *Resolved* :—

“ That the Reverend Dr. Lang be summoned before the Committee, as a witness,
 “ for Friday next, for the purpose of initiating the inquiry.”

[Adjourned till Friday next, at *half-past Ten* o'clock.]

FRIDAY, 23 JULY, 1858.

Members Present :—

S. D. Gordon, Esq., in the Chair.

Mr. Marks,	Mr. Robertson,
Mr. Alcorn,	Mr. Richardson,
Mr. Buckley.	

The Reverend Dr. Lang, Petitioner, examined.

[Adjourned till Wednesday, 4 proximo, at *Twelve* o'clock.]

WEDNESDAY, 4 AUGUST, 1858.

By direction of the Chairman, the Meeting of the Committee convened for *this day*[Postponed till Friday next, at *Eleven* o'clock.]

FRIDAY, 6 AUGUST, 1858.

Members Present :—

S. D. Gordon, Esq., in the Chair.

Mr. Richardson,	Mr. Alcorn,
Mr. Marks.	

The Reverend Dr. Lang, Petitioner, present in the Room during the examination of the witnesses.

The Honorable *F. L. S. Merewether*, Vice-Provost of the University, attending by permission of the Legislative Council, and the Reverend *John Dougal*, examined.[Adjourned till Friday next, at *Eleven* o'clock.]

FRIDAY, 13 AUGUST, 1858.

Members Present :—

S. D. Gordon, Esq., in the Chair.

Mr. Marks,	Mr. Richardson,
Mr. Buckley,	Mr. Alcorn.

The Reverend Dr. Lang present in the Room during the examination of the witness.

The Reverend *John M' Gibbon* examined.[Adjourned till Tuesday next, at *Eleven* o'clock.]

TUESDAY, 17 AUGUST, 1858.

Members Present :—

S. D. Gordon, Esq., in the Chair.

Mr. Marks,	Mr. Buckley,
Mr. Alcorn,	Mr. Richardson,
Mr. Dickson.	

The Reverend Dr. Lang present in the Room during the examination of the witnesses.

The Reverend *William Lumsdaine*, and Mr. *N. D. Stenhouse*, Solicitor, examined.[Adjourned till Friday, 27th instant, at *Eleven* o'clock.]

FRIDAY, 27 AUGUST, 1858.

Members Present:—

S. D. Gordon, Esq., in the Chair.

Mr. Marks,

Mr. Aldcorn.

Mr. Jones,

The Reverend Dr. Lang present in the Room during the examination of the witnesses.

The Reverend *Alexander Salmon*, and the Reverend *Hugh Darling*, examined.

The Chairman then brought under the notice of the Committee the *transcribed* evidence given by the Revd. J. McGibbon, on the 13th instant, in which, according to certain instructions given to the shorthand writer in attendance upon the Committee on that day, a long statement appeared, and desired the opinion of the Committee as to the advisability of printing the same as part of his evidence.

Committee deliberated, and it was *Resolved* :—

“That before coming to any decision relative to this matter it is expedient to take the evidence of the Clerk of the Assembly thereupon.

Whereupon Mr. R. O'Connor, Clerk of the Legislative Assembly, examined.

Committee further deliberated, and it was *Resolved*,—

“(1.) That after hearing the evidence of Mr. O'Connor upon this point, the Committee are of opinion that the said statement should not be printed as part of Mr. McGibbon's evidence.

“(2.) That the Clerk of Select Committees do expunge the same therefrom accordingly.”

Committee then deliberated, and it was *Resolved* :—

“(1.) That sufficient evidence has now been taken for the purposes of this inquiry.

“(2.) That after the evidence is printed, the Chairman shall at his earliest convenience call a meeting of the Committee for the purpose of considering a Draft Report.”

[Adjourned.]

FRIDAY, 24 SEPTEMBER, 1858.

Members Present:—

S. D. Gordon, Esq., in the Chair.

Mr. Robertson,

Mr. Forster.

Mr. Richardson,

The Chairman laid before the Committee a Draft Report.

Draft Report, *proposed* by the Chairman, read 1°.

Committee deliberated.

Motion made (Mr. Forster) and *Question*—“That the Report be now read 2° and considered Paragraph by Paragraph”—*agreed to*.

Introductory Paragraph read and agreed to without amendment.

Paragraph 1 read, considered, verbally amended, and agreed to.

Paragraph 2 read, and verbally amended.

Committee deliberated.

Motion made and *Question proposed*, “That this Paragraph, as verbally amended, stand part of the *proposed* Report.”

Deliberation continued.

Committee divided.

Ayes, 2.

No, 1.

Mr. Richardson,

Mr. Forster.

Mr. Robertson,

Paragraph, as verbally amended, agreed to accordingly.

Paragraph 3 read.

Committee deliberated.

Motion made and *Question put*—“That this Paragraph stand part of the *proposed* Report.”

Committee divided.

Ayes, 2.

No, 1.

Mr. Richardson,

Mr. Forster.

Mr. Robertson,

Paragraph agreed to accordingly.

Paragraphs 4 and 5 read, considered, and agreed to without amendment.

Paragraphs 6, 7, and 8 read, considered, amended, and agreed to.

Motion then made and *Question*—“That this Report, as amended, be the Report of the Committee”—*agreed to*.

Chairman requested to Report to the House.

LIST OF WITNESSES.

Friday, 23 July, 1858.

The Reverend Dr. Lang, <i>Petitioner</i>	.. .. .	Page
		1

Friday, 6 August, 1858.

The Honorable F. L. S. Merewether, Esquire, M.L.C., <i>Vice-Provost of the University</i>	.. .. .	9
The Reverend John Dougal	.. .. .	12

Friday, 13 August, 1858.

The Reverend John M'Gibbon	16
----------------------------	---------	----

Tuesday, 17 August, 1858.

The Reverend William Lumsdaine	.. .. .	23
N. D. Stenhouse, Esquire, <i>Solicitor</i>	.. .. .	29

Friday, 27 August, 1858.

The Reverend Alexander Salmon	.. .. .	32
The Reverend Hugh Darling	.. .. .	35
R. O'Connor, Esquire, <i>Clerk of the Legislative Assembly</i>	.. .. .	37

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

PROPOSED PRESBYTERIAN COLLEGE.

(PETITION OF THE REVEREND JOHN DUNMORE LANG, D.D.)

FRIDAY, 23 JULY, 1858.

Present:—

MR. ALDCORN,
MR. BUCKLEY,
MR. GORDON,MR. MARKS,
MR. RICHARDSON,
MR. ROBERTSON.

SAMUEL DEANE GORDON, ESQ., IN THE CHAIR.

The Reverend John Dunmore Lang, D.D., called in and examined:—

1. *By the Chairman:* Were you a Member of the Legislative Council when the Affiliated Colleges Act was passed? I was; in the year 1854.
2. Will you be good enough to inform the Committee, to the best of your recollection, what took place on that occasion, as far as the Presbyterians were concerned? The Affiliated Colleges Bill was introduced by the Government,—the Colonial Treasurer for the time being, Mr. Merewether, and the Solicitor General, Mr. Manning, having charge of it. Before it was brought to a first reading, a copy of it was laid on the Table of the House for the inspection of those Members who felt interested in the subject. I, naturally, looked into it, and found what I thought two very objectionable clauses in the Bill. This is a copy of the Bill as it was originally submitted to the Council, for the first reading, on the 2nd of November, 1854. Before this Bill, however, was submitted to the House for the first reading, I happened to spend an evening at the Speaker's (Sir Charles Nicholson); and, in the presence of Mr. Merewether (the officer having charge of the Bill on the part of the Government), and of the Reverend Dr. Woolley and Professor Smith, of the University, Sir Charles asked me what I thought of the Colleges Bill. I told him I approved of it generally, with one exception, viz., a clause which I found in the Preamble of the Bill, and repeated virtually in the first clause of it. I have marked the passages I objected to on this copy of the Bill, which I beg to hand in. (*The Witness handed in the same.*) The first is to the following effect:—"Whereas it is expedient to encourage and assist the establishment of Affiliated Colleges, within the University of Sydney, by the religious denominations now ordinarily receiving pecuniary aid from the Legislature, in which Colleges," &c. That is in the Preamble. Then again, in the first clause of the Bill, this is virtually repeated, in the following form:—"Whenever any College shall have been established, and incorporated by any Act of the Governor and Council, as a Church of England, or Roman Catholic, or Church of Scotland, or Wesleyan Methodist College," &c.; thereby virtually restricting the boon which the Bill was intended to afford to those denominations that received support from the State. I then stated, in the presence of the gentlemen I have named, that the presence or absence of this restricting clause would not in any way affect either the Church of England or the Roman Catholics, as those bodies were under a sort of monarchical government, the head of each being absolute, virtually; but that the Presbyterian ecclesiastical

The Rev.
J. D. Lang,
D. D.

23 July, 1858.

The Rev.
J. D. Lang,
D.D.
23 July, 1858.

constitution being formed on a republican basis, and Presbyterians generally being very sensitive on the subject of the connection between Church and State, they were broken up, through that circumstance alone, into various distinct bodies, and the clause I objected to would only have the effect of aggravating and perpetuating the distinctions and alienations, and embittering the evil feeling that thus existed among them, instead of healing those divisions, which it was exceedingly desirable that the establishment of a Presbyterian College should do, and which, I thought, it was calculated to accomplish, if the matter were properly arranged; for, although the Presbyterians of the Colony were all united in opinion as to doctrine, discipline, and worship, the question of the connection of Church and State—so vital a question to Presbyterians generally—had divided the small number of Presbyterians in this Colony into three different sections, or denominations, and to these three a fourth has since been added. I added, that if this restricting clause were retained, it would only perpetuate and aggravate the feelings of alienation which this state of things had produced; and I should, therefore, hold it my duty to oppose the Bill in every stage of its progress; but if these clauses were struck out, so as to leave the establishment of a college equally open to all Presbyterians, I should give it my hearty support. There was no remark made on the occasion by any of the gentlemen present. They listened to me with great interest and attention, but said nothing. The circumstance I allude to took place on a Monday evening; and on the Wednesday following, before the Bill had been submitted to the House at all, Sir Charles Nicholson, when the House was in Committee, came over to the seat I occupied, and informed me that, on the intervening day, Tuesday, there had been a meeting of the Senate of the University, (of which he was Provost at the time), and he was happy to inform me that the Senate had agreed, at that meeting, to strike out the clauses to which I objected. After this the Bill was submitted for the first reading; but Mr. Merewether stated the substance of what I have mentioned in the preliminary remarks he made on the occasion, which I would beg to read. The first reading of the Bill took place on the 2nd November, 1854, and this is the report in the *Herald* of the following day. (*The Witness here read the report of Mr. Merewether's speech from the SYDNEY MORNING HERALD of the 3rd November, 1854.*) Then there were some remarks from myself, expressive of my approval of the object of the Bill. The Bill was then read a first time, with a Government pledge that these objectionable clauses should be struck out. There was a further objection that I made to the Bill in Committee. The third clause originally stood in this form:—"Every such Principal shall be a minister of the religious denomination in connection with which the College to which he belongs shall have been established"—and so on. I stated, in Committee, that this, as I conceived, would be an unnecessary restriction upon the Presbyterian community of this Colony; that in the ancient University of St. Andrew's,—the oldest in Scotland, which had originally three Colleges, two of which were subsequently united—Sir David Brewster, a layman, but a man of European fame, was Principal of one of these Colleges; and I thought it would be desirable for the Presbyterians of this Colony to have the power of placing at the head of their institution a man of so high a standing in the European world, although a layman. I did not make a formal amendment, however, but Mr. Martin immediately took up my idea, and proposed an amendment, to strike out that portion of the clause which I have quoted; but that amendment, which I seconded and spoke in favor of, was lost in Committee. However, after the Bill had passed the second reading, and the Committee, Mr. Martin brought forward a motion for its re-committal, on that ground alone, expecting that when the House should be more numerous than it had been when this amendment was lost he would be able to carry it, and it was re-committed accordingly, I think, on the 30th of November—having been read a second time on the 22nd. The amendment was then carried; so that in the Act, as passed by the Legislature, this restriction disappears. In proof of the truth of what I have stated, in regard to the concern of the Government with the alterations of the clauses that I objected to in the first instance, I beg to hand in a second edition of the Bill headed, "*To be proposed by the Solicitor General in substitution for the First Bill.*" (*The Witness handed in the same.*) But as the Bill was too limited in this form to embody the different clauses required to be put into it, a third edition of it was prepared and substituted for the second, by the Solicitor General, before the second reading,—a copy of which I beg to hand in. (*The Witness handed in the same.*) In this edition the Principal is required, by the fifth clause, to be "a minister of the religious denomination in connection with which the College to which he belongs shall have been established;" for it was after the second reading that that restriction was thrown out. I stated in Committee, as the ground of my objection, that it was not at all necessary, as far as the Presbyterians were concerned, that the Principal of the College should be a Professor of Divinity; that it would be requisite that there should be a Theological Faculty for the training up of young men for the ministry, as part and parcel of the College; but that there was no reason at all why the Principal of the College—the person who was to take charge of the discipline of the institution, and to superintend the studies of the young men attending the University for general education—should be a Professor of Divinity. There was rather a reason why he should not; for, as my late brother-in-law, Mr. Baillie, had died very shortly before the Colleges Bill had been introduced, and had left the whole of his property, subject to the life-rent of his widow, for the endowment of two Professorships in a Presbyterian College in Sydney, it was evident, at that time, that the establishment of a Theological Faculty for the training up of candidates for the ministry would be quite practicable in any Presbyterian College, whether the Principal was a minister or not. It was with this understanding that the clause was re-considered, and that it was left open to the Presbyterians to elect as Principal for their College either a minister or a layman, as they might think proper. And as it was only the Presbyterians, in their divided state, that the original clauses I had objected to could affect in any way, it was entirely to suit their particular case that these alterations were made in the original Bill.

3. Are you aware that a grant of land has passed to the Senate of the University, for the purpose of establishing Affiliated Colleges? I am. I was not aware till very recently of the terms of that grant—

The Rev.
J. D. Lang,
D.D.

23 July, 1858

4. I was about to ask you if you are aware of the terms on which that grant was passed to the Senate of the University? I am. And it is very evident that the deed of grant was drawn up by some clerk who was not aware of what had taken place so shortly before, in connection with the Affiliated Colleges Act. The Deed of Grant appears to have been founded on the first edition of the Colleges Bill. The Colleges Act was passed on the second of December, 1854, with all the amendments I have enumerated, and the grant to the University, ignoring these amendments, was passed on the 23rd of January following. Now, it was not competent for the Governor of this Colony to pass a deed of grant to the University in the face of the Act of the Legislature to which he had himself given his assent six weeks before. That was *ultra vires*, on the part of the Governor; the grant being issued in the face of the Act of the Legislature previously passed and assented to by the Governor. This great blunder, in my opinion—and I offer it very humbly—would prove fatal to the legal character of the deed in any Law Court.

5. I was about to have put the question to you, how you reconcile the terms of this deed of grant with the statement you have previously made with regard to the striking out of these clauses from the original draft of the Bill? The only thing I can say on the subject is, that it was a great blunder committed by the Government, for which they are exclusively responsible. It is quite impossible to reconcile the two, and the deed of grant is virtually a nonentity.

6. I find this deed of grant is restricted to the four denominations receiving State aid, which restriction you have previously stated was struck out of the Bill? It is so. It is evident that the clerk, or other person, who drew up the deed of grant had only before him, or only consulted, the first edition of the Bill, which was rejected by the Government, the Senate of the University itself, and the Legislature. And I cannot conceive how the Senate of the University, and the Professors of that body, should have had a deed of grant in their possession for more than three years containing, and without discovering it, so great a blunder, that seems to be fatal to its legal value.

7. After the passing of the Affiliated Colleges' Act, did you take any steps for the establishment of a College in connection with it? I did not in the first instance, because I thought it was proper that the portion of the Presbyterian Church in connection with the State should initiate the measure, and I kept in abeyance till they should bring forward some measure of the kind, in order to hold them to the conditions of the Colleges Act, as passed by the Legislature; but when I found that nothing was done, after a number of private meetings, for nearly a twelve month, I did announce my intention of appealing to the public on the subject.

8. In your opinion, what ought to have been the course pursued, in accordance with Act of Council, for the establishment of a Presbyterian College? Nothing ought to have been done in the matter in secret or clandestinely. There ought to have been an intimation requesting the attendance of all, whether ministers or laymen, who were interested in the matter, to draw up resolutions in accordance with the Colleges Act. That, however, was not done. There were numerous meetings held, but they were confined to a chosen few—certain ministers and laymen, who were invited individually; and from all these meetings I, although the senior Presbyterian Minister in the Colony, and the one who had been all along most connected with academical education, was carefully excluded. At last a public meeting was called, and was held on the 5th of April last. I attended that meeting, and announced beforehand, in the *Herald* and *Empire* of that morning, an amendment which I meant to propose upon the first resolution to be submitted to the meeting, whatever it was. There were no proposed resolutions published before the meeting. I was totally in ignorance of what was to be done or proposed; but from the quarter from which the notice of meeting emanated, I suspected it was not intended to act in accordance with the principles of the Affiliated Colleges Act; and I, therefore, proposed an amendment, which was published in the *Herald* and *Empire* of that morning, and which, perhaps, the Committee would allow me to read.

9. Perhaps you will allow me to put another question previously:—how many bodies or classes is the Presbyterian denomination divided into in this Colony? At the time when the Affiliated Colleges Bill was passed, in 1854, there were three sections of the Presbyterian Church in this Colony, to which a fourth has since been added. They are, first, the Synod of Australia, comprising the ministers in connection with the State; second, the Synod of New South Wales—of which I am a member—which separated from the Synod of Australia in the year 1842; third, the Free Church, representing the famous disruption in Scotland in 1843; and, fourth, the United Presbyterians, together with a congregation in Balmain, not ostensibly connected with any of the four bodies, but holding the same principles as the United Presbyterians. These are the four sections of the Presbyterians of the Colony; and the only point which, in various ways, divides them from each other is the connection of Church and State. They are all agreed as to doctrine, discipline, and worship, and are all equally interested in the promotion of academical education.

10. Previously to this public meeting, of which you have already spoken, are you aware whether any means were taken by the parties establishing the College to get up an understanding among the different denominations, as to whether they would agree together in the establishment of this College or not? I do not know from my own personal knowledge what may have taken place in reference to others; but I know positively that there was no communication made either directly or indirectly to the body of Presbyterians with which I am myself connected. We were carefully excluded from all connection with the subject.

11. You mean the whole of the ministers of the Synod of New South Wales? The whole of the ministers of the Synod of New South Wales. We were at one time more than twelve in number;

The Rev.
J. D. Lang,
D.D.
23 July, 1858.

number; but, from death and disease, and removing from the Colony, we are at present reduced to seven.

12. If please, you can now read the amendment that you intended to propose at the public meeting held in Castlereagh-street? After the first resolution submitted to the public meeting on the 5th of April was moved and seconded, I offered to move the amendment which had been announced in the *Herald* and *Empire* of that morning, to the following effect:—

"1. That the object and design of a Presbyterian College, in connexion with the University of Sydney, is simply to provide a suitable domicile, and the requisite moral superintendence for the youth of the Presbyterian communion, from all parts of the Colony, while attending the classes of the said University.

"2. That the establishment of a Theological Faculty, for training up candidates for the Ministry in the Presbyterian Church, although highly desirable in itself, and to be looked forward to as an important appendage of the proposed College, is, therefore, by no means necessary to its existence, as part and parcel of the University system, and would obviously be impracticable at present in the divided condition of the Presbyterian Church.

"3. That as the Affiliated Colleges Act ensures the promoters of the proposed undertaking the sum of Ten thousand pounds from the Public Treasury, for the establishment of the College, on condition of a similar amount being first raised by themselves, it is of paramount importance for the welfare and prosperity of the Presbyterian College, that that amount shall be raised in such a way as to ensure and perpetuate a thoroughly popular character for the Institution, and thereby prevent its becoming a mere aristocratic concern, uncared for and unsupported by the great body of the Presbyterian people. To guard against so fatal a mistake, and to assimilate the proposed Presbyterian College to those noble, thoroughly popular, and essentially plebeian Academical Institutions, the Colleges and Universities of Scotland, that have mainly contributed, for three centuries past, to raise the Scottish people as a nation to the highest pitch of eminence among the nations of Europe, it is expedient and necessary that a large proportion—say three-fourths, or at least three-fifths—of the whole amount required in the first instance, to entitle the promoters of the undertaking to the *bonus* of Ten thousand pounds from the Public Treasury, should be raised in comparatively small sums, by the middle and industrious classes of the Presbyterian community throughout the territory; who will thus take a deep interest in the institution which they have themselves contributed to establish, and to which they will look forward as the means of raising not a few of their offspring to the highest places in the land.

"4. That, to ensure the accomplishment of this object of paramount importance, every subscriber of five pounds towards the College shall be deemed a proprietor of the Institution, and be entitled to one vote at all meetings of proprietors for the election of office-bearers, or for any other purpose whatsoever; every subscriber of ten pounds shall have two votes; every subscriber of twenty pounds shall have three votes; every subscriber of fifty pounds shall have four votes; and every subscriber of one hundred pounds or upwards shall have five votes, and no more; such votes, in the case of all proprietors not residing either in Sydney or within twenty miles of it, to be given by proxy (agreeably to a form to be prepared for the purpose), and to be transmissible by post.

"5. That one-fifth of the whole amount subscribed by any proprietor shall be payable on subscription, and the remaining four-fifths by equal annual instalments, at the end of one, two, three, and four years, respectively, from the date fixed for general subscription; for which deferred payments promissory notes shall be given by each subscriber, agreeably to a form to be prepared for the purpose.

"6. That, in order to carry out these arrangements, and to bring the proposed Presbyterian College into existence, in accordance with the liberal and enlightened principles of the Affiliated Colleges Act, a Provisional Committee shall be formed; to consist of one minister of religion, one member of either House of Parliament, and one other layman, on behalf of each distinct section of the Presbyterian Church."

13. You say you were not permitted to move that amendment at the meeting held on the 5th April? No. I rose to submit an amendment on the first resolution, and the Chairman refused to allow me to submit it. The account of it is given in the *Herald* and *Empire* of the 6th of April, the following day, to which I beg to refer.

14. Were any steps taken subsequently by you or other parties who felt aggrieved with the proceedings of that meeting of the 5th April? Being thus precluded from any connection with the Presbyterian College, and conceiving very strongly that very improper steps had been taken in the matter, our only resource was to call another public meeting of the Presbyterians of the Colony, which was done accordingly by advertisement, the meeting being held on the 12th April, and continued by adjournment to the 19th. At that meeting the amendment which was refused at the meeting of the 5th by the Chairman was passed unanimously, and another Committee was formed to carry out the objects implied in the series of resolutions I have just read. If the Committee will allow me to read the minutes of the proceedings of that Committee I will do so. As soon as the Committee appointed at the public meeting of the 12th and 19th were in operation, they held a meeting, and resolved, in the first instance, to hold a conference, if possible, with the other Committee.

"Sydney, 22nd April, 1858.

"The Provisional Committee having this day met: it was resolved unanimously,—

"That, in accordance with the recommendation of the adjourned public meeting of the 19th instant, and with a view to ensure the united action of the Presbyterians of the Colony generally, for the accomplishment of their common object, a conference should be requested with the Committee of Presbyterians appointed at the public meeting in the Infant School-room, Castlereagh-street, on Monday, the 5th instant."

Our

Our feeling on the occasion was, that it was indecent that there should be two Committees acting for the same object simultaneously, and professing to have the same views; and the proposal for a conference was made accordingly. A letter to the following effect was accordingly written, and signed by all the members of the Committee:—

The Rev.
J. D. Lang,
D.D.
23 July, 1858.

"Sydney, 22 April, 1858.

"To the Members of the Committee appointed at the Public Meeting of the 5th instant.

"GENTLEMEN,

"We, the undersigned, having been appointed to consider the best means for carrying out the views of various sections of the Presbyterian community, desirous of effecting the establishment of a Presbyterian College in connection with the University of Sydney, but holding conscientious objections to some of the principles embodied in the scheme adopted at the public meeting held in the Infant School-room, Castlereagh-street, on the 5th instant, for that object, have the honour to request a conference with the Committee then appointed; as being, in our opinion, the most advisable course for securing the united action of the whole Presbyterian people of the Colony in so desirable an undertaking.

"We have the honour, &c."

The next meeting was held on the 12th May, 1858, of which the following is a Minute:—

"Sydney, 12th May, 1858.

"The Provisional Committee having this day met, the following letter, addressed to the Honorable the Chairman, by Thomas Barker, Esq., on behalf of the other Committee, having been read, it was resolved to forward to that gentleman, for the information of the Committee with which he is acting, the subjoined reply.

"Sydney, 3rd May, 1858.

"To the Honorable John Robertson, Esq., and others

"GENTLEMEN,

"I have the honour to be deputed by the Committee of the Presbyterian College, to acknowledge the receipt of your letter, addressed to the said Committee, and in reply to forward to you a copy of the minutes of this day's proceedings referring thereto.

"I am, Gentlemen,

"Your obedient Servant,

"(Signed) THOMAS BARKER, Chairman.

"[Enclosure]

"Sydney, 3rd May, 1858.

"At St. Andrew's Church, which day the College Committee met and was constituted with prayer, when, *inter alia*, a letter was laid on the table from John Robertson, Esq., M.P., and other gentlemen, requesting a conference with the Committee, on matters respecting the principles on which it is proposed to establish a College. It was agreed that the letter be received, and that the Chairman be requested to communicate with Mr. Robertson, with a view to ascertain what are the conscientious objections to some of the principles embodied in the scheme adopted at a public meeting, held on the 5th ultimo, in the Infant School-room, Castlereagh-street, about which Mr. Robertson and the other gentlemen desire a conference."

"Extracted from the Minutes of the College Committee this 3rd day of May, 1858.

"(Signed)

JOHN M'GIBBON,

"WILLIAM LUMSDAINE,

"Secretaries."

Our reply was as follows:—

"Sydney, 12th May, 1858.

"To Thomas Barker, Esq., Chairman of the Committee of Presbyterians,
formed at the Public Meeting of the 5th ultimo.

"Sir,

"I have the honour to acknowledge the receipt of your letter of the 3rd instant, in reply to the communication addressed to your Committee on the 22nd ultimo, by myself and others, requesting us to state our objections to your scheme. We do so accordingly in the accompanying Statement, signed on behalf of our Committee by our Honorary Secretary.

"I have the honour to be,

"Sir,

"Your most obedient servant,

"(Signed) JOHN ROBERTSON, Chairman."

"STATEMENT of Objections to the Scheme propounded at the Public Meeting for the establishment of a Presbyterian College, held on the 5th ultimo.

"Our objections are twofold. We object, in the first place, to the scheme propounded in the series of Resolutions passed at the public meeting in question, as embodying in so far the principles of a constitution for the proposed College; and, secondly, to the nature and composition of the Committee created by that meeting, as professing to represent the Presbyterians of the Colony generally.

"Under the former of these heads we object particularly—

"1st. To the proposed establishment of a Theological Faculty in the Presbyterian College from its very commencement, as being not only unnecessary in the infancy of the institution, but utterly impracticable in the present divided state of the Presbyterian Church. For it would obviously be quite hopeless, under existing circumstances, to get
"the

The Rev. J. D. Lang, D.D.
 23 July, 1858.

"the different sections of the Church to create such a faculty in concert; and any such faculty as should emanate from any one section would, probably, for that reason alone, be opposed by the others.

"2nd. To the fixing of ten pounds as the lowest amount requisite to qualify a proprietor or shareholder of the College, as tending to exclude from its proprietary the very class—that of industrious persons of the working classes—which it is of the utmost importance to its best interests to conciliate and attract.

"3rd. To granting an additional vote for every fifty pounds subscribed for the College over and above the first fifty, as tending to creating a money power in the institution, of which the consequences to its best interests must be exceedingly disastrous.

"4th. To the proposed name of the College—St. Andrew's—as being not a general but a sectarian designation, and one which, in the estimation of Presbyterians generally, indicates exclusive connection with the Established Church of Scotland.

"Under the second of the heads above-mentioned, we object to the nature and position of the Committee created by the meeting of the 5th ultimo, for carrying out the scheme propounded in the resolutions passed at that meeting, inasmuch as it is not a fair representation of the different sections of the Presbyterian Church, which it ought unquestionably to have been. The Committee in question contains not fewer than four or five ministers of the Synod of Australia, without having even one to represent either the Synod of New South Wales or the United Presbyterians. We are decidedly of opinion that, in a properly constituted Committee for the establishment of a Presbyterian College, there should, in addition to a sufficient number of laymen, be one minister, and no more, to represent each section of the Presbyterian Church, and that that minister should be duly appointed by the body he represents.

"By order of the Committee,
 J. BLACK, Honorary Secretary.

"(Signed)

"Sydney, 12th May, 1858."

The only other meeting was held in Sydney, on the 4th June, 1858, of which the following is a Minute:—

"Sydney, 4th June, 1858.

"The Provisional Committee having this day met, the following letter from Thomas Barker, Esq., with its enclosure, was read:—

"Sydney, 1st June, 1858.

"THE HONORABLE JOHN ROBERTSON, ESQ.

"DEAR SIR,—I have the honor, in obedience to the request of the Committee of the Presbyterian College, to enclose a copy of the resolutions passed at their meeting yesterday.

"I beg also to enclose a printed copy of the prospectus approved of at the public meeting.—I have the honor to be, dear Sir, &c., &c.,

"(Signed) THOMAS BARKER, Chairman.

[Enclosure.]

"St. Andrew's Church, 31 May, 1858.

"Which day the Presbyterian College Committee being met and constituted, *inter alia*, a letter from the Honorable John Robertson, Esq., transmitting a statement of objections to the scheme propounded at the public meeting for the establishment of a Presbyterian College, held on the 5th ultimo, having been read, the Committee declined a conference anent the objections embodied in this document, for the following reasons:—

"1st. That the primary object of the originators of this movement is the establishment of a Theological Chair in the College, rendered necessary in consequence of the peculiar constitution of the University, which makes no provision for religious teaching.

"2nd. That the prospectus has been approved by a public meeting, and a considerable amount of money has been already subscribed, in the expectation that the principles set forth therein will be carried out.

"It was agreed that an extract minute of the foregoing be transmitted to the Honorable J. Robertson, Esq., by Mr. Barker, as chairman of this meeting.

"Extracted from the minutes of the Presbyterian College Committee, by

"(Signed) WILLIAM LUMSDAINE,
 "One of the Secretaries."

15. Are you aware what further steps have been taken by the Committee appointed by the public meeting of the 5th April, towards the establishment of a Presbyterian College? I have merely heard from reports, both privately and through the public press, that they have been collecting money for carrying out their views, and that they had raised, by the last advertisement, nearly £7,000. But the Presbyterians of the Colony being now as nearly as possible about 35,000 in number, I find that the whole number of subscribers to the Presbyterian College, under the Committee appointed on the 5th April, amounts only to 92 or 93; and from looking at the list, I find that in several instances there is a whole list of children of the different families, some of them even at the breast, put down as subscribers to this amount. It is quite evident, therefore, that the subscription does not at all represent the Presbyterians of the Colony generally. It is quite evident that the scheme has got no hold of the Presbyterian population, for the College being intended chiefly to promote the interests of the middle and industrious classes, the small amount of comparatively small subscriptions from these classes sufficiently indicates their entire want of confidence in the movement.

16. Have any steps been taken by the Committee appointed at the subsequent meeting to which you have referred, in the way of raising subscriptions, or in any other way, towards the establishment

establishment of a Presbyterian College? We were on the point of making an effort by appealing to the Presbyterians of the Colony generally, and had got from one friend a subscription to the extent of £500 to begin with, and other subscriptions of considerable amount; but we deemed it better to intermit all proceedings till we had submitted the whole case to the Legislature, as we conceived that we were suffering a great grievance, which the Legislature only could redress.

The Rev.
J. D. Lang,
D.D.

23 July, 1858.

17. Then the proceedings of the Committee which you are now referring to are at present in abeyance? They are; but we maintain that the allegation of the other Committee, that the money has been subscribed upon the basis of *their* prospectus, is altogether futile. It is accordant with the knowledge of almost all parties concerned that, with the exception of a mere handful, the Presbyterians who have subscribed the amounts alleged to be promised, have done so on the ground of assisting a Presbyterian College generally, taking it for granted it would be established on a proper footing, and in accordance with the law of the land. They do not inquire into the matter any further, and are in no way pledged to the prospectus.

18. Have you looked into the prospectus that has been issued by the Committee appointed at the public meeting of the 5th April? I have. The proposal to establish a Theological Faculty, in the first instance, according to that prospectus, is utterly impracticable, as we state in our list of objections, because it must necessarily be appointed by only one of the sections of the Presbyterian Church, and if appointed by any one under existing circumstances, that circumstance alone would withhold from it the confidence of the others. The thing is quite impracticable at present, and it is only as an institution for secular education that the College can be established in the first instance. I have every reason to believe that if it *were* established for that purpose, according to the Colleges Act, it would very soon lead to a better state of things, and render the establishment of a Theological Faculty quite practicable.

19. But if the establishment of a College is only for secular purposes, could not the education for secular purposes, that would be obtained there, be at present obtained either at the University, or at several of the public schools or seminaries? The only purpose for which the College can exist, in the first instance, is as a place of domicile for the moral superintendence of the youth attending the University, for by the Colleges Act all the students in the College must be students of the University. Now, all that the Act contemplates is, that these students should be under the moral superintendence of some person or persons in whom the Presbyterians generally have confidence. Systematic religious instruction—the phrase made use of in the Preamble of the Colleges Act—is a phrase that admits of two different significations. On the part of members of the Church of England it seems merely to signify having prayers regularly conducted in the institution, and the Scriptures read, for the benefit of the young men generally. I believe there would be no objection to *that* in any quarter among the Presbyterians. That amount of systematic religious instruction would be quite in accordance with the views of all; but we Presbyterians attach a different meaning to the phrase “systematic religious instruction.” It signifies the establishment of a Theological Faculty, in connection with the College, and part and parcel of it, as in the Scotch Universities. In all the Universities in Scotland there is, in addition to the provision for general education, a distinct Theological Faculty, for the training up of young men for the Ministry.

20. It appears to me, from what you have stated, that a College, established upon the principles which you have now enunciated, would be a mere boarding-house, under the superintendence of some principal, or person in whom the Presbyterian body had confidence? Quite so. That is precisely the idea attached to it by Mr. McIntyre, of Maitland, in a pamphlet he has published on the subject.

21. Are you aware of any Colleges, in any part of the world, established for that purpose upon these conditions or terms? That is the general principle on which Colleges generally were established.

22. I always understood that a College did mean, to a certain extent, that a Theological Faculty was established in most Colleges if not in all? It is not necessarily implied in the name at all that there should be a Theological Faculty. But, in advocating the establishment of the College as an institution for secular education exclusively, in the first instance, we do not do so absolutely. We look forward to the establishment of a Theological Faculty very speedily; but we only maintain that it is impracticable at the present moment, and in the first instance.

23. Looking at the differences of the different denominations? Quite so.

24. In the third paragraph of your Petition you state that “certain Presbyterian Ministers and laymen have, nevertheless, been endeavouring, for some time past, to defeat this benevolent intention of the Legislature, and to restrict to a chosen few what was thus beneficently intended for all”—will you be kind enough to explain to the Committee what you mean by that allegation? I infer that intention from their acts. If they had been disposed to carry out the views of the Legislature in extending the benefits of the Affiliated Colleges Act to all of their denomination, they would have given intimation to all the ministers and people when they set to work for the establishment of a College. But in carefully excluding myself, as the most prominent minister of the section I belong to, and all my brethren—although the congregation I minister to is, probably, the largest in the Colony of the Presbyterian denomination—in carefully excluding us, it was quite evident they intended to restrict to a few what the Legislature had meant for all.

25. You think that previously to this public meeting, or any public meeting, having been held for the purpose of establishing a Presbyterian College, representatives of all the sections of Presbyterians should have been invited to meet for the purpose of framing resolutions, that could have been agreed on by all to be submitted to a public meeting? Decidedly; for at such a meeting they would soon have discovered how far they could go together, and where

The Rev.
J. D. Lang,
D.D.

23 July, 1858.

where they disagreed — where, in short, it was impracticable to go any further in concert.

26. Are you aware that circulars were sent to different ministers and laymen, inviting their attendance at several of these meetings? I have heard that there were; but none of them ever reached me, or any of my brethren in connection with me.

27. Then is it your opinion that, unless united action can be induced, on the part of Presbyterians generally of the different denominations, a College, even if built and established, would be practically useless, because all Presbyterians would not send their children to be educated there, unless it were established on a broad basis? My opinion is, that a College established on the plan proposed will not only be useless, but worse than useless; because it will tend to embitter the feelings of alienation that already exist, and perpetuate distinctions which it is the interest of all to abolish.

28. *By Mr. Richardson:* You say you think it not necessary, nor even desirable, that the Principal of the College should be a minister of religion? Not at all necessary.

29. And in the event of his not being so, he could receive support from the Government? Quite so; and could also give such religious instruction as is requisite, in accordance with the Act. Many teachers of schools communicate religious instruction to the pupils under their charge, without being ministers of religion. I believe all the Presbyterians in the Colony would be anxious, if a layman in whom they had confidence, were at the head of the institution for general education, that he should do his best to conduct morning and evening prayers, and read the scriptures among the youth.

30. In the event of his being an ordained minister, is it your opinion that those who refuse to accept State aid would decline joining? Decidedly; if he was a Professor of Divinity, they must decline; and it was principally for that reason that I suggested the amendment which Mr. Martin adopted, and the Legislature sanctioned. It was to leave the College open to Presbyterians holding the voluntary principle; because, if the Theological Faculty were entirely supported by voluntary subscriptions, there could be no objection on their part to the Principal, as head of the College, to maintain discipline among the young men, receiving a Government salary; for such Presbyterians do not object to the support of education by the State; it is only to the support of religion.

31. How would you get over the difficulty which, as you say, has evidently crept into the grant by some mistake, the grant being only given to the Church of Scotland—do you not think that is a difficulty at present? No doubt, on the face of the grant there is a difficulty; but it is very evident the grant was passed either in ignorance or in the face of the previous Act of the Legislature that restricted the Governor. It was *ultra vires* on his part to assent to any such deed in the face of the Act of the Legislature.

32. Have you any reason to believe that any of those who have subscribed for this Affiliated College are ignorant of this clause of the deed of grant? I believe very few of them know any thing of it.

33. Have you reason to believe that those ministers of religion who have taken active steps in the matter are aware of it? I do not think they are. I was not myself aware of the terms of the deed till within the last few days; and I believe that is the case with most other ministers also. It is evident, however, that the Government cannot blow hot and cold at the same time. If the Governor did right in assenting to the Act of Council on the 2nd of December, 1854, he was decidedly wrong in assenting to such a deed as this on the 23rd of January, 1855; and it is for the Government to redress their own wrong, not for private individuals to put them right.

34. You stated that there were not far short of 35,000 Presbyterians in the Colony? Yes; I made the calculation from the Census of 1856.

35. And the number of subscribers to the proposed College amounts to about 90? To 92 or 93, including infants at the breast.

36. Why were the children included, do you suppose? To increase the number, to make the better show—to deceive the public, in fact.

37. Is it your opinion that 92 or 93 subscribers bear any proportion to the number of Presbyterians in the Colony? They bear no proportion either to the number of Presbyterians in the Colony or to the number of Presbyterians who would take an interest in this subject, if it were properly placed before them.

38. Is it your opinion that an Affiliated College established on the principles of the parties who held the first meeting would work well—do you think it would do good or harm? I think it would do a great deal of harm, in embittering the feelings of alienation that already exist; and I am persuaded it would sink into a condition of insignificance. It would, at all events, excite the hostility of the other portions of the Presbyterian communion.

39. *By Mr. Aldcorn:* Are you aware that the ministers and members of the Established Church have agreed to act, and have acted, with the ministers and members of the Free Church, regarding the Presbyterian College to be affiliated to the University? I am aware that there are members of the Free Church acting along with them.

40. That would seem to destroy the very condition on which they get the money—the very fact of their taking in other parties, other sections of the Presbyterian Church, to act with them would destroy the validity of the grant? It shows evidently, I submit, that both parties were equally ignorant of the terms of the grant.

41. Do you think it would be possible to establish a Theological Faculty, if this condition of the Principal being Professor of Divinity should be taken out of the way? It would be much easier to establish a Theological Faculty, either if the Principal were a layman, or if he were restricted to the exercise of discipline over the students generally, that is, if he were not a Professor of Divinity; but if he is to be a Professor of Divinity, then the objection of the voluntaries operates: they would say, this is religion supported by the State.

42. You are aware that the Principals in most of the Colleges in Scotland are ministers of the Established Church, and in almost every case Primaries Professors of Divinity, though they

they do not in fact teach divinity? Yes; but Sir David Brewster, Principal of one of the Colleges in St. Andrew's, is a layman.

42. You are not aware of any Act forbidding a layman to become Principal of a College? There certainly is not one, otherwise Sir David Brewster never could have been elected to that office.

The Rev.
J. D. Lang,
D.D.
23 July, 1858.

43. Would you object to the tutorial system of education in the College? Decidedly not. And it would be the duty of the Principal to superintend that tutorial system—to have tutors under him, acting in accordance with him, over the young men receiving their education in the University, but residing in the College.

44. You would raise the education given in the College above that given in common schools, or even in a Grammar School, probably—that is, as relates to the sciences and the higher branches of mathematics, in the same way as at Oxford and Cambridge—you know that there the very highest branches almost are taught by tutors—would you think that desirable? Decidedly. But the Colleges Act provides that all students in any College shall be matriculated in the University. They must have the previous training that admission to the University prescribes. The College should serve two purposes,—on the one hand, the moral superintendence of the young men attending there for general education, with a tutorial system co-operating with the University; and, on the other hand, a Theological Faculty, totally distinct from the other portion of the machinery, for the training up of candidates for the ministry.

45. Then you do not object, in a Presbyterian College, to religious knowledge being communicated—such religious knowledge as can be imparted by parents or teachers below the rank of a Professor, whom in Scotland we understand to teach dogmatic theology, and theology in all its parts—you would not object to religious instruction being given to the young men attending the College, exclusive of a Theological Faculty? Decidedly not. In fact, we should consider that a *sine quâ non* in giving our vote for the appointment of any head of the Institution. We would consider it absolutely necessary that he should not only have the confidence of the Presbyterians generally, but that he should be both competent and willing to conduct the house on the same principle as a father of a family, *pater familias*.

46. Then you would consider a College more a place for the secular education of the young men attending it, their moral and religious wants being also attended to? Quite so; but as the University does not provide professional education for candidates for the ministry, the College must eventually supply education in those branches which the University does not contemplate. For example: Mr. Baillie has left an endowment for a Professorship of the Oriental and Polynesian languages—the Hebrew and the language of the South Seas. Now, this Professorship would come under the Divinity Faculty in the College; and the University, in all likelihood, would not have Professors for any such branches. Such a Professor would be required for the training up of missionaries to go forth to the South Seas, and of students acquainting themselves with the original Scriptures, as candidates for the ministry.

47. Then your objection to a Theological Faculty is not to a Theological Faculty absolutely, but to the time, in the present disunited state of the Presbyterian Church? Entirely to the time.

FRIDAY, 6 AUGUST, 1858.

Present:—

MR. ALDCORN,
MR. GORDON,

MR. MARKS,
MR. RICHARDSON.

SAMUEL DEANE GORDON, Esq., IN THE CHAIR.

The Honorable Francis Lewis Shaw Merewether, Esq., M.L.C., examined:—

1. *By the Chairman:* Were you a Member of the late Legislative Council, in the year 1854, when the Affiliated Colleges Act passed? I was.

2. Were you also a Member of the Government at that time? I was.

3. And Vice-Provost of the University? Yes.

4. Will you be kind enough to inform the Committee what Member of the Executive Government had charge of the Bill in its passage through the House? I had charge of the Bill.

The Hon.
F. L. S.
Merewether,
Esq., M.L.C.

5. Were there any important changes made in the Bill from its first introduction until it was passed? Yes, there were several important changes and additions made.

6. I would wish to draw your attention to a portion of the evidence given by the Rev. Dr. Lang before this Committee. (*The Clerk of Committee read an extract from Dr. Lang's evidence, in answer to Q. 2.*) Will you be kind enough to inform the Committee whether, to the best of your recollection, this conversation, in substance, did take place? I cannot state, from recollection, the substance of the conversation which took place upon the occasion referred to. I remember that there was a casual conversation upon the subject, in Sir Charles Nicholson's house, in which I felt interested, but I do not carry in my recollection what passed.

7. After this conversation considerable alterations did take place in the Bill in passing through the House? Yes—that is, the conversation took place before the Bill as proposed in Committee was finally settled.

8. Will you be kind enough to inform the Committee, so far as you can judge, what was the intention of the Legislature in regard to the Act—whether it was intended to embrace the whole of the sects in the Colony, or to be restricted to certain sects? The act was modified in order that it might be open to any other sect sufficiently important to be able to raise the necessary

The Hon.
F. L. S.
Merewether,
Esq., M.L.C.
6 Aug., 1858.

necessary funds, and to obtain the sanction of the Legislature, to found a College in connection with the University.

9. Was it not principally to enable the Presbyterian Church, in its divided state, to unite as one denomination, and to claim this support from the Government, that the alterations in the Bill were made? No. The Government did not propose the alterations referred to with that object. They were proposed upon a more comprehensive principle, and without reference to any particular denomination.

10. In the first draft of the Bill presented to the House only four denominations were mentioned? Yes.

11. Then, in fact, the Affiliated Colleges Act, as passed, was intended to apply to all denominations who were in a position to claim, at any future time, the assistance from Government for the purpose of establishing an Affiliated College? That was the object; and it appears to me to be clearly expressed in the wording of the Act.

12. Are you aware of a Deed of Grant having been issued by the late Sir Charles Fitz Roy to the Senate of the University of certain lands at Grose Farm, for the purpose of erecting Affiliated Colleges upon? I am.

13. Were you a Member of the Executive Government at the time that Deed of Grant was issued? I was.

14. Were you aware at the time it issued of the terms of that Deed of Grant, with regard to the different denominations it embraced? Yes; I saw the draft of the deed before it was issued.

15. The Deed of Grant, of course, was issued subsequently to the passing of the Affiliated Colleges Act? It was issued subsequently, but the promise of the grant was made a considerable time before the passing of the Act. The correspondence relating to that subject will be found among the printed documents of the Legislature of the day.

16. Are you aware that there are certain denominations mentioned in that Deed of Grant as being those to whom only it was intended to apply? Yes: the University received land, under that grant, for four Colleges only,—the Church of England, the Church of Scotland, the Church of Rome, and the Wesleyan Methodists. The deed imposes upon the University the obligation of granting certain quantities of land to Colleges in connection with those churches, if founded within five years from the date of the grant.

17. By "the Church of Scotland" are you aware whether the Presbyterian body generally was intended, or a section of the Presbyterian Church in connection with the Church of Scotland as established by law? The Presbyterians in connection with the Church of Scotland were those specifically referred to in the Deed of Grant; but it was the desire and hope of those interested in the measure that all the Presbyterians would join in the formation of a College. Still there were only four sub-grants to be made by the University out of the land granted to it, and the deed distinctly specified as the recipients of them the four denominations originally mentioned in the Bill.

18. How do you reconcile the terms of this grant, which mentions that four distinct denominations shall receive land for the purpose of building Affiliated Colleges, with the Act as passed by the Legislature, which, as you have told us, was intended to embrace all denominations that were in a position to claim such assistance from the Government under the terms of the Act? The Act did not apply to land at all, except in so far as it required that the University should have conveyed to it in trust the land upon which any College endowed under the Act might be built, whether such land were obtained by grant from the Government or otherwise. The provisions to which I refer will be found in the second clause of the Act.

19. I think that specifies that the prescribed amount of subscription "shall be devoted exclusively to the erection of College buildings on land granted for that purpose by Her Majesty to the University in trust for such College?" Yes, "if any shall be so granted; and if not, then upon land otherwise conveyed to and accepted by the University in such trust."

20. Then this clause does refer to land to be granted by the Government for the purpose of erecting Colleges upon? It refers to it incidentally.

21. Do you not rather think that the other part in the brackets is rather incidental? No; the clause has no reference to the acquisition of land. Its object is to provide that the land on which any College endowed under the Act may be built shall become the property of the University.

22. Does it not strike you that this second clause is framed entirely with regard to the provision by Government, both of money and lands, for the purpose of erecting these Colleges? Certainly not. The Act provides only for the money endowments, with which alone the Legislature of that date was competent to deal.

23. Then what can be the meaning of this language:—"No such College, although incorporated, shall be entitled to such endowments, unless and until the sum of £10,000 at the least shall have been subscribed by its founders, and of that sum £4,000 shall have been paid and invested in such manner as shall have been approved of by the Governor, and the residue shall have been to his satisfaction secured to be paid within three years next following; nor unless the whole of the said £10,000 shall be devoted exclusively to the erection of College buildings on land granted for that purpose by Her Majesty to the University in trust for such College?" "If any"—

24. Then in brackets it is stated—"if any shall be so granted, and if not, then upon land otherwise conveyed to and accepted by the University in such trust."? The object of this was merely to secure to the public represented by the University the absolute property in the land upon which the buildings to be erected, partly at the public expense, were to be placed—that no public money should be expended in the buildings until the land had been vested in the University.

25. *By Mr. Aldcorn*: That the University is to be the trustee for all land, whether it be private or public—the clause within brackets refers merely to that? Yes.
26. *By the Chairman*: You say there is no other land at present granted by the Government to the Senate for the purpose of building Affiliated Colleges upon except for the four denominations specified in this Deed of Grant? Yes.
27. Then, if the Congregational body were to subscribe the required sum, and were to apply to the Government for a grant of land, do I understand that there is no land to be given them for that purpose—is all the land now given away? The Government might make a further grant, but the University has no land at present available for such a purpose.
28. Then, in reality, the whole of this land at Grose Farm is granted to the Senate of the University, for the Church of England, the Church of Scotland, the Roman Catholic body, and the Wesleyans? Yes; that portion of the Grose Farm Estate which has been conveyed to the University for the sites of Colleges is appropriated to those bodies, if claimed within the prescribed time.
29. Is any portion of Grose Farm at present not dedicated by the Government to the University? Yes; there is a portion adjoining the University land which, when the University grant was made, the Government set apart as a recreation reserve, to be connected with the University land, and on the understanding that the Senate of the University should be represented on the trust, so that the grounds might be laid out in uniformity with those of the University, and also that the Senate might have a voice in the management of the reserve, so as to be able to check irregularities which might be prejudicial to the University discipline. There is also a portion of land on the other side of the Newtown Road which was not granted to the University.
30. There is no other land for the purpose of being granted to any other denomination who may apply for a College? None held by the University.
31. *By Mr. Aldcorn*: Has that recreation ground been conveyed to trustees for the purpose you have stated? No. I understand, from an answer recently given by the Solicitor General to a question put in the Legislative Council, that the intended public recreation grounds have not as yet been vested in trustees, because the Government is not legally empowered to issue the grants without a further Act of the Legislature.
32. *By Mr. Richardson*: Do you think when the Act was passed it was meant that all the Presbyterians of the Colony should be enabled to participate in the advantages to be derived from the Bill? I can scarcely say it was meant, but it certainly was the desire and wish of the individual members of the Government, and also of those who took an interest in the measure, that the Presbyterians should all combine in the foundation of a College.
33. When you said four different bodies were included, you mentioned the Church of Scotland—you are aware that the Church of Scotland in this Colony is divided into several sections, some of which receive and some refuse to take State aid? Yes.
34. By the term "Church of Scotland" were all Presbyterians meant, or only the Church of Scotland receiving State aid? I conceive, as I said before, that the body of Presbyterians in connection with the Established Church of Scotland is that to which the grant expressly applies. But I repeat, that it was desired, and indeed expected, that the other Presbyterians would join with them in the formation of a College—that there should be one College for the Presbyterians generally.
35. Did it not occur to you, or to any other Member of the House at the time, that there would be many difficulties in the way of those who refuse to receive State aid in joining with the other party, as those holding voluntary principles could hardly receive State aid for the purpose of paying the Principal of the College? These objections were not, I think, stated at the time—they certainly did not occur to me. I should not myself have considered that a grant for the purpose of imparting religious instruction in a College would come within the scruples of those to whom you refer.
36. Does it appear to you now that there are difficulties in the way, seeing that a very large portion of the Presbyterians throughout the Colony cannot participate in the aid—would you not think it a hardship that one section only should have the benefit of this College? I do not see how such a difficulty could be obviated, except by that section forming a College of their own without Government aid.
37. You say, when any section of the Presbyterian Church became of sufficient importance—do I understand you that if the Free Church of Scotland, or any other section of Presbyterians, were to raise £10,000, they would be able to derive the benefit of the Act? Yes.
38. If the Free Church, the Church connected with Dr. Lang—the Synod of New South Wales—or the United Presbyterian Church,—if these three bodies severally were to raise £10,000, do I understand your opinion to be that they would receive the aid? Yes, upon their complying with the terms of the Act, and becoming incorporated by the Legislature.
39. *By Mr. Aldcorn*: You interpret the Act that it admits all sects, and you say it was the desire and wish of the Government that all should participate in it—how do you reconcile that with the fact of their giving away the whole of the Government land to four particular sects? The Government may, on application, grant land to any other besides the four originally contemplated Colleges, should such be established; but, as I have before said, the Act provides for the money endowments only. The land is a separate and distinct matter; and at present the University has only received land for four Colleges, in addition to the quantity dedicated to its own purposes.
40. That is the whole of the land, with the exception of the recreation ground? Yes.
41. Did the Government advert to the Act at the time of the promulgation of the grant, at the time they handed over the grant to the University—the one is posterior to the other, you will observe? The grant of land was made independently of, and previously to, the addition of the money endowments granted by the Legislature; for, although the Deed of Grant was not actually issued until after the passing of the Act, it had been promised long before.

The Hon.
F. L. S.
Merewether,
Esq., M.L.C.

6 Aug., 1858.

The Hon.
F. L. S.
Merewether,
Esq., M.L.C.

6 Aug., 1858.

42. Yes, but still the grant was not issued till a month after the date of the Act? It was issued in fulfilment of a promise—a previous arrangement.
43. *By the Chairman:* Then, in fact, when the Deed of Grant was issued, the Government were aware of the terms of the Act, but in fulfilment of a promise to these four denominations they issued the grant? The Government issued the deed in fulfilment of a promise made previously to the passing of the Act, and independently of the Act, which related to money endowments only. The original Bill provided money endowments for four Colleges only. By the alteration made this restriction was removed, and it was left open to others than those four to seek an Act of Incorporation, and the attendant money grants. It is also open to them to apply for a grant of public land; but no addition was made to the University grant for the purpose of providing sites for such additional Colleges.
44. *By Mr. Marks:* You say it was the original intention of the Government that that portion of Grose Farm granted to the Senate of the University should be confined to the four different denominations mentioned in the grant? The Senate of the University received from the Government sufficient land for the purposes of the University, and for sites for Colleges for those four denominations. These were taken from the land at Grose Farm, the whole of which was then unappropriated.
45. Is it your opinion that that section of Presbyterians designated in the Deed of Grant as the Church of Scotland has alone a legal right to hold the land already granted, or held in trust by the Senate? Yes; I think no other body could establish a legal claim.
46. You also think that any other branch of the Presbyterian Church, by purchasing land, and obtaining the necessary amount, could call upon the Government to aid in establishing a College? Yes.
47. *By Mr. Aldcorn:* You say a promise was made to the Senate of the University: how was this Senate constituted at that time—by whose authority was the Senate constituted? It was constituted under the authority of the Act of Incorporation.
48. Were they specially named in the Act of Incorporation? No; it was originally intended that they should have been named in the Act of Incorporation, but some difficulty as to the selection arose in the Legislative Council, and power was given to the Governor, with the advice of the Executive Council, to appoint the first Senate.

The Reverend John Dougal called in and examined:—

The Rev.
John Dougal.

6 Aug., 1858

1. *By the Chairman:* You are one of the ministers in connection with the Synod of Australia? Yes.
2. In connection with the Church of Scotland? Yes.
3. Have you been co-operating or taking any part with your brethren in the way of establishing a Presbyterian College? To a certain extent.
4. Will you be kind enough to inform the Committee what steps you have taken with respect to the formation of a College under the Affiliated Colleges Act? The steps our body has taken, or I in particular?
5. What you yourself have taken? I was appointed a member of the Committee of the Synod in October, 1856, when the matter was first initiated by our body. I remained a member of that Committee until the last meeting of the Synod, when I was re-appointed, and remained so until about a fortnight from the public meeting that was held. At the meeting of the Committees from the two Synods which took place to arrange the preliminaries for this public meeting, certain steps were taken which compelled me to retire from connection with those Committees.
6. I presume you refer to the public meeting held in Castlereagh-street, at which the Governor General presided? Yes.
7. Have you any objection to inform the Committee why you thought it desirable or prudent to withdraw from taking part in the formation of this College Committee? It seemed to my judgment that the steps taken there were inconsistent with the principle of church government belonging to our church, and even with the principles upon which the proceedings of any society or association are conducted, and they were also such as would not enable me to remain longer a member of the Committee, as I could not conceive that I was acting faithfully as a member of our Synod, or carrying out the purposes for which I was sent there as a member of the Committee. It would occupy some time to go into the details, but that is a general statement.
8. If you have no objection to enter into the particulars, the Committee will be glad to hear them, as it is their object to gain as much information upon the subject as they possibly can? I have no objection; and, in order that I may be fully understood, I must give a short abstract of the history of the circumstances. At a meeting of the Synod of Australia in October, 1856, it was determined, for the first time, to put ourselves in a position to accept the Government aid in reference to this matter. The intention then was to carry it out on behalf of our Synod; but it was afterwards thought desirable to make the thing as wide and liberal as possible, and to throw no obstacle that we could conscientiously avoid in the way of other parties co-operating with us. A committee was appointed at that meeting, of which I was one. We invited the co-operation of other parties. I believe there was a general advertisement put into the newspapers by the Secretary, inviting all parties willing to co-operate to attend a meeting in St. Andrew's Scots Church. After several meetings, it appeared that the only two parties likely to go on with matter were the Free Church and our own body, and, in order to have things done methodically, a conference was appointed at Dr. Mackay's house, at which several ministers of the Free Church and of our own body attended. The members of the Free Church conceived it proper that the matter should go on with authority, that is, that a *pro re nata* meeting should be called, in order that we might go forward in the work, not as individuals in an unauthorised way, but under the sanction

sanction of the Synod. That *pro re nata* meeting was held, at which the Free Church determined to co-operate with us in carrying on the College. We found ourselves then in a peculiar position, as we were appointed a Committee of the Synod of Australia, with power to add to our number, and had no authority to merge ourselves into any other Committee. The Free Church representatives also being unwilling to lose their representative character by becoming part of the Synod of Australia's Committee, we were unable, in a constitutional manner, to do more than deliberate, draw up a constitution, and to make other arrangements, to be submitted for approval to our respective Synods. The thing went on in this way, and there were some proposals to have a public meeting even before the Synod could have been convened, which would have been utterly improper. However, it was finally determined that the public meeting should be delayed till both Synods should have met; that the matter should be referred back to our respective Synods; that each Committee should report what steps had been taken; that we should meet again previous to the public meeting with power from our Synods to represent them as delegates, or plenipotentiaries. At the meeting of their Synod, the Free Church party favorable to this movement did not carry the matter—the Free Church repudiating the thing by a majority. We carried the matter with our Synod, who approved generally of the prospectus that had been drawn up by the Committee, with some little differences. They claimed the right simply as a Synod to express their opinion upon it, and to give a deliverance. On these terms—and that being in effect an approval of the thing—we came forward as a Committee of the Synod of Australia; the Free Church brethren being expected to come forward in the same way—at least I understood it as such. They, however, would not receive us as a Committee from the Synod of Australia—that is, they would give no deliverance upon the terms proposed; they would not say that they accepted them, adopted them, approved of them; thereby giving no proper recognition of our Synod, which intrusted us with these terms as the only basis on which we could co-operate. The terms were simply laid aside. The view I took of the matter was this, that having been appointed as a member of the Committee of the Synod, I had no right to be there, except as a member of that Committee. I had no right, as an individual, apart from the authority derived from the Synod, to be longer with them. It appeared to me that the position into which we were brought was a false position, considering the contemplated College as an institution to provide teachers for our pulpits, and likely to decide what would be the Presbyterian standard hereafter in the Colony, it seemed to me a most improper proceeding for ministers to lose their authorised position, and sink into mere individuals, leaving the more important interests of the church to irresponsible parties, while the Synod, the real authorities, should, unless by the possible concession of the others, be without control in a matter so vital as the standards of their theology. In effect, that was the particular ground of my retiring from the Committee.

The Rev.
John Dougal.
6 Aug., 1858.

9. If a College were established under the Affiliated Colleges Act, do you consider it desirable that a Theological Faculty should be instituted in the College for training proposed candidates for the ministry, in the present divided state of Presbyterianism? I feel some difficulty in answering that question. I am known to hold peculiar views about this movement, and though I submitted my judgment to the Synod as far as my public acts were concerned, I had my private opinion: I did not think from the first there was a call for a Divinity Hall, on any pretext, considering the very limited state of our churches, to justify our developing Presbyterian benevolence for the training of students to fill our pulpits. The calculation I made was that we should not require more than two or three ministers per annum, according to the statistics of the churches at home, which are much larger, and that we would be scarcely able to maintain an efficient staff of Professors. That was a private opinion of my own then; but as regards the Government grant I have always held that it was clearly intended for a Theological Institution, and that no departure from this would meet the object of the Bill.

10. Supposing there were united action among the different sections of the Presbyterian Church at present to establish a College, would you think it at all desirable that a Theological Faculty should be established in that College, looking to the divisions that now exist? Setting aside private opinions, and regarding simply the institution of a College in terms of the Act, I think that, whatever difficulties may exist, no College would meet the provisions of the Bill that has not a theological aspect.

11. It is in regard to this Affiliated College the Committee are now inquiring? Unless it were a Theological Institution, I do not think the object of the Bill would be carried out.

12. You think it would be almost impossible to form such an institution in the present distracted state of the Presbyterian body? What led me to differ from my own body was, that they were not acting constitutionally according to what I conceived to be the laws of the Church. Any one who knows any thing of Presbyterianism must be aware that the principles of Presbyterians are not enunciated by a particular individual, but by ecclesiastical authority of the Synod. The view I had of co-operation, if other difficulties could be overcome, was, that all the sections of the Presbyterian Church willing to co-operate in this matter should, in the proper way, appoint delegates; that Dr. Lang's Synod, the United Presbyterian Church, the Free Church, and ourselves, should each appoint Committees, and that these should meet to draw up some system of theological training that all could agree upon, that they should throw over minor differences, and teach the broad principles of Presbyterianism. These would represent the four bodies; and, I think, this would be the only way to secure unity and harmony in the matter.

13. To carry out the views you have just now given expression to, would you think it absolutely necessary that the Principal of the College should be an ordained minister of any of these Presbyterian bodies? There is a peculiarity there: I have not paid sufficient attention to that to say what is absolutely necessary. Many things that might appear at first sight to be an absolute rule at home have arisen from practice. I do not know that it is the invariable law that the Principal of a University at home should be a minister; it may have arisen from custom. We know the time was when Professors of Logic, of Moral Philosophy, and of

The Rev. John Dougal. other branches were all taken from the church, and when there were particular ministers of the church who held professorships. This might have gone on for so long as to appear a law, while only practice. I am not aware, although generally ministers were placed as Principals at home, that it is essential. But, viewing the thing as an ecclesiastical institution here, and with the probability of having but a small number of pupils, we must make our Principal, paid by the Government, as useful as possible; and it is likely that he would have to teach theology—to be a compendium of two or three chairs—and it is not probable that we should obtain, nor would it be scarcely correct to have, a layman in that important position: it must be one under the government of the church, and properly qualified to teach theology.

6 Aug. 1858.

14. Are you aware of any Colleges in Scotland where the Principal is not an ordained minister of some one or other of the Presbyterian denominations? I cannot speak positively to their being all clergymen. Dr. Lang mentioned Sir David Brewster. I think Mr. Tulloch is at present in St. Andrew's. Rev. Dr. Barclay, late minister of Currie, is the present Principal of Glasgow College. Dr. Lee is in Edinburgh College; and I think the Principals in the two Colleges at Aberdeen are clergymen.

15. Do I understand you to be of opinion that if a College be established at all, there should be a Theological Faculty established in it under the provisions of this Affiliated Colleges Act? I think that the Act appears to regard the institution as generally a theological one.

16. Do you not think, if a College for secular education were established for the present, that would answer all the purposes that are necessary for some years to come, until perhaps a union of the Presbyterian bodies could be effected? I have a private opinion that had the money been taken to institute something strictly literary, it would have been much better. I think, moreover, that the mass of laymen throughout the country who have contributed to this fund did not anticipate the ecclesiastical aspect of it; they considered that they were to have something truly national—a Scottish College. The contemplated Affiliated Colleges, however, have nothing Scottish—are merely copies of certain semi-monastic peculiarities of the English Universities. They are merely boarding-houses, not like the Scottish Colleges, where sons of parents possessing little wealth can, for three to six guineas, attend certain classes, where, for a trifling sum, facilities are afforded for obtaining a first-class liberal education. Something of that sort would have been highly advantageous, whereas the present University is so constituted that none but a wealthy man could afford to send his son to it. In Scotland, any peasant's son can come up to a College for half the year, and teach during the other half. But the Act does not contemplate such a state of things as this. A College founded upon such a principle would enter into competition with the University; instead of being an Affiliated College, doing what was proper and filial, it would take pupils away from it.

17. By Mr. Richardson: You say you think all the Principals in Scotland at present are ordained ministers? I think so; I will not speak positively.

18. You are not aware whether Sir David Brewster is? I am not aware whether he is at present a Principal; I do not think so, for he belongs to the Free Church now.

19. You say it is not necessary that a Principal should be an ordained minister—you think it has arisen from custom? I do not say that it has; I think it may be so; I could not speak positively to the fact. I know the time was when a great many chairs were filled by ministers of the Church of Scotland.

20. Do you think the present Principals in Colleges in Scotland teach theology? Not necessarily.

21. Is not their occupation chiefly the management of the secular part of affairs? They have the general management over the whole institution.

22. Would not that lead you to suppose that any one, even if not ordained, might be qualified to be Principal of a College? I perfectly believe it. I think it is only the influence of old customs that retains that.

23. You have stated that, before the second committee meeting, notices were sent to parties in connection with the different sections of the Presbyterian Church—were they sent to all? They were not only sent to parties in connection with the Presbyterian Churches, but what I thought at the time was ridiculous, to the Independents, and I think one to a gentleman who was a Unitarian.

24. Were notices sent to ministers of the Free Church? I think so.

25. Was one sent to the minister in connection with the United Presbyterian Church? I have been told he was invited to co-operate.

26. Was a notice sent to Dr. Lang? I believe not.

27. Do you know why it was not? I could not say. I did not make myself intimately acquainted with each minute proceeding, and, being thought rather disaffected, I might not be in the way to be informed of each particular. I was supposed to be disaffected from considering our desire for a theological institution premature, seeing that at home the United Presbyterian Church, of 700 charges, do not aspire to the distinction of an imposing structure such as here contemplated, but had their students, till a few years since, convened in Dr. Brown's church, five of the most eminent ministers of the body being freed from their charges for two months while they instructed the students. I thought, while so large a body as that were doing without a formal Divinity Hall or grand institution, in a young Colony like this we might manage the training of ministers with less expensive machinery than that contemplated. I was, therefore, thought by our body as not warmly affected towards building a University, and through that I was not very intimate with all their proceedings; therefore, I could not say what letters were written and what were not.

28. Is it your general impression that members connected with your church are the only parties who have a legal claim to the land granted? I do not think they have that impression just now. Do you mean the laity or the clergy?

29. Either the laity or ministers? I think the laity wished to see it as liberal as possible. I do not think the laity wished to arrogate anything to the Church of Scotland.

30. You are aware that subscriptions were obtained to the amount of £7,000? Yes.
31. Do you think many in the Free Church, and in the other branches of the Presbyterian body, are cognizant of the fact that the Church of Scotland are the only parties who can claim the land? I think they do not. I drew the attention of one or two to something I saw in the Bill which struck me that the whole thing was made over to the Church of Scotland, or to the Synod here in connection with the Church of Scotland. I did not think they could understand that, and I thought it might have an influence upon the contributions if they found out afterwards that money contributed with the understanding that the institution should be free and unfettered might, by some change, be devoted to the exclusive purpose of the Church of Scotland.
32. Is it your opinion that the whole thing should be formed upon such a basis as that all Presbyterians could unite in it? I think so. I should like to see general harmony.
33. *By Mr. Aldcorn:* You state that it is your impression that it was altogether for a Theological Faculty that the College was to be instituted—that it did not contemplate secular education, because that could be obtained in the University? I have stated that the intention was, that it should have a theological aspect. The view I take of it is, that the Government, seeing that they had established a broad platform on which all sects might meet in the matter of simple literature, made arrangements to provide for religious claims where there could not be this agreement. I think it was intended to have a Theological Faculty, with, undoubtedly, a tutorial system in addition, for the superintendence of the young gentlemen in preparing their tasks for the College.
34. Would not that preclude all others but young men intended for the ministry from attending this College? No, I do not conceive that. The Act does not mention that it is simply an institution for candidates for the ministry; it merely mentions that there everything would have a religious aspect.
35. Does the Act say so? It seems to me to provide for handing over these young men to certain recognized parties to take care of them spiritually.
36. Do you not rather think it is to provide these young men with a home, in the first place, to be under the care of persons who would attend merely to their religious instruction, much in the same way as their parents would have done in the family? It mentions in the Act systematical religious instruction.
37. You state that you consider the Ministers in Synod, (supposing the grant to have been to all Presbyterians in the Colony,) were the parties to which the Government were to look for any authority, or as trustees to whom this money should be given—do you think it is merely the clergy who are meant in the Act? The way I look at the matter is this:—I take it for granted that it is a theological institution, and that it has to do with Presbyterians. It was the intention of the two Synods, in going on with the matter, to have a Hall of Divinity—a Theological Faculty there as a branch to provide for the future ministers of our pulpits. The view I take of it is, that anything so important should not, among Presbyterians, be decided by individuals as individuals, but by the churches as churches, where both elements are represented in Synod; and that for ministers to allow a system of training over which they had no control, would be for them to be unfaithful to their ordination vows, to watch over the spiritual interests of their people. If it be a literary institution simply, let ministers have no control over it; if partly literary and partly theological, let the church have a definite hold upon that part which affects its vital interests, and let the other part be left to other persons; but if it be entirely theological, let the church have that hold upon it which it is bound by its constitution to have.
38. Your reason, then, for leaving the Committee, was simply that you did not think they were going on in a constitutional way, or with proper authority? Certainly; that they were not going on with proper authority; that the only right I had to join in their deliberations was as a member of the Committee of the Synod; and as our terms were not accepted, I withdrew.
39. Were you aware of the terms of the grant at the time you acted upon the Committee? No, I was not; it was only within the last fortnight or three weeks that, looking in the University Almanac, I saw it more fully.
40. Had you known that would you have considered yourself warranted in acting with any other body of Presbyterians? I believe one reason why I was set down as hostile was, that on one or two occasions I drew attention to lurking difficulties that caused hinderance. I proposed the question, "Do you know you are members of the Synod of Australia's Committee?" As we had simply power to add to our number, I considered that I was bound in honor to tell those co-operating with us what their position was; so here I should certainly have considered myself under obligation.
41. Do you think, in the present divided state of parties, that even if a College could be established by one section of the Presbyterian Church, that would be likely to heal the divisions, or to promote union among the different parties? I think if a College were established in connection with one section, if that section maintained its title by apparently gaining a point over other parties, it might be a source of heart-burning rather than otherwise; but I think if all bodies could in some way bury their grievances, and unite upon an equal and honorable basis, it would be a material advantage.
42. *By Mr. Marks:* You are minister of a body of religionists known as the Church of Scotland? I have two positions; I am an ordained minister of the Church of Scotland, and a minister of the Synod of Australia, connected with the Church of Scotland.
43. Does that designation "The Church of Scotland," include all Presbyterians? I do not think so.
44. Are there any other bodies of Presbyterians quite distinct from the body to which you belong? There are three other bodies.
45. Has the Church of Scotland, in your opinion, taken constitutional steps to establish an

Affiliated

The Rev.
John Dougal.
6 Aug., 1858.

- The Rev. John Dougal. Affiliated College? I do not think any steps have been taken according to what I consider constitutional practice. That is the ground of my difference.
- 6 Aug., 1858. 46. You say steps were taken to secure the co-operation of other bodies of Presbyterians in the Colony? I do not know whether they have been carried out fully, but I know the co-operation of several other bodies has been invited.
47. Have you any reason to believe that the co-operation of all the other bodies of Presbyterians was not invited? As I have stated, my opinion is that Dr. Lang, personally, was not invited, but I am not aware—there was some little difficulty arose as to that—but I am not aware whether the co-operation of the Synod of New South Wales was invited.
48. Dr. Lang is connected with the body of Presbyterians known as the Synod of New South Wales? Yes.
49. Are there any ministers in connection with that body besides Dr. Lang? So I understand. I take my knowledge from the almanac, as a matter of general popular understanding.
50. Are you aware whether any letter or any request was sent to any other member of that particular body of Presbyterians? I am not aware. I believe there was an advertisement calling upon all members of the presbyterian bodies to unite. Several other persons were waited upon by deputation, but I believe Dr. Lang was not waited upon in that way.
51. You think others were? Yes.
52. Do you think all sections could conscientiously unite in establishing a College in accordance with the principles which you consider to be the principles of the Affiliated Colleges Act? It was stated that the Baptists in Melbourne, and that the United Presbyterians in Melbourne, had received Government aid—
53. Aid in land? Land can be converted into money. If Presbyterians found it according to their views and consciences to do so, I thought they might unite in that way; but with my present experience, I think they would not be likely to do so.
54. By the Chairman: Can you favor the Committee with any further suggestion?

FRIDAY, 13 AUGUST, 1858.

Present:—

MR. GORDON,
MR. RICHARDSON,

MR. MARKS,
MR. ALDCORN.

MR. BUCKLEY.

SAMUEL DEANE GORDON, Esq., IN THE CHAIR.

Present in the room—The Rev. J. D. Lang, D.D., the Petitioner.

The Reverend John McGibbon called in and examined:—

- The Rev. J. McGibbon. 1. By the Chairman: You are a minister of the Synod of Australia in connection with the Established Church of Scotland? I am.
- 13 Aug., 1858. 2. You are also one of the secretaries of the Presbyterian College Committee, appointed at a public meeting held on the 5th April? I am.
3. At which certain resolutions were passed as the basis on which it was proposed that a Presbyterian College should be erected under the Affiliated Colleges Act? Yes. I may add that the resolutions were not the basis, but the prospectus was the basis.
4. Was the prospectus brought before the public meeting? It was.
5. It has been stated in evidence that there was a preliminary Committee to make arrangements for the establishment of a Presbyterian College—were you a member of that Committee? I was.
6. Will you be kind enough to state on what principle that Committee was formed, and what parties were invited to co-operate with it? A Committee was first appointed by the Synod of Australia, and that Committee appointed by the Synod of Australia sought intercourse with a Committee which had been appointed by the Synod of Eastern Australia; and in that way the movement commenced.
7. Were you specially delegated by the Synod of Australia to act on that Committee? I was.
8. Will you be kind enough to inform the Committee what steps were taken by that Committee to ascertain the opinions of the Presbyterians of the Colony regarding the best means of erecting a College, previous to a public meeting being held? The instructions given to the Committee appointed by the Synod of Australia were, that the Committee should take such steps as they saw best, or most practicable, for the erection of a College; and the first step they took was to seek co-operation with the Committee which had been appointed by the Synod of Eastern Australia, or Free Church.
9. Was there a Committee appointed by the Synod of Eastern Australia for a similar purpose to the one you have referred to? There was.
10. Were any of the other bodies of Presbyterians invited to co-operate with the Committee appointed by the Synod of Australia, as well as the Free Church Synod? Yes.
11. Would you be kind enough to inform the Committee who were the parties invited to co-operate? The Rev. Mr. Darling, as minister and representative of the body known as the United Presbyterian body.

12. Was any minister of the Synod of New South Wales invited to co-operate? Not to my knowledge. The Rev. J. M'Gibbon.
13. Was the Rev. Dr. Lang invited to co-operate? Not that I am aware of.
14. Are you aware whether any other bodies or religious sects were invited to co-operate with the Committee? I am. At the suggestion, and upon the strong recommendation of some members of Committee, the Independent body was invited, by a communication addressed to the Independent Union. 13 Aug., 1858.
15. Did they decline co-operation? They did.
16. Did they assign any reason for doing so? They did. They assigned as their reason, their objection to the principles of the Affiliated Colleges Act in general, and to the establishment of a College under that Act in particular.
17. Have you examined into the construction and provisions of the different clauses of the Affiliated Colleges Act? I have.
18. What is your opinion with regard to the provisions of that Act, as far as the Presbyterians of the Colony are concerned, (as a whole I mean,) or with respect to the different sections of Presbyterians? My opinion is, that it does not take cognizance of any sect, nor does it provide for the union of sects.
19. You think that, under the provisions of that Act, any religious denomination or sect who will contribute the necessary amount may apply to the Government for the assistance which that Act proposes to give for the formation of Colleges in connexion with the University? There does not appear to be anything in the Act contrary to that view.
20. Are you aware of the terms of a deed of grant of certain lands that has been made by the Government to the Senate of the University? I am.
21. Do you know the different sects that are there enumerated? I do.
22. Are you aware that that deed specially provides for the four denominations only who are now recognized by the State? I am.
23. Were you aware of the terms of the deed containing this provision at the time the Committee was first formed for the establishment of a Presbyterian College? I was conversant with it generally, but I am not sure that I was aware of that clause specifically just then.
24. Has it been brought under your notice since that time? Yes.
25. Long subsequently, or recently? I think it must have been about the time of the beginning of the proceedings.
26. What proceedings do you refer to? The proceedings of the Committee.
27. Before the public meeting was called? Yes. I could not be positive, however.
28. Do you think the ministers of the Free Church who were co-operating with your Committee appointed by the Synod of Australia were aware of the provisions of that deed at the time? I am not aware.
29. Was the matter never brought under discussion in the Committee? Not that I am aware of.
30. Do you think the members of the Committee appointed by the Synod of Australia generally were aware of the provisions of that deed at that time? I could not say.
31. Were the resolutions or the prospectus adopted by the Committee submitted for public opinion, through the press, or in any other way, before they were brought before the public meeting in Castlereagh-street? It was not—that is to say, not through the press; it was pretty well known and circulated otherwise.
32. Were any steps taken by the Committee for getting the opinions of the Presbyterians of the Colony generally, as to that prospectus before it was submitted to the public meeting? Not in a public way.
33. Do you think it would not have been better to have made the resolutions and the prospectus public previous to their having been submitted to the public meeting and carried as they were? I do not think it would have made much difference, if any, because the resolutions then passed were more of a formal nature than any thing else. The resolutions upon which any thing of importance will depend will be passed at a meeting, called for that purpose, of those whom it concerns—of those who have taken a part in the establishment of the College.
34. But in a public matter of this kind, the establishment of a College for the benefit of a whole denomination, do you not think it likely you would have received more co-operation and sympathy from the denomination generally if they had been aware of the resolutions and prospectus that were to be submitted to the meeting? Well, I could not say; it might have been so, and it might not have been. I do not think it would have made much difference.
35. Are you aware that there is a large proportion of the Presbyterians of the Colony who do not intend co-operating with the present movement? I am not; but I know there is a small section.
36. A small section who do not intend to co-operate do you mean? Yes.
37. Are you aware of the number of Presbyterians in the Colony? I have a general knowledge.
38. About how many do you estimate? It is alleged that there are thirty thousand—men, women, and children.
39. And about how many out of those thirty thousand have you co-operating in this movement? Well, we cannot say how many we have got co-operating yet; the matter is only in process.
40. Of course I only wish to know the number within your own knowledge? Well, I could not tell.
41. How many members of the Synod of Australia are members of the Committee appointed at the public meeting? Do you mean ministers?
42. Ministers? I do not know exactly at present—four or five, I am not sure which; that is to say, of the Central Committee.
43. How many ministers of any other section of the Presbyterian Church? An equal number of the Synod of Eastern Australia.

- The Rev. J. M. Gibbon.
13 Aug., 1858.
44. Are you aware that there is another College Committee, which was appointed at another public meeting of Presbyterians held on the 12th April? It is reported so in the public newspapers; I have no knowledge of it, however, otherwise.
45. Was there not a proposal for a conference made to your Committee from another Committee appointed by that other public meeting to which I am referring? There was a document submitted, signed by certain gentlemen, who signed themselves as deputed by some Committee appointed at some public meeting.
46. What were the names of those gentlemen, do you recollect? The Honorable Mr. Robertson was one, J. Black another, Andrew Lang another, Dr. Lang another, and I think Mr. Richardson.
47. Were the whole of those names subscribed to that application for a conference? They were.
48. Was the proposal for a conference agreed to by your Committee? It was not.
49. Is this a correct report of what took place in your Committee upon that occasion (*referring to an extract headed [ENCLOSURE], dated St. Andrew's Church, 31 May, 1858, and signed William Lumsdaine, one of the secretaries, quoted in the evidence of the Rev. Dr. Lang*)? I believe this is a correct copy of what was done ultimately. There was a previous document however, which is at the top here.
50. Will you be kind enough to inform the Committee what members of the College Committee were present when this resolution was agreed to? I do not remember.
51. Was this resolution carried unanimously, or was it by a majority, do you recollect? There were some who demurred to its being put, or something of the kind, but it was carried unanimously. There was no recorded dissentient; at first the thing was generally discussed, and several of us expressed our agreeableness to a conference, but it was ultimately agreed that it would be preferable to write, requesting a copy of the objections for the statement, or discussion of which the conference was asked, and that course was unanimously agreed to.
52. I see from this statement, dated St. Andrew's Church, 31st May, 1858, and signed by William Lumsdaine, one of the secretaries, that the first reason for declining a conference was, that the establishment of a Theological Chair was necessary in the proposed College—will you be kind enough to inform the Committee why you think a Theological Chair should be constituted, or how a Theological Chair could be constituted, in the present divided state of the Presbyterian Church, so as to prove satisfactory to all Presbyterians? I do not exactly understand the question.
53. You will see by that minute that your first reason for declining a conference was, that you consider the establishment of a Theological Chair necessary in the proposed College? Yes.
54. Now, my question is, can you show to this Committee how a Theological Chair can be constituted in the present divided state of the Presbyterian Church, so as to prove satisfactory to the general Presbyterian body? I think the divisions of the Presbyterian community lie back altogether from this College movement, and that even although a College were established, the divisions would subsist for some time at least, and either a Theological Chair would be established, notwithstanding the divisions, or it would never be established at all.
55. Well, by what party, or by what part of the Presbyterians, would this Theological Chair be established? That question was mooted in Committee, and it was agreed by the ministers of the Synod of Eastern Australia, and by the ministers of the Synod of Australia, that a Professor might be chosen either from the Free Church, or from the Church of Scotland, or that one might be chosen from America, who recognised neither sect; or, that Dr. Duff, of Calcutta, might be invited to the Chair.
56. Do you think it necessary that a Theological Chair should be established at present, seeing the divided state of the Presbyterians, and the very small number of students you are likely to have for a time? I think it highly necessary. An attempt was made to establish a Theological Institution some time ago by the petitioner himself; and certainly the Colony is not smaller now than it was then. An attempt is being made by dissentients of the Synod of Eastern Australia to establish a similar institution under their own immediate surveillance. I think it highly necessary that a Theological Chair should be established, and that the subsisting divisions ought not in any way to interfere with such an establishment. To wait for the removal of these divisions would be to wait for ever.
57. But do you not think that your own statement is a very good reason why a Theological Chair should not at first be established in this Colony, seeing that, as you have stated, the Free Church is at present trying to establish one for themselves, and that the petitioner some time ago did the same thing? I decidedly think it is no reason why it should not be established, but a very strong reason why it should.
58. By what body would it be established then, seeing that these two bodies of Presbyterians are providing for themselves—does it not follow that, under the circumstances, it would be a Theological Chair expressly for the Synod of Australia? It might, or it might not, just as the Committees should agree, or as the subscribers or founders of the College should agree. The person chosen might be a Free Church man, or he might not.
59. Do you think it likely that the body who had the greatest number of members in the Committee would be the most likely to establish a Theological Chair from their own part of the Presbyterian body? There is no one party in the Committee in excess of the other; they are both equal.
60. But then there are two other bodies of Presbyterians that are entirely excluded? They are not excluded, as I shall show immediately. If they withdraw or exclude themselves it is a different question.
61. Did the Rev. Mr. Darling decline to co-operate with you in the establishment of this College? He did.
62. And neither Dr. Lang nor any other minister of the Synod of New South Wales was invited to co-operate? Not that I am aware of.
63. I think you will see in the extract I pointed to before, that the second reason that you gave

gave for declining a conference with the other Committee was, that the subscriptions you had received for the College were given in the expectation that the principles embodied in your prospectus would be carried out—is this the fact? As far as I am aware, it is. 64. Have you not received subscriptions from a large number of persons belonging to other Presbyterian bodies? The subscriptions have been exclusively obtained from the members of the body of the Synod of Australia and of the Synod of Eastern Australia—the two parties agreeing to the prospectus.

The Rev.
J. McGibbon.
13 Aug., 1858.

65. But when the Synod, or the Committee of the Synod of Eastern Australia, agreed to this co-operation, do you think they were aware of the terms of the deed of grant to the Senate of the University? I cannot say.

66. When they are made aware of them do you think it likely they will continue their subscriptions? That of course I cannot say; but during the last week one of the treasurers and myself called on several of the parties who had at first inserted their names and the amounts which they intended to give on the subscription list, with a view to collect the moneys and promissory notes, and in no instance were we denied—in no instance did the parties even hesitate to pay the subscriptions which they had promised, *although they were perfectly aware of the efforts of petitioner and of the nature of the petition which he had presented to the Legislature.* And further, although the petition has been published in the public prints, although the utmost publicity has been given to its several allegations, and although the precise terms of the grant of land are now pretty well known, *near to a thousand pounds in ordinary subscriptions have been collected in town and country since the last publication of the subscription list.*

67. But, seeing that this deed of grant is given expressly for the Church of Scotland, do you think it likely the subscribers from the Free Church will continue their subscriptions to found a Presbyterian College in connection with the Church of Scotland? I do not see why they should not continue them, if we agree and bind ourselves by the prospectus to admit them or any others to an equality of right and privilege in the matter. I do not see that the simple circumstance of the deed of grant being issued to one body should alter the case. Their rights and privileges would be equal notwithstanding.

68. But supposing the Synod of Australia in connection with the Church of Scotland at any time became dissatisfied with the other part of the Committee from the Synod of Eastern Australia, would it not be in their power to assume their right under the deed of grant? Decidedly not; because the Act of Incorporation, which would be drawn up on the terms and principles of the prospectus, would preclude for ever the Synod of Australia from stepping in to assert its right exclusively.

69. How would you prevent the Government from asserting its right to have that Presbyterian College established in connexion with the Church of Scotland? The Government could not interfere in the matter.

70. But they have already granted the land for that special purpose? Well, provided the Government grant me a certain portion of land for any purpose, and I am pleased to invite the co-operation of any other body in the carrying out of that object, would the Government interfere with that?

71. I should think they could interfere? They could, and might then do anything, at that rate.

72. If they should give you a grant of land, as a trustee, to employ it for any public purpose, do you think it would be in your power to give part of that away, or in any way alienate it from the purpose for which the Government intended it? We should neither give part of it away nor alienate it from the purpose for which it is granted; we should carry out that purpose in its integrity.

73. Are you aware that many of the subscribers to the present movement are mere children? I am aware; a circumstance of which I greatly approve, inasmuch as the children will have a more permanent interest in the College than the parents or adults can be supposed to have.

74. How are they to vote in case of a Theological Professor being appointed? I do not know I am sure; the matter has not been provided for specially; but I should imagine that the parents, who have inserted their names, should have a right to vote according to the amount they give—according to the amount the parents give, I mean.

75. *By Mr. Richardson:* Do you think that when the Affiliated Colleges Act was passed it was meant that all Presbyterians should participate in the benefits to be derived from such an institution? I do not think such an absurdity could be meant.

76. Then you think that only one section of the Presbyterian Church should participate? I do not mean that.

77. Then what portion of them do you suppose were to derive the benefit? Those who would accept it.

78. Do you think it is desirable that all the Presbyterians should be placed in such a position that they could all participate in the benefits of the institution? Unquestionably so.

79. Are there not some sections of the Presbyterian Church in this Colony who would refuse to take State support in any shape? Yes.

80. Do you think it is desirable the Principal of the College should be a minister of religion? I do.

81. Do you know of any cases in Scotland where the Principal is not a minister? Yes.

82. Will you be kind enough to state them? There was one—I believe Sir David Brewster was a Principal of a College, he was not a minister.

83. Would not that be a reason why a man may be efficient enough without being a minister of religion? He may be efficient enough without being a minister.

84. Is that the only case you know of in Scotland? It is at present.

85. Do you think the Principals in the Colleges in connection with University in Scotland teach religion? Yes.

86. Is that their chief occupation? I cannot say it is their chief occupation, but it is one of them.

- The Rev. J. M'Gibbon.
13 Aug., 1858.
87. Do you not think their business is more confined to the secular portion of the management of the Colleges? I do not see that this College in this Colony should be just a reflex of the Colleges at home.
88. I have understood that the functions of the Principals in the Colleges generally in Scotland are not confined to religious instruction, but that they give secular instruction—that being the case, do you not think that if the Principal here were not a minister, that might do away with the difficulty which stands in the way of other dissenting bodies joining this College? I cannot say that it would, but it might: I cannot say how.
89. You are aware that if the Principal were a minister of religion, and as such to receive State support, those sections of the Presbyterian Church professing the voluntary principle could not consistently join in this College? I do not see that they would refuse to join in the College simply because the Principal was a minister receiving State support.
90. Have you not heard that some of them have for that very reason declined doing so? I have not, on the ground that the Principal should receive State support.
91. How many sections does the Presbyterian Church consist of in this Colony? There are some who enumerate six, I believe.
92. Will you be kind enough to mention these? There are two of them of which I do not know the names.
93. Those within your own knowledge? There are four generally well enough known—the Synod of Australia, the Synod of Eastern Australia, the Synod of New South Wales, and the United Presbyterians.
94. You say that when you held your first meeting notices were sent to different ministers, or to some of the ministers in connection with the different sections of the Church? I did not say that. I said that when the Committee of the Synod of Australia were appointed they sought to open a communication with the Committee of the Synod of Eastern Australia, and the matter was then conducted by the two conjointly.
95. Did you send notices to the United Presbyterian body, or to any member of, or to the minister connected with, that body? He received notice.
96. I think you said he declined acting? He did.
97. What were his reasons—did he give any? His reasons were that he could not conscientiously co-operate in the matter.
98. Was that the only reason he gave? I believe I have it here—I cannot find it just at present; but it is generally that he could not conscientiously agree.
99. You think he did not state it more fully—that he did not state that if the Principal were a minister receiving State support he could not co-operate? Not to my knowledge.
100. Were any notices sent to the body in connection with the Rev. Dr. Lang, or to any other Minister of the Synod of New South Wales? Not to any of the ministers, as far as I am aware, but to some of the laymen.
101. I think you answered the question that when your first meeting was held you were not aware of the deed of grant having been made to the Established Church of Scotland? I am not aware at what time I became possessed of the knowledge. That was what I stated.
102. Is it not your opinion that those parties in connection with the Free Church, and in connection with other sections, when they become cognisant of that fact, will withdraw their subscriptions? I have answered already that I do not see why they should. They might, however.
103. By Mr. Aldcorn: You have stated that you think, notwithstanding the grant of land, that the Church of Scotland, to whom the grant is made, could assume any other portion of the Presbyterian Church, and, in fact, the inference must be, that they could assume any section, and still carry out the purposes of the grant—the purposes that the Government had in making the grant;—is that your opinion, distinctly, that they could still fulfil the purposes of the Government and alienate—for it is alienating—it from the purposes stated by the Government by taking in other parties to participate in the benefits of this grant? I do not see that it would be any alienation.
104. Supposing they were to take in Baptists or Methodists, or any other section? Of course such an extraordinary supposition as that might imply alienation; but nothing of that kind is contemplated. The taking in of any portion of the Presbyterian body that has essentially the same principles, the same doctrine, and the same discipline, and who are divided on only one question, is no alienation, as far as I can see. It is a mere opinion, however.
105. Are you aware that there are two different sections of the Presbyterian Church which hold voluntary principles? I am.
106. Then how could these parties agree to found a College, the head of which was to teach theology and to be endowed by the Government—how could they come to join you? I am quite sure I cannot speak for what they *could* do or what they *would* do.
107. How would you allow these bodies to come in to participate in the benefits of a College of this kind, if their principles were directly opposed to the proposed constitution of the College? They must answer for themselves; I have no knowledge as to *how* they could do it.
108. Do you think they could do it at all? I do not see how they could.
109. You have stated that you, when appointed as a Committee by the Synod of Australia, communicated with the Committee of the Synod of Eastern Australia, inviting them to co-operate with you in this intention of instituting a Presbyterian College—did that Committee meet you as a Committee of the Synod of Eastern Australia? They did.
110. Did they continue to act in that capacity all along? Until the last meeting of their Synod they did.
111. Then in what capacity did they act afterwards? In their individual capacity.
112. Did you act all along as a Committee of the Synod of Eastern Australia? We did.
113. Did any one of that Committee appointed by the Synod of Eastern Australia withdraw virtually from that Committee on certain grounds? I am not aware that any of the Committee of the Synod of Eastern Australia withdrew.

114. Has the Rev. Mr. Dougall attended your meetings regularly? He belongs to the Synod of Australia. The Rev.
J. M'Gibson.
13 Aug., 1868.
115. It was that I meant. Did any member of the Synod of Australia virtually withdraw on certain grounds? Mr. Dougall has ceased to co-operate with us.
116. Did he assign grounds for his withdrawing from you? He did not.
117. Did he not assign certain grounds to the effect that you were acting contrary to the spirit of your appointment? He has assigned that to individual members, but he has not assigned any such reason in the Committee.
118. Has he not assigned any reasons at all in Committee stating why he withdrew? He has not, so far as I know.
119. Will you state to the Committee what was your views as to what should be the curriculum of education at this College? Do you mean secular education?
120. I mean all together—the whole course? The curriculum, as far as secular education is concerned, is decided by the University; the details of the theological have not yet been agreed to.
121. How is it decided by the University? The curriculum of secular education is decided by the University. In the College there is merely assistance given to the course appointed by the University.
122. A tutorial system do you mean? Yes.
123. Then is the Theological Faculty not determined upon at all? The details are not.
124. But the institution of a Theological Faculty is determined upon? Yes.
125. Do you think it would be possible that the Principal should not teach theology at all, and that this might be a benefit to all parties who would co-operate in the institution of a College of this kind, or rather, I will ask you are you aware that the Principals in Scotland are generally appointed Primarius Professors of Divinity, and I suppose were so at first, and really taught Divinity, but that lately, with the exception of Dr. Lee at Edinburgh, none of them do teach theology at all? I do not think it is contemplated to make this College a reflex of the Colleges in Scotland, as they at present exist, at all; but to adapt it to our circumstances as nearly as possible.
126. Will you state the reasons which render it necessary that the Principal should teach theology in this Colony? It is a probable thing that for some time to come the number of students will be comparatively small, and to have a cumbrous machinery such as at home would be quite unnecessary at first.
127. Do you think that if the College was established by one section of the Presbyterian Church, as seems to have been contemplated by the Government in the deed of grant, this would conduce to or promote union among the different sections of the Presbyterian Church, or whether it would not in effect widen the differences—whether it would not be attended with the contrary effect? I am quite satisfied that when the College is established union will result from its establishment: union will be the result, not the means.
128. You think that is likely to be the result from one section of the Presbyterian Church being dominant in the College? It is not contemplated that one section should be dominant. All are eligible to the positions of the College. But as soon as the College is in operation, and students issue from it to the various pulpits in Australia, having come from the same quarter, without doubt, in due time, an union of all parties will ensue. But as to waiting until union is effected in order to the establishment of a College, would be to make the thing stand still for ever.
129. Do you think that if the College is chiefly under the ruling and direction of one section, the other sections will be likely to send their sons to that College? It is not intended that the College should be under the dominion of one section, as the prospectus plainly enough shows.
130. *By Mr. Buckley:* Have you found those Colleges in Scotland work well where the Principal has not been a clergyman? I know of only one: I do not know whether it works well.
131. When you say the Colonial College should not be a reflex of those at home, to what do you refer? I mean that we should not begin to establish the College just in imitation of the existing Colleges at home, by having so many Professors as they have. We must have certain Chairs; but the same Professor may occupy more Chairs than one, for some time to come.
132. Is it indispensable to have a Theological Faculty in the first instance? It is. I believe the Synod of Australia, and the members of the Synod of Eastern Australia, would not contemplate the erection of a College at all, were it not for that; that is to them the primary object.
133. Do any other divisions of the Presbyterians think it absolutely necessary to have a Theological Faculty? I do not know what they think.
134. Does the difficulty in the way of co-operation arise from one body receiving State aid and the others not? I should think that is the principal difficulty.
135. You say the grant has been issued in favor of the Church of Scotland—suppose in course of time the students from that particular church should be found sufficient to fill the College, what would be the position of the other churches if the parties to whom the grant was originally given thought proper to insist on their rights? I do not exactly see the question.
136. Supposing the Church of Scotland — ? We do not contemplate the Church of Scotland supplying any students to it at all.
137. Would they be in a position to assert their right to the exclusion of any other sect? Of course not, as I have already explained.
138. *By Mr. Marks:* You say you consider the establishment of a Theological Faculty essential in this proposed Presbyterian College? We do.
139. You do individually, and so does the body with which you are connected? Yes.

The Rev.
J. McGibbon.
13 Aug., 1858.

140. Would you co-operate in the establishment of a Presbyterian College with any body who do not consider the establishment of a Theological Faculty necessary? We would not, as far as I know; we consider the establishment of a Theological Chair the primary object.
141. Then you would not yourself be inclined to co-operate with any body who do not think that a primary object? I would not.
142. And you think that is the opinion of the body with which you are connected? Yes. There may be some members who hold other views, but that is the opinion of the body.
143. *By the Chairman:* Are you aware that a large number of members belonging to the Synod of Eastern Australia hold an opposite opinion? They do.
144. You stated that the Committee of the Synod of Australia were acting under the instructions of the Synod in co-operation with the present members from the Synod of Eastern Australia? Yes.
145. Are you still acting as a Committee authorised by that Synod, in co-operation with individual members of the Synod of Eastern Australia, who are not authorised by their Synod? The Synod has not met since this occurred.
146. *By Mr. Aldcorn:* Your own Synod? Our own Synod.
147. *By the Chairman:* Since which occurred? Since the dissolution of the Committee of the Synod of Eastern Australia.
148. Has the Committee met since? Which Committee?
149. The College Committee? Yes.
150. And you act as a Committee of the Synod of Australia? We do.
151. And individual members of the Synod of Eastern Australia act, not as a Committee, but in their individual capacity? Yes; they form with us a joint Committee.
152. *By Mr. Richardson:* Then, so far as I can gather from what you have said, there is not much likelihood of the two bodies co-operating? There is a party in that body who decline co-operating for certain reasons; but there is a party who do co-operate with us.
153. Could you go on as you are at present, unless the other sections of the Free Church fall in—are you likely to go on, do you think? I do not see that there is any difficulty.
154. You think not? I think not.
155. Do you yourself not think it would be desirable to form the whole thing on a wider basis, so that all sections could co-operate? It is formed, in my estimation, on the widest possible basis, as the prospectus shows. It would not be practicable, in my estimation, to form it on a wider basis.
156. *By Mr. Aldcorn:* You say that it is formed on the widest possible basis—I would ask you the question, how you reconcile that statement with the fact, of which you are also cognizant, that two sections of the Presbyterian Church here object to the very first principles on which you go, that is, that the Principal should teach theology, and should be an endowed functionary? I do not say that the two bodies or sections you refer to object to unite and co-operate with us on the ground of our proposal that the Principal should teach theology: they object to the thing altogether on the principles of the Colleges Act. I do not say that it was in consequence of the Principal receiving aid or teaching theology.
157. Are you not aware that that is one of the grounds of objection? I am not aware.
158. *By Mr. Richardson:* Do you not think it is likely, from what you know of the principles of the voluntaries, that they would object to that? As far as I know their principles they would not object to our scheme from the simple circumstance that the Principal would teach theology, but they object to the Colleges Act *in toto*.
159. They might not object to the Principal teaching theology if he were not paid by the Government; but do you not think the voluntaries would object to the Principal receiving State aid if he were a minister of religion? They object to all ministers receiving State aid.
160. Do you not think that would be a barrier to the two parties professing voluntary principles? It would be equally a barrier if the Professor were a layman.
161. Do you think if he were merely a layman the voluntaries would object to his receiving State support? It is impossible for me to say; but as far as I know their principles, they would object to the thing *in toto* on the principles of the Colleges Act.
162. Whether the Principal was a layman or a minister? Whether a layman or a minister.
163. *By Mr. Aldcorn:* On what part of the Affiliated Colleges Act do you suppose they would object to—the whole thing? Inasmuch as it is to be a College in which “systematic religious instruction” is to be taught, they can take no part in its erection. So the thing is interpreted by Mr. Darling, and such I know is the principle of the body with which he is connected; they can take no part in any thing having a religious aspect which is aided by the State.
164. That was one reason he assigned—inasmuch as you would receive money for the land and for the building? Inasmuch as we would receive land and money for the building, it being a College in which “systematic religious instruction” was to be taught.
165. *By the Chairman:* Is there any other information you wish to give the Committee?

MEMO: The witness then made a *Statement*, which is omitted here by order of the Committee. (*Vide Minutes of Proceedings on 27 August, 1858.*)

JOHN J. CALVERT,
Clerk of Select Committees.

APPENDIX A.

PROSPECTUS of a Presbyterian College in connexion with the Sydney University.

The Rev.
J. M'Gibbon.
13 Aug., 1858.

It is proposed to establish, in terms of the Colonial Act, 18 Vic, 37, a Presbyterian College within the University of Sydney, to be named St. Andrew's College.

In this College students may reside while attending the University, and may there enjoy the advantages of domestic supervision, systematic religious instruction, and tutorial superintendence in their studies. In this College there will be an opportunity of supplementing the curriculum of the University, at present confessedly incomplete, and so of providing a scheme of academic training similar to that enjoyed in Scotland.

As a distinct department in the College, there will be a Theological Faculty, and an efficient staff of teachers, whereby young men may be prepared for the Christian ministry.

All Presbyterians are entreated to unite cordially and zealously in prosecuting this great and important object. The purity, the stability, and the extension of Presbyterianism in New South Wales, and the moral and spiritual interests of generations to come, are involved in it. In drawing up the constitution of this College, and in establishing the same, every possible guarantee shall be provided that the doctrines taught from the Theological Chair or Chairs in the said Presbyterian College shall, in all time coming, be in full conformity with the Westminster standards.

The following suggestions are respectfully offered, to be considered by a public meeting open to all Presbyterians favorable to this object:—

1. That the College Buildings shall be erected on a portion of the University Reserve, set apart for that purpose by the Government. The said buildings shall consist of classrooms, public hall, library, apartments for students, and residences for the Principal and such other officers of the College as may be afterwards determined.

2. That it will be a special duty of the Principal, and of such Professors and Tutors as may be fixed upon to form the effective staff of the said College, to superintend the studies of the students resident within it, having full and thorough oversight of their moral and religious training and culture; but the benefits and privileges of the College shall be in no way restricted to such as may avail themselves of residence in it, but shall be equally accessible to all who seek them, whether residing in the College or elsewhere.

3. That the government of the College shall be vested in a Council, to consist of the Principal of the College for the time being, and of not fewer than eighteen, nor more than twenty-four elective members, one-third of whom shall be ordained Presbyterian ministers, holding and signing the Westminster standards.

4. That the Principal shall be an ordained minister of the Presbyterian Church, holding and signing the Westminster standards in their integrity.

5. That there shall be a Board of Visitors, to consist of two Members from each Synod now existing in New South Wales, or that may be hereafter constituted: provided that every such Synod hold the Westminster standards, and require subscription thereto. The Visitors shall be annually chosen by their respective Synods; and their duties shall be set forth in the Constitution to be framed for the said College.

6. That the elective Members of the Council of the College shall be chosen, in the first instance, by the subscribers to the College. Vacancies that occur among the elective Members of the Council, during the first three years of its existence, shall be filled up by the remaining Members. At the end of three years, and every year thereafter, one-third of the elective Members shall retire, and their successors shall be chosen by the surviving subscribers, in conjunction with graduates of the University, who are Members of the College. Retiring Members of the Council shall not be eligible for re-election till after the lapse of one year. Subscribers shall be entitled to vote according to the following scale, viz:—Subscribers of £10 to have one vote; subscribers of £25 to have two votes; subscribers of £50 to have three votes; and every additional subscription of £50 shall entitle to an additional vote.

TUESDAY, 17 AUGUST, 1858.

Present:—

Mr. DICKSON,
Mr. MARKS,
Mr. GORDON,

Dr. ALDCORN,
Mr. RICHARDSON,
Mr. BUCKLEY.

SAMUEL DEANE GORDON, Esq., IN THE CHAIR.

The Rev. William Lumsdaine called in and examined:—

1. *By the Chairman:* You are one of the ministers of the Free Church? Well, of the Synod of Eastern Australia.
2. You are also one of the secretaries of the proposed Presbyterian College appointed in April last? I was acting in that capacity since April, but I have lately resigned.
3. Have you had any particular reason for resigning the position of joint secretary? It is not from any reason arising out of the College matter. There are other reasons, which I am not in a position to state to the Committee: they are not connected with the College movement in any way whatever.
4. It has been stated in evidence before this Committee that there was a preliminary committee meeting previous to the public meeting of April: Were you a member of that Committee? Yes.

The Rev. W.
Lumsdaine.
17 Aug., 1858.

The Rev. W.
Lumsdaine.
17 Aug., 1858.

5. Were you specially appointed to represent the Free Church in that Committee, or were you merely there as an individual member of the Synod of Eastern Australia? In the first instance by appointment of the Synod of Eastern Australia, but when they discharged that Committee my appearance at all subsequent meetings was on my own personal responsibility, and not by the authority of the Synod of Eastern Australia. That was understood at the time.

6. Had the Committee appointed by the Synod of Eastern Australia been dismissed before this public meeting of the 5th April took place? They were dismissed by a vote of the Synod in November last, cancelling the resolutions of the former meeting.

7. Will you be kind enough to inform the Committee on what principle this joint Committee was formed, that you speak of as the preliminary Committee? In the month of July, 1857, a communication was received by the Reverend Dr. Mackay, who was Moderator for that year of our Synod, from the Moderator of the Synod of Australia, inviting co-operation in endeavouring to erect this College within the Sydney University, and on receipt of that communication from the Synod of Australia Dr. Mackay, after consulting with the brethren with whom he had access, convened a meeting, which the Synod held in August, for the purpose of considering whether they could co-operate in respect to this overture of the Synod of Australia for this purpose. The result of this meeting in August was the appointment of the Committee, of which I was a member, to take joint action with the Committee previously appointed by the Synod of Australia to co-operate with us. We had several meetings of the Committee up to the first of November, and during all these meetings, up to that time, I was acting as representative of the Synod of Eastern Australia, and as member of the Committee of the Synod of Eastern Australia. I was also appointed one of the sub-committee to prepare a prospectus, which was to form the basis of the proposed College, and embody the principles on which it should be built; and that prospectus, which was prepared by the sub-committee, was brought up, and, after some discussion, was approved of by the general Committee.

8. Previous to this prospectus being prepared, will you inform the Committee what parties were invited together for that purpose; was it merely the Committee of the Synod of Australia and the Committee of the Synod of Eastern Australia, or were other Presbyterian bodies invited to co-operate, or did they co-operate? I did not form one of the deputation. I know a deputation was appointed, and I think the Rev. Mr. Milne was one to wait upon the Rev. Mr. Darling, of the United Presbyterian Church, to invite and secure his co-operation in the College undertaking. The Rev. Mr. Darling declined having anything to do with the business—his objection being founded on his holding the voluntary principle. Professor Smith, while attending the ministry of a clergyman in connection with the Synod of Eastern Australia, is, I believe, a United Presbyterian, and he was in communication with Dr. Mackay and myself, and took part in preparing that prospectus.

9. Were the ministers or members of any other denomination invited to co-operate? We of the Synod of Eastern Australia were anxious, even in initiating the proceedings, that every Presbyterian minister in the Colony should be invited.

10. Whom do you mean by "we" as consenting to this proposal? All the ministers who represented the Synod of Eastern Australia, and several other gentlemen besides.

11. Was there any objection taken by the ministers of the Synod of Australia to that proposal? They said, as far as they were concerned they could not ecclesiastically meet the Rev. Dr. Lang, and in the preliminary proceedings in the matter we felt an objection on that score.

12. You were aware, I presume, that there is a portion of the Presbyterians represented in the Synod of New South Wales? We were perfectly willing that they should be represented, and that any minister of that Synod should be invited to co-operate. No person seemed to demur in the first instance. I will come by and by to the prospectus, which we had the principal shaping of. At another part of the proceeding they did express that difficulty.

13. I will come to that question presently. I wish to have an answer at present as to whether the Synod of Australia did object to this proposal? They expressed a difficulty on that point.

14. If you look at the second paragraph of the petition which was presented to the Legislative Assembly, and signed by the Rev. Dr. Lang, you will find that he there complains that certain ministers and Presbyterians were excluded from initiating these proceedings, and it is with regard to that I am now asking you these questions? It was through the difficulty which presented itself to the mind of the Synod of Australia that alone prevented any overture being made to the Rev. Dr. Lang and the Synod of New South Wales. There was no difficulty in connection with our Synod in acceding to it.

15. It is a fact that a discussion took place in this Committee with respect to the admission of the Rev. Dr. Lang and other members of the different sections of Presbyterians? I must confess it was more especially with reference to Dr. Lang. Of course those objecting assigned their reasons.

16. Do I understand that objections were principally taken by ministers representing the Synod of Australia, or the Established Church of Scotland? Yes, while there was none on our side: our object was to make it as general as possible.

17. Have you examined into the construction and provisions of the different clauses of the Affiliated Colleges Act? Not very closely; I have looked into them but not very narrowly: I am aware of the principal features of the Act.

18. Are you aware whether that Act excludes any denomination of Christians that puts itself in a position to claim support from Government, either with reference to the obtaining a grant of land or a sum of money that that Act provides, provided that denomination in the first instance subscribes the requisite sum? There is a restriction—I was lately told of it; I was not aware of it before—that confines the land—

19. I am speaking of the Affiliated Colleges Act—whether by the Act itself are you aware whether

whether it excludes any section or denomination? I am not; I have not been able to discover any clause. I have not examined the clauses closely.

The Rev. W.
Lumsdaine.

20. Are you of opinion that the Act was intended for the benefit of all denominations who chose to avail themselves of it? Yes, that is my opinion with respect to the Affiliated Colleges Act.

17 Aug., 1858.

21. Are you aware of the terms of the deed of grant made in 1855, conveying lands to the Senate of the University? That is the point to which I allude. I believe it is restricted to four denominations. I only heard of lately; I have not seen it.

22. What have you heard lately with respect to it? That mention is made particularly of the Church of Scotland in that deed of grant. It has not been shown to me.

23. At the time you were co-operating with the Committee of the Synod of Australia you were not aware that this deed of grant conveyed the land exclusively for the benefit of that portion of the Presbyterian body? I only knew within the last fortnight of that point.

24. If you and the other ministers representing the Synod of Eastern Australia had been aware of that fact, do you think it likely they would have given the same cordial support that they have done? Whether they would have given the same cordial support I will not say; but it would not have precluded co-operation, because we should have hoped that an alteration might be made.

25. In what way would you alter it? By some other Act being passed through the House of Assembly, and of the deed of grant being altered by special Act to alter the particular clause. Other portions of the Act have been altered.

26. I am speaking of the deed of grant, not of any portion of the Act? I know there would be a difficulty in altering any deed of grant. It might be my ignorance of the law, but I thought it might be altered if brought before the Legislature, on its being shewn that it was not as intended for the benefit of all Presbyterians.

27. Do you think the ministers of the Synod of Australia when they were co-operating with you were aware of the provisions of the deed of grant being made in their favor? I am not able to answer that question; but my impression is that they were not. I heard them say nothing about it till very recently.

28. Was the constitution or prospectus adopted at the preliminary Committee meeting made public before it was adopted by the public meeting of the 5th April? No, it was not.

29. Are you aware whether any steps were taken by the Committee to give the Presbyterian body an opportunity of knowing what the prospectus was to be? There were not, before submitting it to the public meeting, at least not through advertisements.

30. You were present, I presume, at the public meeting? Yes.

31. Was there any amendment proposed to be submitted upon the first resolution there? Yes, there was an amendment proposed by the Rev. Dr. Lang.

32. Was he permitted to move his amendment? The Governor General took the sense of the meeting, it occurred to me, whether he should make it or not.

33. Is it not usual at public meetings called for public purposes that amendments should be permitted to be submitted to the meeting? Yes, it is usual; it is a general rule.

34. Then on this occasion there was an exception to the general rule? Decidedly.

35. Did you approve of the exception made on that occasion? No; I think the amendment should have been put.

36. Have you heard of another public meeting being subsequently held on the 12th April, for the purpose of establishing another College, for the purpose of passing resolutions for the establishment of a College? I saw the report of the meeting.

37. Are you aware of any proposal for a conference by the Committee to your Committee? Yes; I was on the meeting when the requisition was sent to us.

38. What was the answer to that application? The first answer was, to be informed what points they wished to have a conference on, and to state their objections to the particular features of the prospectus assented to by the public meeting. If my memory serves me, I think that was the first answer.

39. Was the Committee unanimous in declining the proposal for the conference, or was it carried by a majority of the Committee? It was not in the first instance declining the conference—it was to ascertain from them what the points they objected to were. When the second requisition was sent to us, then the conference was declined, in consequence of the nature of the objections.

40. On declining the conference, you stated as the first reason that the preliminary object was, that as a distinct department in the College there should be a Theological Faculty, and an efficient staff of teachers, whereby young men might be prepared for the Christian ministry? That was the first.

41. Now, do you think it absolutely necessary that a Theological Faculty should be established in the College established under the Affiliated Colleges Act? I do think so; I would have nothing to do with a College where that was not a *sine qua non*.

42. Are you not aware that in Scotland there are Colleges where the Principals are not ministers, and where there are not Theological Faculties? It is so, but it does not follow that the Principal should be a minister of religion, but one of the Professors might be promoted to the Theological Chair.

43. Your second proposal is, in drawing up the constitution of this College, and in establishing the same, every possible guarantee shall be provided, that the doctrines taught from the Theological Chair or Chairs in the said Presbyterian College shall in all time coming be in full conformity with the Westminster standards? Yes.

44. Now, do you think that persons belonging to the Free Church would have subscribed to the erection of this College if they were aware at the time that the deed of grant was made out exclusively in favor of those in connection with the Established Church of Scotland? I do not think they would.

45. Do you think if they were aware they would be likely to have subscribed their money,

The Rev. W.
Lumsdaine.

17 Aug., 1853.

or would now continue to give their subscriptions upon these terms. I would like to know how that operates on their minds? They might, in the hope of getting it altered, still give their money.

46. But if they were not aware of this land being granted exclusively to the Church of Scotland at that time, it would be no breach of faith with them that the principles set forth in the prospectus should not be carried out? I must be allowed a little circumlocution in answering this question. They paid their money believing the principles embodied in the prospectus would in their integrity be carried out, and the leading feature in the prospectus was that the College should be open to all Presbyterians, and all such holding and signing the Westminster Standards in their integrity should be eligible to be elected one of the Senatus or Council, and also that the board of visitors of the College should consist of two members from each Synod now in existence in New South Wales, or that might hereafter be constituted, provided that every such Synod holds the Westminster Standards, and requires subscription thereto. There is also this feature in the third paragraph, that as a distinct department in the College there shall be a Theological Faculty, and an efficient staff of teachers, whereby young men may be prepared and instructed for the Christian ministry. It is on the faith of that being carried out that they paid their money—the institution being catholic, and as comprehensive as it is possible to make it, and which, I believe, the prospectus makes it.

47. Supposing that at any time a disagreement took place between the members of the Free Church and the members of the Synod of Australia with reference to the appointment of the Principal, or any other matter, under the present deed of grant don't you think it quite possible that the Synod of Australia could assume their sole right to that deed of grant? Very possibly they might do so.

48. Supposing that to be the case, do you not imagine it would be a breach of faith to those who subscribed belonging to the Free Church and who expected the principle of that prospectus to be carried out? Yes. I know all in connection with our Synod who had any thing to do with the matter did it on the faith of the College being open to all Presbyterians and excluding none; these two paragraphs were inserted for that very purpose.

49. I think in answer to a question I put previously to you with respect a Theological Faculty being established in the College, you stated you did not think it necessary that the Principal should be an ordained minister? I do not think it essentially necessary that he should be an ordained minister. It is desirable he should be.

50. Is it not one of the clauses in the prospectus that he should be an ordained minister of the Presbyterian Church? Yes, I think so.

51. *By Mr. Richardson:* I think you said about the month of November a vote was passed by the Synod of Eastern Australia dissolving our Committee which was co-operating with a Committee of the Synod of Australia? In November last they cancelled the resolutions of the August meeting, and discharged the Committee.

52. What was their reason for doing so? Their reason for doing so was, because the Principal or any of the Professors might come from the Established Church of Scotland.

53. Was it under the supposition that they could not co-operate with the other bodies? They would not consent to any co-operation, but would have a College exclusively connected with the Synod of Eastern Australia.

54. *By the Chairman:* You are speaking of a majority of the Synod? I am talking of the act of the Synod—they rule by majorities.

55. *By Mr. Richardson:* I think you said that two bodies—the Synod of Australia and the Synod of Eastern Australia—while they were co-operating, I think you said that an intimation or notice was sent to the different ministers in connexion with the different bodies and sections of the Presbyterian Church? I said a deputation waited on Mr. Darling and others.

56. Are we to understand that a deputation waited on some of the ministers connected with the different sections of the Presbyterian Church? Decidedly; our great desire was to have the co-operation of every Presbyterian minister.

57. I think you stated no notice was sent to the Revd. Dr. Lang that he should be present? Yes.

58. Was any notice sent to any of his brother ministers? No; I am not aware of any.

59. Don't you think it would have been as well to have done so? I remember one time I was not able to attend the meeting of the Committee, and I wrote my views, which were read to the Committee by the Rev. Dr. Mackay, that there should be no exclusion, and that Dr. Lang's co-operation should be sought; that was my view.

60. And the parties who objected to this were those in connection with the Synod of Australia? Yes; they gave their reasons for their objections, which precluded them from co-operating ecclesiastically with Dr. Lang.

61. *By Dr. Aldcorn:* You say you were not aware of the nature of the terms of the deed of grant at all? Not till recently. About two or three weeks ago I was merely told of it.

62. Do you think that the College such as is represented in your prospectus could be constituted legally, seeing that by the deed of grant the land is given exclusively to one sect, while your prospectus invites all sections of the Presbyterian Church? It could not—I think it could not—I cannot speak positively in the matter.

63. You are not aware whether the ministers of the Synod of Australia knew about the grant of land—what the terms of it were when they held their conference? I am not aware they knew of it; they never spoke a word to me about it; in fact, the first intimation I received was from one of the Committee on that point.

64. *By the Chairman:* One of the members of the Free Church? I think it was from yourself I heard it: I think you told me.

65. *By Mr. Richardson:* I think you stated that when the Rev. Dr. Lang moved his amendment the chairman put it to the meeting? I think he put it whether they would hear the amendment.

66. Did not the chairman give his opinion? I do not think he refused to put it.
67. Did he not first give his opinion before putting it to the meeting? He certainly did not seem favorable to putting it to the meeting. I think he evidently wished to get the sense of the meeting whether he would put it or not.
68. He gave his opinion first, did he not? You may put that construction on it. I thought he was anxious to know the mind of the meeting.
69. *By Dr. Aldcorn*: Do you know whether any ministers of any other sects besides those you mentioned were invited to co-operate—the one you mentioned was the Rev. Mr. Darling: do you know whether any other besides the Free Church were invited to co-operate? I think some of the Independent ministers were asked. I was not appointed to wait upon them.
70. Any others? I am not aware of any others. In respect to this matter of the Principal, when the Chairman asked me the question I was under the impression that all that was necessary was that a Theological Chair should be established, and one of the Professors might fill it; but I see now by the prospectus that the Principal must be an ordained minister.
71. *By Mr. Marks*: You say you assisted in getting up this prospectus? I was one of the sub-committee appointed to prepare it, along with Dr. Mackay and others.
72. It was not made public before the 5th April? No; it was not published.
73. Do you know any reason why? I cannot assign a reason.
74. Is it not the general course to make it public? I am not aware of it, not having much to do with the preparation of these things.
75. At first you co-operated, on the part of the Synod of Eastern Australia, with the Synod of Australia? That Committee was discharged, and I afterwards acted upon my own responsibility.
76. It appears that the majority of the Synod of Eastern Australia were unfavorable to co-operation? Yes.
77. How was the Committee appointed in the first instance—was it appointed by the Synod? Yes; in August, 1857.
78. You are of opinion that the majority of the ministers of the Synod of Eastern Australia were unfavorable to co-operation? That was their last vote in November.
79. What do you think is the opinion of the congregations on this point? I think they are in favor of the cordial co-operation of all Presbyterians.
80. *By the Chairman*: You are speaking with regard to a College properly constituted and open to all? I am speaking of a College that carries out these two things, which I was a particular party in having inserted in paragraphs 3 and 5, and which makes it as catholic and comprehensive as possible.
81. *By Mr. Marks*: You think it is indispensable that there should be a Theological Chair? Yes; I would have nothing to do with it without.
82. It is not necessary for the Principal to fill the Chair? It appears from the prospectus, to which the Chairman called my attention, that the Principal should be an ordained minister of the Presbyterian Church.
83. Do you think it necessary that theology should be taught? Decidedly; by the Principal or Professors.
84. By one of the Professors? Yes.
85. *By the Chairman*: How do you think the Principal could be elected if there was a Theological Chair established—could he be elected so as to give satisfaction to the different denominations of Presbyterians? If you allow me a little latitude I will answer the question. At a meeting of our Synod in August we appointed a Committee to co-operate with a Committee of the Synod of Australia, and in the instructions given to our Committee there was a distinct proviso to this effect—that any Principal, or Professor of Theology appointed (whether belonging to the Free Church or Established Church), should *ipso facto* cease to have any ecclesiastical connection with, or to be in any way subject to the jurisdiction of any church beyond the bounds of this Colony. He was merely to be subject to the local Synod here; that is, if the Principal, or any Professor, belonged to the Established Church of Scotland, he should cease to have any further connection with, or be subject to the jurisdiction of the Church of Scotland. If that had not been distinctly provided for I should not have been one to have co-operated.
86. Who was he to be subject to? To the local Synod in the country; it might be to ours, or the Synod of Australia, or the Synod in connexion with the Rev. Dr. Lang. He should not be subject to any church beyond the seas.
87. Who was to determine it? He would join himself to some Synod here. If he came from the Free Church of Scotland I suppose he would join our Synod.
88. Do you think the ministers and people belonging to the Synod of Australia would be satisfied with that? That was to form a part of the basis of action.
89. Don't you think it would be objectionable to the Free Church people to have a Professor of Theology belonging to the Established Church of Scotland? I should make no objection, since he would cease to be ecclesiastically connected with or subject to the Established Church.
90. If he ceased to have connexion with the Established Church of Scotland, but was subject to the jurisdiction of the Synod of Australia which is in connexion with the Church of Scotland, would he not in effect be subject to the Church of Scotland? I do not think so. Here it is provided that the Senatus, or governing body, should have power over the Principal and Professors, and that all Presbyterian bodies are to be represented in this Senatus. All the Synods would be equally represented.
91. Do you think they would likely join in opinion those senators who represent the different bodies? Difficulties might arise that might cause disagreements; but if the different bodies were represented, according to the prospectus, these ministers of the Synod of Australia that were elected would not have it all their own way.

The Rev. W.
Lumsdaine.
17 Aug., 1858.

- The Rev. W. Lumsdaine.
17 Aug., 1858.
92. *By Mr. Dickson*: I think I understood you to say that you were not aware of the nature of the deed of grant? Not till lately.
93. If you were aware that it was only in favor of the Established Church, would you have joined in the movement to establish this College? Before I should have refused I would have ascertained if there was a possibility to get any alteration made in the deed.
94. You would not have taken any steps before you got it altered? No.
95. Are you aware whether any ministers were aware of the nature of the deed? I don't think so.
96. Or the elders in connection with the Synod of Australia? No.
97. Do you think if the laity were aware of it that they would not have joined in the attempt to erect a Presbyterian College? No, not unless they saw some way of getting the deed altered. It would appear to defeat the intention of the Legislature which was to make it open to all Presbyterians.
98. *By Mr. Richardson*: Have you met many of those who subscribed to the College since you became aware of the nature of the deed? No.
99. *By Mr. Dickson*: The subscriptions to the College, are they generally or to a considerable amount among the laity belonging to the Synod of Eastern Australia? Well, I think some large subscriptions were given by some persons.
100. The subscriptions were not numerous? No.
101. Do you think the ministers who have hitherto co-operated in the attempt to erect a College in the Synod of Eastern Australia still desire to continue the co-operation? I can hardly speak for others. I have resigned myself the office of joint secretary to the College.
102. In consequence of that? No; on other grounds. I have also withdrawn from the Committee.
103. Would you have continued after you understood that the deed of grant was, as it is, to act in co-operation with the other Synods for the erection of this College? Well, I would not have withdrawn on that ground. I should first have ascertained if there was any probability of getting the deed of grant altered. I was not actuated in resigning by any thing in connection with that.
104. *By Mr. Richardson*: You think if the deed of grant was not altered you would have withdrawn? Yes, it is possible; but I have not done so upon that ground.
105. *By the Chairman*: Do you think the number of subscribers is a fair representation of the Presbyterians generally? Not looking at the number of persons giving money. All these institutions are supported in the first instance by few subscribers.
106. Do you not think if it was more general—if the subscriptions were of a small amount, and scattered more largely over the whole population belonging to the Presbyterian communion—that the College would be more likely to succeed than if it is got up by a mere handful of subscribers? If the minimum was £5 instead of £10 I think we should have more subscribers—if these who subscribed that sum were entitled to vote.
107. Are you aware that a number of subscribers are mere children? No; this is the first time I have heard of it.
108. Are you not aware that some persons subscribing put down themselves and put down all their children? I know in the case of Mr. Bowman, where the family are grown up: they are not what I call children; I suppose some of them are of the age of 21, and expect property.
109. It has been stated in evidence that even children at the breast were put down as subscribers? This is a thing I never heard of before; it is quite new to me.
110. Did I understand you to say that if the subscriptions which entitled a person to vote was £5, a larger amount than £7,000 would have been collected? No; I said there would have been more subscribers.
111. Do you think a fair proportion of those Presbyterians who can afford to pay £10 have subscribed? Well, considering the few subscribers the Church of England had to the College of St. Paul's, I do not think more subscribers of £10 could be obtained. I would sooner see small sums and a larger number of names of subscribers.
112. Do you think there are many Presbyterians in a position to subscribe £10? In the first instance, they only pay £2 10s. and give their promissory notes for the remainder. I do not think this an insuperable objection. I think you would have got a larger number of subscribers if the minimum had been £5.
113. *By Dr. Alcorn*: Did you discuss at any time at your meetings what was to be the curriculum of teaching in the College—there is no specific mention of this in the prospectus? No; we did not go into details on that point.
114. Was the idea at all prevalent in the Committee that there should be a Theological Faculty alone? No; only as a branch of instruction.
115. There were to be other branches of instruction—did the curriculum include the usual branches of education, literature, and scientific subjects? In the first instance they felt a difficulty arise from the want of funds for more than one Professor. If there were several Professors instruction would be given in the different branches in addition to Systematic Theology. We never discussed the details.
116. All those branches taught in the University: Did it not occur to you something like the system adopted by the Universities of Oxford and Cambridge should be adopted—the tutorial—a system by which young men would be more properly prepared to attend the classes in the University? That is a part of the prospectus, that the tutors should superintend the studies of the students attending lectures in the different branches they were pursuing.
117. *By the Chairman*: Have you anything else to communicate to the Committee? In reference to the prospectus, I would say that the third and fifth paragraphs were inserted in order to make it open to all Presbyterians, and the Synod of Australia Committee consented that it should be open to all Presbyterians, not excluding any minister of any Synod in the Colony.

118. *By Dr. Aldcorn*: In the original instructions from the Synod of Australia did the Committee propose to confine it to the Free Church, or the Synod of Eastern Australia: did the United Presbyterians refuse to come in? They made overtures to us and Mr. Darling. They were disposed not to extend it further.

The Rev. W.
Lumsdaine.

17 Aug., 1858.

119. It is so given in evidence? It was insisted, on the part of the Synod of Eastern Australia, that the College should be as open as possible, excluding not a single Presbyterian minister in New South Wales; and therefore these two paragraphs were put in the prospectus.

120. The third and fifth? Yes. The Synod of Australia consented to that, and it was adopted by the whole Committee, and sanctioned by the public meeting; thus making the College as general as possible.

Nicol Drysdale Stenhouse, Esq., called in and examined:—

1. *By the Chairman*: You are a solicitor, in extensive practice in this city? Considerable practice.

N. D.
Stenhouse,
Esq.

17 Aug., 1858.

2. Do you belong to the Presbyterian Church? When I came to this Colony I was in full communion with the Church of Scotland, and I have never formally withdrawn from it. At present I belong to a congregation of Presbyterians in Balmain; they have not connected themselves with any of the other religious denominations in the Colony, but they hold the principles of the Westminster Confession of Faith.

3. Are you acquainted personally with the constitution and working of the Colleges and Universities of Scotland? I have had ample opportunities for acquiring a knowledge of the constitution and working of the Scotch Universities.

4. You have, in fact, been a student there? I attended the lectures and scientific classes of the University of Edinburgh for six years.

5. You attended the lectures, and went through the curriculum required for a degree of Arts? Yes. I also attended the law classes three years. I took my degree of M. A. about the end of 1825, when I was nineteen years of age. I believe I was the youngest but one that graduated in my time.

6. Have you at all examined into the Affiliated Colleges Act with regard to its provisions? I have looked at the Act very minutely, principally with reference to the preamble.

7. What is your opinion with regard to the preamble, speaking as regards "systematic religious instruction"? I think the framer of it could scarcely have selected a more unfortunate expression: it is vague, without being comprehensive.

8. What meaning do you attach to that phrase? It cannot, I think, be held to mean that extensive course of theological training through which candidates for the ministry in the various sections of the Presbyterian Church are required to pass. The systematic religious instruction spoken of seems to be designed for all students equally, professional or non-professional. I cannot, therefore, think it was intended, or if so, I cannot think it necessary that lay-students should receive such instruction in the various branches of a theological education as it is the object of a Theological Faculty to impart; that they should go through all the length and breadth of exegetical theology, historical theology, dogmatic theology, &c.

9. In your opinion, is a Theological Faculty essential to the being of a College? I do not consider it essential, nor, as I have said, do I believe that the erection of a Theological Faculty was contemplated by the Act, though, as a secondary measure, it may, perhaps, be warrantable. According to my view, the preamble merely imports that the students of the various Colleges are to receive regular instruction in all the capital doctrines of Christianity, as understood and maintained by the churches, or the main sections of the churches, to which they respectively belong; in fact, that in addition to a vigilant superintendence over their moral conduct, such a religious training is to be secured for them as may protect them from any influence, direct or indirect, exerted by teachers or companions of different tenets, to lead them away from the faith in which they have been reared. That seems to me to be the main object of the "systematic religious instruction" referred to. If it had been intended by this Act that a Theological Faculty should be established, it would have been easy for the framer of it to have said so.

10. Do you think it would be desirable and practicable, in the present divided state of the Presbyterian Church, to have a Theological Chair? It does not appear to me to be practicable. Even in Scotland every section of the Presbyterian Church has, I believe, its own Professor of Theology. It would be considered as almost tantamount to heresy for the students of the dissenting bodies to attend the classes of the Theological Faculty in the University of Edinburgh, which is in connection with the Established Church. Each section of the Presbyterian Church regards form as so closely connected with substance, purity of discipline as so conducive to purity of doctrine, that it will not allow its theological students to attend any Professor except its own. They are permitted, however, to receive instruction at the University in every branch of education, except theology, in its various subdivisions.

11. Do you think the establishment of a College—of a secular institution—in the first instance, would be preferable? I do. It would tend to what is much wished for—the final union of all sections of the Presbyterian body—and provide the students belonging to it with the means of acquiring, without danger to their religious principles, a thorough knowledge of the higher branches of education usually taught in Colleges and Universities.

12. Afterwards, looking to the establishment of a Theological Faculty? Yes: it would be most desirable, if the concurrence of all parties could be obtained; but such a consummation is, I fear, very remote.

13. Will you look to the date of the passing of that Act? I observe that the Colleges Act was passed in December, 1854.

14. If you go a little further on in the pamphlet you will find a deed of grant made by the Governor to the Senate of the University for certain purposes? That I have never seen.

N. D.
Stenhouse,
Esq.
17 Aug., 1858.

15. Will you look at the deed of grant? This is dated 18th of January, 1855.
16. That is subsequent to the passing of the Affiliated Colleges Act? Yes.
17. If you look to a certain clause of that deed, you will find it stated that the deed is granted for four denominations, who are specifically named? Yes; I see the Church of England and Ireland, the Church of Rome, the Church of Scotland, and the Wesleyan Methodists, are the four denominations mentioned.
18. You will observe that the deed of grant conveys the land to these four denominations? I observe.
19. How do you reconcile that deed with the Affiliated Colleges Act, or have you any remark or suggestion to make with reference to it? I do not believe there is any process of logic by which the grant can be reconciled with the Act. Such discrepancies, however, arise occasionally from the carelessness of draughtsmen.
20. There is a great discrepancy between the Act and the deed? Yes. The latter completely neutralizes the former. I have noticed similar or striking variances between other grants and Acts. For instance, there are such inconsistencies between the Act and the grant relating to the property formerly belonging to the Australian Library, that under some peculiar circumstances I found great difficulty for years in recommending the title to purchasers. The variance now in question must have arisen from an oversight of the conveyancer. It is a serious defect. I am not prepared to say that the grant is a nullity; but it should have been drawn in strict conformity with the terms of the Act. That is the rule.
21. Could you offer any suggestion, or give the Committee any information, how this mistake could be corrected, and the wrong created redressed? From what I have heard, I believe that the grant embodies what was originally the spirit of the Act, until it was amended, at Dr. Lang's suggestion; and as the variance may have arisen from some confusion in the mind of the draughtsmen as to the full import of the alteration, and can, at all events, be regarded only as a mistake, I cannot doubt that the defect *may* be remedied, and it certainly *ought*.
22. You are now referring to the first copy of the Act or Bill which the Legislature amended? Yes; it was in the amended form of the Act that the large clause admitting all Presbyterians was substituted for the original restricting clause. The blunder, as I have said, is not without precedent.
23. In establishing a Presbyterian College do you think it desirable to have the co-operation of all the different bodies of Presbyterians? Most decidedly. It is a matter of much regret to every well-disposed Presbyterian that greater unanimity has not been secured.
24. Was your co-operation individually requested upon this preliminary Committee, previously to the public meeting of the 5th of April? It was not. I suppose I was considered too obscure a person to merit that honor.
25. Were you present at the public meeting held on the 5th April, in Castlereagh-street? Yes.
26. Is it a fact, as publicly stated by a preceding witness, that the Rev. Dr. Lang proposed to move an amendment on the first resolution, but was prevented, by the Chairman, from doing so? It is a fact that he was prevented, much, I think, to the regret of many who feel a deep interest in the cause of Christianity.
27. Do you think it would be desirable, referring to the prospectus for establishing a Presbyterian College, that votes should be given to subscribers for as low a sum as possible, say £2 to £5? I can scarcely determine what should be the minimum.
28. But you think it should be low? The College should be impressed, as far as possible, with a popular character, so as to harmonize with the great academical institutions of Scotland.
29. To make it useful as far as possible? Yes, it would be well to make it as useful and accessible as possible to all classes of Presbyterians.
30. What is your opinion with regard to what should be done by the Government in the present state of the Presbyterian College affair? I think that, to rectify the discrepancy, a new Act should be passed. It would, I suppose, be easily obtained.
31. Do you think it necessary to have an Act passed to correct the mistake made in the deed of grant? It seems to me that there is no other course for curing the defect.
32. Do you think application should be made to the Government, on the part of the Presbyterians, to introduce such an Act? Yes, I do. The present state of the matter is most unsatisfactory; if allowed to continue it would not be creditable to those who are interested in a subject of such importance. The Legislature will at once perceive that more care should have been taken in framing the grant.
33. You think the duty of bringing in that Act, and passing it through, should devolve on the Government, as the error was made by them? I do. I think the Government is the source from which any attempt to rectify this error should proceed.
34. Would you recommend that application should be made by the Presbyterians generally—I mean those that are discontented and not satisfied with the present state of the College question? Yes; I think the Government may very properly be put in motion by such a proceeding.
35. *By Mr. Richardson*: Do you think that if other parties, not in connection with the Synod of Australia, knew that the deed of grant was in existence it was likely they would have subscribed as they have done? Do you suppose now that these parties would have subscribed—parties in connection with the Synod of Eastern Australia and other sections of the Presbyterian Church—had they known the existence of the deed of grant;—do you think they would have come forward as they have? I don't know who the subscribers are; but I think it probable that many of them would on that ground have declined to subscribe, as I presume that many of them do not belong to the Established Church of Scotland.
36. Suppose they co-operated under the present arrangements, could not the Synod of Australia displace them according to the Act? I should think they could; but I do not believe the Synod of Australia was aware of the discrepancy. If they had been so, they would not have invited members of other persuasions to co-operate.
37. I think you said you were conversant with the working of the different Colleges in Scotland: are you aware of what the duty of the Principals of the Colleges was? I can speak only

only of the University of Edinburgh, and not distinctly of the duties of the Principals. The Principal in my time was Dr. Baird and after him Dr. John Lee—they were Doctors of Divinity. I believe the Principals were understood to be more closely connected with the Theological than with any other Faculty in the University.

N. D.
Stenhouse,
Esq.

17 Aug., 1858.

38. Not confined to the secular management? Certainly not. But I cannot well define what their duties were.

39. Then it is not necessary that the Principal in this College should be an ordained minister? I think it is not necessary that he should; and, to avoid all appearance of exclusiveness, it might be as well that he should not.

40. *By Dr. Aldcorn*: Is not the Principal considered Primarius Professor of Divinity, although he never teaches divinity? I believe he is present at the opening of the Hall, and offers up a prayer.

41. Do you think a College could be legally constituted under that grant, while the party to whom the grant was made did not consent; or, assuming the various different sects—the Free Church and other bodies—co-operated, do you think they could legally constitute a College and assume the government of that College? I think they could not.

42. Do you think, seeing the condition of the English Universities, where there is, in fact, no Theological Faculty in either of the great Universities, that the Presbyterians by that Act must have a Theological Faculty? Certainly not.

43. *By Mr. Marks*: Do you think it desirable that a Theological Chair should be established? I think the time may arrive when it will be desirable to establish one; when all sects of Presbyterians will be united more closely in support of the cardinal principles of the Presbyterian faith.

44. In the present age? I cannot say when. Even in Scotland, as I have already mentioned, each of the principal sections of the Presbyterian College insists that its theological students shall attend its own Theological Professor.

45. *By Dr. Aldcorn*: Suppose a Theological Faculty were established in this College, does it follow as a matter of course that the Principal should be connected with or fill the Theological Chair? No, I think not.

46. It is not essential that the Principal should fill the Theological Chair? Not according to the language of the Act.

47. Have you taken any part in the effort to establish a Presbyterian College? No. But I had the honor to be elected a member of the Rev. Dr. Lang's Committee.

48. Are you acquainted with the prospectus which originated at the meeting of the 5th of April? I have looked at it.

49. Do you think in the basis proposed in that prospectus, the several bodies of the Presbyterian Church could unite, and would unite in establishing a College? I did not study it with care; but I should say they would not.

50. What course should be adopted, under existing circumstances, for the establishment of a Presbyterian College: Assuming there would be some enactment passed by which this deed of grant is reconciled with the Act—supposing all the difficulty to be cleared away, arising from the difference between the Act and the grant—I suppose it is a discrepancy that can be reconciled under the circumstances: As matters now stand, what course should be adopted? I think I partly answered that question in reply to questions of other gentlemen. In the first place, I think it would be well for the Presbyterians interested to make application to the Government to have an Act passed to reconcile the discrepancy between the Act and the deed.

51. Granted. Supposing that were accomplished? If that were accomplished, it would be proper to call a public meeting, which all Presbyterians should be invited to attend. Some measure should then be proposed, with the view of inducing all parties to co-operate in establishing the proposed College.

52. What should that measure be—what should be the constitution of the College? I am not prepared to say. I think however that the management of the College should not be confined to clergymen; I believe there are many laymen as earnest as the clergy in the cause of Christianity. My profession gives me ample opportunities for testing that fact.

53. *By the Chairman*: Don't you think laymen agree on general principles better than clergymen? Yes.

54. I think you were elected a member of the Committee at the general meeting held on the 5th of April? I heard my name mentioned.

55. Were you ever consulted about it? Never.

56. Did you ever act? Never.

57. Had you any reasons for declining? I did not approve of the proceedings of the meeting.

58. *By Mr. Dickson*: Have you been long aware of the discrepancy between the Act and the deed of grant? Only recently.

59. I think I understood you to say it was most important that the Presbyterians should be unanimous? Yes; very important.

60. You think the Act has a tendency to prevent that unanimity which ought to exist? The deed in its present form would, I think, be a serious bar to unanimity.

61. Do you think in altering the Act it ought to refer exclusively to Presbyterians, or any party occupying the same position? I think it ought to apply to Presbyterians exclusively.

62. Have you any method of forming an opinion whether or not the two Synods would have united had they been acquainted with the present nature of the deed? I think a member of the Church of Scotland should have no reason for excluding any member of a different section.

63. What I am desirous of knowing is, whether if the members of the Established Church of Scotland and the Free Church knew the nature of the deed—whether they would have united in getting up this College which was attempted to be got up? No, I don't think they would—certainly not. I misunderstood your previous question.

64. *By the Chairman*: Have you any other suggestion to make to the Committee? I have no other suggestion to make.

FRIDAY, 27 AUGUST, 1858.

Present:—

MR. MARKS,
MR. ALDCORN,MR. GORDON,
MR. JONES.

SAMUEL DEANE GORDON, Esq., IN THE CHAIR.

The Rev. Alexander Salmon called in and examined:—

- The Rev. A. Salmon. 1. *By the Chairman:* You are a Minister of the Free Church of Scotland? Of the Free Church.
- 27 Aug., 1858. 2. In connexion with the Synod of Eastern Australia? Yes.
3. Are you acquainted personally with the working of Colleges and Universities in Scotland? I may say so; I was educated in one, and I have often visited others, and know something of the procedure that goes on in them.
4. Would you be kind enough to inform the Committee what your own observation was with regard to the supervision exercised in the Colleges in Scotland? The supervision, Sir? I am not quite sure what is the meaning of that.
5. With regard to systematic religious instruction—whether all students are subjected to attend the Theological Faculty? Oh! no, they are not; they are not at all, so far as my experience and knowledge goes. The fact is, that in what are called the gown classes in Glasgow, where I attended, all the religion that is there is this—and I think it was a very good thing—the Professor opened the classes, whether Latin, Greek, logic, moral philosophy, or natural philosophy, with prayer; but until you entered into the Divinity Hall there was no direct interference with regard to religion at all.
6. Have you looked carefully into the Affiliated Colleges Act, in connexion with the University of Sydney? Yes, Sir, I may venture to say I have looked very carefully into it; at the time that it was passed, and for the four years since, I have been considering it from time to time, and earnestly considering it.
7. What meaning do you attach to the phrase “systematic religious instruction,” in the preamble of that Bill? I can hardly conceive of two meanings being taken out of it, or founded on it. I understand that systematic religious instruction is doctrinal instruction according to the tenets of the particular sect, whatever that might be, and of course it is unlimited. Systematic religious instruction in a Church of England College I would understand to be the teaching of the Thirty-nine Articles and her episcopal form of government, and everything else that is distinctive of the Church of England; and the same in regard to Presbyterianism—the Confession of Faith, the Catechisms, Larger and Shorter, and all connected with the Presbyterian form of church government; and of course Congregationalism the same, and Mormonism the same. Systematic religious instruction is the doctrine taught by that particular section of the church and all connected with it, and all arising out of it—precepts and procedure of every kind.
8. Do you think it desirable in a Presbyterian College affiliated to the University of Sydney that there should be a Theological Faculty for training up candidates for the ministry in the first instance? I am very strongly inclined to think that we are not in a position to have that at present, however desirable it might be.
9. *By Mr. Aldcorn:* On other grounds? I do not see that it is practicable to have a rightly constituted Divinity Hall in the present state of Presbyterian parties in this Colony.
10. *By the Chairman:* You think it impracticable, from the differences which at present exist amongst the Presbyterian community: is that what I understand you to mean? Yes, Sir. I would object on other grounds still, but I think you will not misunderstand me; your question is merely now as to what Presbyterians would do, or desire, if the general Act did not encourage indiscriminate religious endowment. You are merely asking me now about what would be desirable for Presbyterians if they were united. Although they were united I have still the same objection to that Act—still the same objection, because it places religious error and religious truth on the same foundation, and makes provision for teaching both equally. Although the Presbyterians were united to-morrow I should have that objection to it.
11. *By Dr. Aldcorn:* Besides the indiscriminate endowments, you would consider that the present divided state of the Presbyterian Church would be a reason for not having a Theological Faculty in the first instance? Yes, in the first instance.
12. Is it necessary that the Principal should be an ordained minister if the College was established under this Affiliated Colleges Act? So far as I understand the Act, it is not limited to that, and, therefore, it appears to me that the parties raising the College could take their own way in regard to that matter. So far as I understand the Act, they are not restricted to appoint as Principal, or Warden, or whatever name he has given to him, an ordained minister of religion, and there being no legislation in the Act for it, then the parties raising the College, I think, are left to their own discretion.
13. Have you ever seen, or are you aware of the terms of the deed of grant conveying the land to the Senate of the University by the Government? No, Sir, I am sorry to say that I have not.
14. To the Senate of the University—the deed conveying the ground from the Government to the Senate of the University for college purposes? No, that has escaped me; I was not aware until now that there was such a deed.
15. You are not aware then that the whole of the land has been granted for the exclusive use of the four denominations receiving state aid from the Government? I am not aware of any such thing, and I think from the Act that that is impossible.
16. You think if such a deed of grant does exist that it is not in accordance with the Affiliated Colleges Act? I think clearly not; and although I have not, as I have said to you, attended

attended to that deed, I remember historically that objections were made in the Council to the passing of this Act, when it contained such a restriction; and I must be greatly mistaken if that restriction was not struck out of the Affiliated Colleges Act in consequence of the resistance made to it, and then it was thoroughly understood throughout the whole Colony that that restriction was set aside by this Act.

The Rev.
A. Salmon.
27 Aug., 1858.

17. According to the best of your recollection then, when the first draft of the Bill was introduced to the Legislature, these four denominations were mentioned in it, but were afterwards struck out? That is my strong conviction.

18. Leaving it open to any denomination who might subscribe the required sum according to the Act, and otherwise place themselves in a position to demand from the Government both the deed of grant and the same State aid under that Act? Yes, Sir, that is my strong impression; and were I not just directly examined by the Committee of Parliament, I would state it more strongly still.

19. *By Dr. Aldcorn*: That is the fact? That is the strong impression in my mind, because it was a matter that I felt deeply interested in, and paid attention to every stage of the proceedings in regard to it.

20. *By the Chairman*: If you will refer to that part of the deed of grant, which is a subsequent deed to the passing of the Act, I think you will observe that the land is granted to the four denominations at present receiving State aid? Well, Sir, I am very sorry that I never saw that Act before; I never heard a word of it being in existence.

21. The deed? The deed; but I think I cannot doubt, from even now reading it hurriedly, as I have done, that it confines actually the land to the four salaried denominations.

22. Do you think that any of the ministers of the Synod of Eastern Australia, that is, the Free Church Synod, were aware of such a deed being in existence at the time they gave their co-operation for the establishment of this Presbyterian College? I could not answer that question. I think it is not likely that any of them knew; still I cannot answer for any but myself; but I am very sure they did not know, because they must have seen that the deed of grant excludes the Free Church, and we could only participate in its supposed benefits as a part of, or in connexion with, the Established Church of Scotland.

23. But you were not aware that there was any such deed in existence at the time that the Committee was appointed by the Synod of Eastern Australia to take up the College question? I never imagined, never conceived that there was such a settlement or deed of grant as that.

24. *By Mr. Aldcorn*: Have you thought of what should be the curriculum of education in such a College, taking the whole present circumstances of the Presbyterian body into account;—supposing that the College was instituted, have you thought what should be the curriculum of education, and what the whole system of the University ought to be, taking into account the divided state of the Presbyterian body at present, and the various views with regard to State endowment? Well, Sir, to do anything like justice to myself and my own views upon that subject, it would require a good deal of explanation; but I think that this examination is confined to the provisions of this existing Colleges Act.

25. *By the Chairman*: I should like to have your opinion—you have the privilege of appending anything to your evidence? I did intend just to have made a very short statement in writing of my objections to this Colleges Act, and put it in whether it was taken or not, but I have not had time. I think I can state them very shortly: I first of all object to this Act—the Affiliated Colleges Act—on the ground of indiscriminate religious endowment—that it makes provision compulsorily for teaching religious error as well as religious truth, and places them both on the same footing. That is my first objection to the Act—that it places both of them on the same footing. Secondly I object to this Colleges' Act because the curricula of study in the University, and in the College, run *pari passu*, that “whenever,” as it is said here, “whenever a student enrolls in the College he must enrol in the University “at the same time,”—to my mind rendering one or other of these institutions comparatively useless. If a student must attend four hours the lectures in the University, and prepare for his examinations the following day, and just carrying out the whole business of study with these four hours of lectures, I would like to know what time he has for taking advantage of a College in the same day, and in the same week. I venture to say to this Committee that anybody who knows what college education is, will say that four hours attending lectures will require the whole of the hours of that day to prepare in connection with those lectures; and if that is done in the University, then what is the use of the College? How is it possible, physically, that a young man can take advantage of the College? That is a very strong objection to it, in my opinion. In short, it is just a perfect waste of money to lay out £20,000 for an institution of that kind, that can really be of no service, excepting through tutorial assistance, and you can do all that without a College. This is not our idea in Scotland of a College, by any means.

26. Do you think a College of this kind might not be rendered useful as a place to receive young men whose parents were living at a distance, where they would have boarding and tutorial education? I do think so. But let it get its proper name: do not let us deceive ourselves with a College, but call it a boarding-house; and all the advantages that could be derived from these so-called, but mis-named, Colleges would, and ought to be obtained at a twentieth of the expense.

27. With tutorial education? With tutorial aid. Let it get its proper name, and then cut out this systematic religious instruction. Every one could do what they liked in that case.

28. Are you aware that the Colleges in the Universities of England are, to a certain degree, of that character—they, no doubt, receive a large portion of the education in the tutorial form, and almost entirely in the Colleges as distinct from the University? Yes, Sir, I am quite aware of that; and I am aware at the same time that Sir William Hamilton has demolished the whole system, denounced it, and exposed it to such an extent, that I believe improvements are making, and have been made, by the Parliament of Great Britain.

29. *By Mr. Aldcorn*: The Commissioners, you know, have overturned it of late? Yes; then,

The Rev.
A. Salmon.
27 Aug., 1858.

then, why the Parliament of New South Wales should begin to reinstate an exploded system—why in a new country we should begin to reorganise and establish an exploded system in Britain—that is what I cannot understand.

30. Do you think that Episcopalians here, and especially Episcopalian ministers, would understand from the term “systematic religious instruction” a course of divinity or theology? I think if they understood the Act they would understand it in that sense. I do not see what systematic religious instruction means but doctrinal, and everything connected with the sect to which they belong. I quite grant you that all Scotchmen will understand it so.

31. But what I want to bring out is, whether if you ask an Episcopalian minister here what he means by systematic religious instruction, he would understand it so? It would be quite impossible to answer that question how an English minister would understand it. I never had any doubt about the meaning of the phrase used in the Act.

32. *By Mr. Marks:* Are you aware whether the Presbyterians of the Colony have taken any steps to establish a College in connexion with the University? Yes; I am aware that movements have been made in that direction.

33. Did the body that you are connected with take any steps towards establishing this College? We first of all had negotiations with the other Synod in regard to the matter.

34. Was the matter initiated by your body, or by the other Synod? If I do not mistake, it was initiated by laymen belonging to both sides. I do not know much about it, but that is my impression—that certain laymen of both Synods met together, and thought it would be a right thing to do, and that then there was a Committee appointed by the one Synod, and a Committee appointed by the other.

35. To co-operate? To co-operate.

36. And did they act jointly towards carrying out the object in any way? That I can hardly say of my own personal knowledge, because I declined to have anything to do with it, on several grounds. I heard, of course, from brethren what was going on, but I am not entitled to speak of my own knowledge beyond that previous part.

37. From what you know do you think proper steps were taken to secure the co-operation of all the sections of the Presbyterian Church in the Colony? No; that I have a strong opinion upon.

38. That proper steps were not taken? Yes, were not taken; but I may venture to go a little further, and say, I fear that, even if steps were not taken, that the procedure was adopted which would have the effect to exclude.

39. You are of opinion that procedure was adopted calculated to exclude sections of the Presbyterian Church? Certain sections of the Presbyterian Church.

40. And do you think that manner of procedure was designedly taken in order to have that effect? It is always dangerous, and generally wrong to impute motives; but I can hardly think otherwise than that there was a design. I do not say so; but the whole observed procedure appears to me to justify that conclusion.

41. What sections of the Presbyterian Church do you think this procedure was calculated to exclude, or intended to exclude? I am quite willing to give all the information to the Committee that may be useful; but I do not wish to be more minute than is needful. However, I frankly say my conviction was that it was designed to exclude Dr. Lang and his Synod—that is my impression and my conviction.

42. The object of this Committee is to inquire into certain allegations made by Dr. Lang on behalf of the body with which he is connected, and, of course, that is a most material part of the evidence? I was not aware of that; but it makes no difference.

43. You see the petition before you, and your evidence should properly bear upon that petition? I did not see it, except in a newspaper. That conviction, I may say, was so strong in my mind that that was one of the reasons, along with the others that I have given, why I declined to co-operate.

44. The body with which you are connected are not aiding as a body in establishing this College—as a Synod? No.

45. But are there any of the ministers in connection with that Synod assisting in this movement? That, of my own personal knowledge, I do not know; but there are several who expressed to me their entire approval of the movement. I do not know what they are doing.

46. But are you not aware that there are some ministers of the Synod with which you are connected aiding in this matter? As to actual aiding I do not know, but they speak to me individually as entirely approving of co-operation with the other Synod in the College matter.

47. And you are not assisting in any way the movement that is at present going on? In no way.

48. You object to the principle upon which the College is based, and you have objections on account of the mode of procedure taken in the first instance to establish the College? Yes.

49. By not taking proper steps to secure the co-operation of all the sections of the Presbyterian Church? Yes, Sir, distinctly.

50. *By Mr. Marks:* Do you think it desirable a Presbyterian College should be established, under the present circumstances? Of course, I would like to see the very highest education given to our Presbyterian youth; but my own conviction is that we have not the number of young men that would justify so large an expenditure at present as £20,000, and the keeping up of classes; because this Act makes provision only for a Principal or Warden. Now, for many years to come I suspect there would be no need for anybody else but that one; but if it is to be a College we would need at least three Professors beside the Principal, and even that would be a narrow equipment for an effective Presbyterian College. And, so far as I can see, (I know that I am liable to the objection of narrowness in the expenditure of money for education,) there is no such necessity. I would rejoice to see money expended in the fullest way on education; but still I would like to get money's worth; and if you lay out £20,000 just now on a Presbyterian College and all the rest of the annual equipment, and you have

ten or twelve or fourteen students only, the cost will be enormous, and the advantage not at all equal to the expenditure. That is one view I take of it.

51. You think, then, there would be no commensurate benefit for the outlay? I do think so.

52. And it is your opinion that the establishment of a College is not desirable under present circumstances? Taking all into account I wish to guard myself there, not that I would not desire to see a College established, and a full equipment, and at the earliest possible moment, but at present I do not see that the return would justify the expenditure under this Act—that is, the mere money ground of it. Then would the Committee just allow me to put before them this other view of it: that if the ultimate object, as it ought to be of University and Collegiate education, is to raise the standard very high of classical and scientific learning, the Colleges ought to be an intermediate step between the grammar schools and the Universities. That is my impression of what a College ought to be. Get the best grammar schools in this Colony you can get, raise up the students to a far higher platform than they are now when they enter the University, send them into the College, and give them three years there under proper masters, and then let them enter the University from a far higher platform than they can ever do by the proposed method.

53. Supposing the large majority of Presbyterians in this Colony thought it desirable to establish a College at present, what course do you think would be the best for them to take? Well, it is a little difficult with my views of co-operation with any Synod here in direct connexion with the Established Church of Scotland. If that connexion were broken off voluntarily and publicly, then I would say a meeting of all the sections of the Presbyterian Church should be convened, and not set up a Theological Faculty, but set up a College in the style I have attempted to indicate.

54. Would you, on account of conscientious scruples, object to receive money for secular education? I have great doubts about that; but I confess that, for a year past, I have been coming gradually to the conclusion, that in a country like this I would prefer the National System of education, and let every religious sect make its own provision for the religious element. I am shut up to that.

55. Would not your objections, then, to union with the Synod of Australia—a body in connexion with the Church of Scotland—be removed if the Principal of this College was a layman and no Theological Faculty established in it? Of course it would. I am sure I do not like to talk very much to the Committee; but one great objection I would have to a Theological Faculty in connection with that College is this—that we might have men from the Established Church of Scotland preparing our young men for the ministry; and we hold that they are not sound teachers in theology in some important respects. We object to their teaching and to their practical expounding of the Confession of Faith.

56. You think, then, that the sections of the Presbyterian Church might, under present circumstances, unite in establishing the College if it were not necessary that the Principal should be an ordained minister, and that no Theological Faculty should be established within the College? Not a College ruled by this Act.

57. Not a College ruled by this Act? No.

58. Do you think that Act renders it necessary that the Principal should be an ordained minister? No; but that systematic religious instruction shall be conveyed there of all kinds.

59. And these words you think render the establishment of a Theological Chair necessary, in accordance with the terms of the Act? I think that the Colleges would be left to do very much as they inclined; but I must be guided by the terms of the Act, which make provision for the inculcation of religious error as well as truth.

60. If the Legislature should strike out these words would your objection then be removed? Largely, when you tell me the 9th clause has been removed; and if these words were removed I do not see any great objection to the Act. And then I observe that even these words, to which I still strongly object, being in the preamble, and not in an enacting clause, do not present so strong an objection as they would otherwise do. My objection would still remain to the curricula of study in the University and the Colleges running *pari passu*, rendering one or other of the institutions comparatively useless, and that at such an enormous cost.

61. By Mr. Aldcorn: If I understand you aright, in the statement you made your view then of a College would be an intermediate establishment between the Grammar School and the University? Yes, Sir.

62. Then you would contemplate that a high classical education should be conducted there? Yes.

63. And the elements of science taught? Yes. That is the only meaning of a College that I know (the University takes the highest point, and gives honors)—by every process to raise the scale of education before the students come to the point of taking honors.

64. And especially that the students should be very fully prepared for the University, because that has been the error in the Scotch Universities? Yes, to some extent; but I do not mean to affirm general defectiveness in the preparation in Scotland by any means. My answer is, that the Colleges should be employed to prepare as fully as possible students for the University.

The Rev. Hugh Darling called in and examined:—

1. By the Chairman: You are a minister of the United Church of Scotland? Yes.
2. Are you aware that some steps have been taken to establish a Presbyterian College in connection with the University of Sydney? Yes.

3. Has your co-operation been asked with reference to this intended College? Yes.
4. Did you decline to give any co-operation with the other ministers and laymen who are taking active steps to establish a College? Yes, at once.

5. Perhaps you have no objection to state to the Committee your reasons for declining? None whatever. The party that first waited on me was the Reverend Mr. Milne, of Paddington,

The Rev.
A. Salmon.

27 Aug., 1858.

The Rev.
H. Darling.

27 Aug., 1858.

The Rev.
H. Darling.
27 Aug., 1858.

as a deputation from the Committee met at the time. I asked him upon what principle this College was to be established. "Oh!" he said, "it was to be endowed for theological purposes." "Then I can have nothing to do with it" I said.

6. Have you looked into the Affiliated Colleges Act at all? Yes, I have read it carefully.

7. What meaning do you attach to the phrase in the Preamble of the Bill "systematic religious instruction"? Well, the meaning I would understand by that is, that the Principal, who is to receive £500 a-year out of the State Exchequer, is to be an instructor of systematic religious instruction. That is the meaning I attach to these words.

8. If a Presbyterian College was established at present in the Colony, do you think it necessary that this Principal should be an ordained minister of religion? No, not necessarily.

9. Do you think it either necessary or desirable, in the present divided state of the Presbyterian body, that a Theological Faculty should be established in the College? In the divided state of the Presbyterian body in Sydney at the present day, it is neither desirable, nor could it be accomplished, unless the Government says, "We establish this College, and if others will not agree, we will make each one pay for it."

10. You think it would be almost impossible to establish a Theological Faculty that would be satisfactory to the general body of Presbyterians in the Colony? Altogether impossible, if the Principal is to be paid out of the State funds—that is to say, to have all the Presbyterians in this Colony united.

11. Do I understand you that your chief objection would be removed if the Principal of the College was not receiving Government pay, and that he was not teaching theology? The Principal not endowed for the purpose of teaching theology or systematic religious instruction—remove that and I am satisfied. I will meet any party on as broad a basis as any one.

12. Are you acquainted personally with the working of the Colleges or Universities in Scotland? Well, I attended one.

13. You have been a student? Yes, in the Edinburg College.

14. Can you inform the Committee what sort of supervision was exercised in the College of Edinburgh with reference to the students? There was the Principal (Lee), he was a Minister of the Gospel at one time. The first day on which the Students assembled we all met in one of the class rooms, and he delivered a lecture to us about diligence, the importance of classical education, logic, philosophy, mathematics, and natural philosophy. He afterwards finished his address with inculcating above all things the principle and the practise of religion. That was the first beginning which he did every year. Then the different Professors appointed the days on which they would receive the students, and we went and joined them, and attended their classes. We did not see the Principal again at all until the end of the season, when he attended at the distribution of the prizes in each class on different days. Over and above the classical and philosophical classes there was a Theological Faculty in connection with the Church of Scotland in the said College—the College of Edinburgh—supported out of the State funds.

15. But only those students who were connected with the Established Church of Scotland attended that theological teaching? Yes; they judged for themselves. Of course it depended much on the Professors whether a student of another denomination attended to hear his lectures. I attended some time Dr. Chalmers; but I never joined myself as a student. It is understood when a student joins himself to a Professor that he is in connection with the Church of Scotland. He may attend any class that pleases him, but he is to state to the Professor whether he is studying for that church or not.

16. Have you ever seen, or looked into the deed of grant conveying to the Senate of the University, from the Government, certain lands for the erection of a College in connection with the University of Sydney? That is the £10,000 on condition that £10,000 more are raised.

17. No, that is part of the Act. I am speaking of the deed of grant which has been made by the Government, conveying certain lands to certain denominations to erect Colleges upon in connection with the University—have you ever seen that deed of grant? No.

18. You are not aware of the terms of it? I am not aware of its terms.

19. What do you understand from that Affiliated Colleges Act, with reference to the Government giving land for the purpose of building Colleges—I mean, to assist in the erection of these Colleges—what do you understand with reference to that Act—is it intended for only certain denominations, or is it your opinion that it is intended for any denomination who may claim under it? I consider that it is the duty of Government to erect Colleges, Universities, and Schools, and to endow Professors for the teaching of all secular knowledge; but I consider the Government has no right to go beyond that. When you come to the province of religion—that is between God and a man's own conscience.

20. Yes; but I think you scarcely understood my question: it was; whether, under this Affiliated Colleges Act, any denomination could claim land to erect a College and assistance from Government, if it complied with the terms of that Act—whether you understand the Act in that way or not? Yes, in that way, as long as that phrase "systematic religious instruction" is in the Act. That is the reason that other bodies with their consciences cannot agree or act along with those parties that can take State aid for the endowment of Theological Professors.

21. But if there is a deed of grant giving the four denominations now receiving State aid, which is subsequent to the passing of that Act, do you think it is in conformity with the provisions of that Act? No.

22. You think that any denomination may claim to have lands granted, and an equal amount from the Government to the subscription provided, to the amount of £10,000? Yes.

23. By Mr. Aldcorn: What would be your views of the curriculum of education to be given in this College, supposing it was established by the consent of all Presbyterians—what would be the forms in the University? I would consider the College, in the first place, was for the young

young men there to be taken care of instead of going into lodgings—for obtaining a dwelling, and other necessities of life, and then all those young men attending that College, whether they belonged to the State Church, or to the Free Church, or to the Synod of New South Wales, or to the United Presbyterian Church, that they would be under the supervision of the Principal of the College, but that every student would be on equal terms there. If they wished for theological training they would go to the minister of their own body that appointed and supported the Professor of Theology. That is my idea of it. As for the curriculum—we attended five years at the Hall. In our body the curriculum of the Church of Scotland has four years, but you can miss one year. I do not know exactly the curriculum of the Free Church, because I never had an opportunity of attending.

The Rev.
H. Darling.

27 Aug., 1853.

24. Do you suppose that in the present state with reference to the divisions in the Presbyterian body that it would be desirable at all to have a Theological Faculty? Not just now; not till there is union amongst the Presbyterians of New South Wales. I think, it ought to be ignored because it would only cause the body that had the largest number of votes to be the body that would put in their Professor.

25. Seeing that you think disunion among the Presbyterians is one great cause why a Theological Faculty should not be established—what do you think it is that stands most in the way of a union being formed? I think it is State aid given to some in one way, and the opinion of others that State aid ought to be given in their way, and the opinion of others that the State has nothing to do in giving aid to the support of religion at all. There is nothing with respect to doctrines, government, or discipline.

26. *By Mr. Marks:* You said you had been invited to co-operate in the establishment of a Presbyterian College? Yes.

27. And you objected to the principle on which the College was based? Yes.

28. That is, to the principle of the Act and the principle of the prospectus? The principle of the Act is, as I stated with reference to systematic religious instruction, being endowed by the State.

29. Do you think a Presbyterian College necessary at present? Not in the present state of the Presbyterian Church.

30. But provided the co-operation of all the distinct bodies of Presbyterians could be secured, do you think it necessary? I think it would be most desirable for the benefit of the youths of the Colony.

31. Do you think the terms of the Affiliated Colleges Act render it necessary that the Principal should be an ordained minister of religion? I do not think it necessary.

32. The terms of the Act do not render it necessary? No.

33. And you think it is not necessary? I think it is not necessary.

34. And do you think it necessary that a Theological Faculty should be established within the College? Not just now—it is not necessary at all just now.

35. Well, if these two points were settled, supposing that the College was based on the principle that the Principal of the College should not be an ordained minister of religion, and that there should be no Theological Faculty established, your objection to co-operation with other bodies of Presbyterians would then be removed? So far, I would say, that if the College was on such a basis that a Theological Faculty could be appointed with the consent of all the Presbyterians, it would be most desirable at once to have theological Professors; for here would be a number of youths met together, and they would have no spiritual instructor to superintend them. But I cannot see how it is possible that such an one could be appointed just now in the divided state of the Presbyterians.

36. You then would find no difficulty in co-operation if the College was based on the principle I have just stated; that is, that the Principal should not be an ordained minister of religion, and that no Theological Faculty should be established? In the meantime.

37. You could co-operate? I could co-operate, though difficulties might arise in discussion. It is not necessary that the Principal be a minister of the Gospel; but to this I would not object if he (whether minister or layman) were qualified for the duties of the office.

38. Is there any other observation you wish to make, or evidence you desire to offer to the Committee? Well, I think it is desirable there should be a union among the Presbyterians. In so far as I am concerned, I am on friendly terms with all of them. If there was only a broad basis on which we could meet on the same platform on equal terms, I would have no objection to a union among us to-morrow if State aid was done away with.

Richard O'Connor, Esq., Clerk of the Legislative Assembly, called in and examined:—

R. O'Connor,
Esq.

1. *By the Chairman:* In the course of examination of one of the witnesses by this Committee, after he had closed his evidence he was requested in the usual way to say if he had any suggestions to make to the Committee, or any further evidence to give. He then said that he had a written paper which he wished to read to the Committee, and desired that they should accept it as part of the evidence. He was requested by the Chairman to hand in the written paper to the short-hand writer in order that it might be attached as an Appendix to his evidence. This he declined to do, and insisted upon reading it, and that it should form part of his evidence. He was permitted to read it, which occupied considerable time. What the Committee now wish to know from you is, whether it is in accordance with Parliamentary practice that written statements should be read and taken as part of the evidence of a witness, or whether they should be attached as Appendices, or whether they should be appended to the evidence at all? The evidence of a witness personally present before a Committee should in all cases be orally given. It enables the Committee to question the witness upon any statement he may make; it divests the statement a witness may make before a Committee of the appearance and the effect of an *ex parte* statement; that is to say,—it does not allow the witness unchallenged to make statements which, perhaps, by a little investigation and cross-examination, might be found otherwise than as might unquestioned be made in a written document.

27 Aug., 1853.

R. O'Connor,
Esq.
27 Aug., 1858.

document. It is against all Parliamentary practice undoubtedly that any witness should read and hand in a written statement to a Committee and insist that that written statement should be taken as part of an evidence which ought only to be oral. If a witness hand in a written statement, it is in the option of the Committee to receive it or not; and, if the Committee do receive it, it should be as an ordinary Appendix, and the short-hand writer should state that the witness handed in a written statement, and then make reference to it as an Appendix—say Appendix A, or Appendix B. By confining a witness to oral statements, a Committee never loses control over him, in so far as its power extends to investigate closely every statement he makes. If a written statement be handed in, in this way, it is placed as an Appendix, and goes simply for what it is worth as a statement, unquestioned, handed in by the witness. But, if it were allowed to form part of the evidence, it would have the effect of an oral statement which the Committee had allowed to pass unquestioned. It would have, therefore, more effect than was due to it, and it would be divesting the Committee of proper power and control—in fact, the Committee, if it allowed this, would be relinquishing its own proper and true function of sifting to the bottom every statement made by a witness. When a witness hands in a written statement it is, if the Committee agree to receive it, appended to his evidence, and goes for what it is worth as a simple *ex parte* statement made without question or challenge of any kind.

2, *By Mr. Jones*: Evidence, in fact, is taken under the same general rules as evidence in a court of law? Precisely. I would wish to say further in reference to this matter, that if this were allowed, it would be in the power of any witness to make use of a Committee as a privileged, far-reaching, and economical conduit for accusations, founded or unfounded, against any individual in the world. The Committee might cross-examine the witness afterwards; but the written statement being continuous, close, and connected, notwithstanding any subsequent desultory cross-examination of the witness, would have undue effect; whereas where a witness is confined to verbal statements, point by point, they are sifted by the Committee; and where a statement is challenged the witness is stopped. This is clearly the Parliamentary course of examination. If any other were allowed, Committees would find themselves involved very often in the investigation of matters wholly away from the true subject of their inquiry, and much time would be wasted, and much injury might be done to parties as defenceless as they might be blameless.

1858.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY GRAMMAR SCHOOL.

(THIRD REPORT OF THE TRUSTEES.)

Ordered by the Legislative Assembly to be Printed, 24 June, 1858.

THE HON. SECRETARY OF THE SYDNEY GRAMMAR SCHOOL to THE COLONIAL SECRETARY.

*Sydney Grammar School,
24 February, 1859.*

SIR,

By direction of the Trustees of the Sydney Grammar School, I have the honor to transmit to you the Third Report of their proceedings, and of the condition of the School, for the year 1857, to be laid before His Excellency the Governor General and the Executive Council, in accordance with the provisions of the Act.

The School was opened on the 3rd of August, 1857. Its progress has been thus far as satisfactory as could be desired. The number of pupils has steadily increased. At the commencement there were 110; in the October quarter 120; since the re-assembling after the Christmas holidays, the roll has amounted to 180.

To meet the augmented numbers, the Trustees have been compelled to appoint two additional Classical or ordinary Masters. The following gentlemen have received these appointments:—W. Heaven, Esq., B.A., of Trinity College, Oxford; and Edward Blackmore, Esq., B.A., of Exeter College, Oxford.

In connexion with these arrangements, the classes of German, Geography, and Modern History, have been entrusted to one of the Masters who came out from England; a gentleman highly distinguished at home for his attainments in these departments of literature.

After the present quarter, and for some time to come, it is reasonable to expect a constant accession to our numbers. But this prosperity imposes upon the Trustees a corresponding obligation, which, without further assistance from the Government, they are totally unable to meet. The limits of accommodation for the pupils have been already reached. For, although perhaps 20 new boys might find sitting in the large School-room, yet considerable inconvenience has already been experienced from the want of those facilities for classification and separation which the extended character of the school course imperatively demands.

The attention of the Trustees was drawn to this subject before their last Report was submitted to the Government, and a plan was prepared at their request by Mr. Blacket, for the remedy of their most urgent wants. In the preparation of this design the strictest attention has been paid to economy: no details of ornament or luxury have been admitted; the only claims allowed have been those founded upon necessity or practical usefulness. But the execution, even the commencement of these additions, will be utterly impossible with the funds which the Trustees have at present at their disposal. From the annexed returns it will appear that the present Building Fund is exhausted by the contracts for the northern and southern wings, with their outbuildings; little or no margin is left for those contingencies to which every contract is liable. The revenue arising from the Fee Fund, together

with the Annual Endowment, is not more than sufficient to defray the ordinary expenses. And a very slight increase of numbers next quarter will be attended with considerable difficulty. Indeed it is doubtful whether with the accommodation furnished by the present buildings applications can be entertained for a number exceeding 200 scholars.

From the report of the Architect, which the Trustees have the honor to append, it will be seen that the additions to which the Trustees have confined themselves will cost not less than £12,000. Of this sum, not less than £5,000 will be required for the building of an additional wing for class-rooms, now urgently needed, and for the completion of the out-buildings. Without these additions, the effectiveness of the institution, even in its present state, will be seriously compromised, and the sphere of its operations contracted to a limit which was certainly not contemplated by the Legislature at its foundation. The Trustees, therefore, have perfect confidence in requesting that the Government will cause to be added to the Estimates for the year 1858 at least the smaller of the two sums indicated above, (£5,000), in order that the Trustees may possess the material means of conducting to a successful issue an undertaking so auspiciously commenced.

I have, &c.,

JOHN WOOLLEY,

Hon. Secretary.

THE HONORABLE

THE COLONIAL SECRETARY.

ESTIMATE of probable Cost of several additions to be made to the Sydney Grammar School. June 9, 1858.

To complete the Front	...	...	...	...	£3,000
To build the proposed Eastern Wing	...	...	...	...	5,000
Outbuildings	...	...	...	...	400
Railings and Gates in front...	...	...	...	...	500
Boundary Walls	...	...	...	...	300
Fives Courts	...	...	...	...	200
To complete the Cloisters	...	...	...	...	1,800
Levelling the Ground, Drains, &c.	...	...	...	...	500
Ventilating Dome in old part	...	...	...	...	400
Blinds, Grates, &c.	...	...	...	...	200
Furniture	...	...	...	...	200
					<hr/>
					£12,500

EDMUND T. BLACKET.

1858.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY GRAMMAR SCHOOL.

(RECEIPTS AND EXPENDITURE.)

Ordered by the Legislative Assembly to be Printed, 27 August, 1858.

JOHN WOOLLEY, ESQ., to THE HONORABLE THE CHIEF SECRETARY.

*Sydney Grammar School,
24 August, 1858.*

SIR,

I have the honor to transmit a Table of Receipts and Expenditure during the year 1857, on the part of the Trustees of the Sydney Grammar School.

The Table has been prepared some time, but has been delayed by the difficulty of obtaining a meeting of the Trustees.

I have further the honor to state that no new Regulations have been made by the Trustees since their Report for the year 1856.

I have, &c.,

JOHN WOOLLEY,
Honorary Secretary.

THE HONORABLE
THE CHIEF SECRETARY
&c., &c., &c.

1858.

Legislative Assembly.
NEW SOUTH WALES.

GRAMMAR SCHOOL AT BATHURST.

(PETITION FOR THE ESTABLISHMENT OF.)

Ordered by the Legislative Assembly to be Printed, 5 May, 1858.

RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 23 April, 1858, praying that His Excellency would be pleased to cause to be laid upon the Table :—

“ A Copy of a Petition to His Excellency from the Inhabitants
“ of Bathurst, praying for the establishment and endowment of
“ a Grammar School in the Town of Bathurst ; and also of any
“ Correspondence on the subject between Mr. M'Guigan, or any
“ other person, and the Government, since 1 January, 1857.”

SCHEDULE.

NO.	PAGE
1. Mr. J. B. M'Guigan to the Governor General's Private Secretary, transmitting a Petition from certain members of the community of Bathurst, requesting that a sum of money, sufficient for the purpose of founding and endowing a Grammar School in the Town of Bathurst, might be placed on the Supplementary Estimate for the year 1857, 2 February, 1857	2
2. Under Secretary to Mr. M'Guigan, in reply, 24 February, 1857	3

GRAMMAR SCHOOL AT BATHURST.

No. 1.

MR. J. B. M'GUIGAN to THE GOVERNOR GENERAL'S PRIVATE SECRETARY.

Willow Lodge, Bathurst,
2 February, 1857.

SIR,

I have the distinguished honor to forward to you, per this night's mail, a Petition of the Inhabitants of Bathurst, addressed to His Excellency the Governor General, (which, you will perceive, is signed by all the leading characters, Magistrates, &c., of this District,) praying that His Excellency the Governor General may be graciously pleased to cause to be placed in the Supplementary Estimates for the year 1857 a sum of money sufficient for the foundation and endowment of a Grammar School in the Town of Bathurst; and I beg to express the hope that it may meet and receive from His Excellency a favorable reception on its merits.

I have, &c.,
J. B. M'GUIGAN.

THE PRIVATE SECRETARY TO
HIS EXCELLENCY THE GOVERNOR GENERAL,
Sydney.

[Enclosure in No. 1.]

To His Excellency Sir William Thomas Denison, Knight, &c., 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 humble Petition of the undersigned members of the community of Bathurst, for themselves and on behalf of the Inhabitants of the Western Districts,—

MOST RESPECTFULLY SHEWETH:—

That, amongst the many requirements of this District, and of its Inhabitants, there is not one which calls more eloquently, and pleads more urgently upon and for the Government for aid than the foundation and endowment of a superior Educational Establishment, or Grammar School, in the Town of Bathurst, for the benefit of the rising generation.

That your Petitioners beg leave to represent to your Excellency, that persons of limited means residing here cannot afford to send their children to Sydney for Education; and that, so far as concerns them, the University Colleges and Grammar Schools of that City are not of the least advantage.

That your Petitioners perceive, on looking over the Estimates for 1857, that an enormous proportion of the whole revenue is allotted for expenditure in Sydney, but cannot see that there is any sum whatever set down for the Public Works of this important District, or other expenditure, save only for payment of salaries to those Stipendiaries whose services are indispensable.

That your Petitioners respectfully submit that the mental training of the rising generation of this District is of far more importance, and more deserving of a Government expenditure, or vote of the public money, than the promotion of public works of Sydney, in this proportion, viz., that "mind is superior to matter."

That your Petitioners are aware that it would be superfluous to attempt an exposition of the advantages resulting from the establishment in this town of a Grammar School, feeling assured that in your Excellency's enlightened mind the education of the people holds the first place; and although many of your Excellency's friends say that the progress of our Railways is the object of your Excellency's deepest solicitude, yet your Petitioners beg to express the hope that the future generations of Australia may be enabled to say that the foundation and endowment of Grammar Schools in every district of the Colony was "the glory of your reign."

Wherefore, your Petitioners, for themselves, for the members of this community, and on behalf of the rising generation, most respectfully pray that your Excellency may be graciously pleased to place on the Supplementary Estimates for the year 1857 a sum of money sufficient for the purpose of founding and endowing a Grammar School in the Town of Bathurst.

And your Excellency's most humble Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 93 Signatures.]

No.

Reference is hereby respectfully submitted to be made to the printed Estimates of the probable Expenditure of the Government for the year 1857.

No. 2.

THE UNDER SECRETARY to MR. J. B. M'GUIGAN.

*Colonial Secretary's Office,
Sydney, 24 February, 1857.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 2nd instant, forwarding a Petition from certain members of the community at Bathurst, on behalf of themselves and the inhabitants of the Western Districts, requesting that a sum may be placed on the Supplementary Estimates for 1857 sufficient for the purpose of founding and endowing a Grammar School in the Town of Bathurst.

2. In reply, I am desired to inform you, that by the Act of Council 18 Victoria, intituled, "*An Act to incorporate and partially endow the Sydney Grammar School*," provision is made for conferring on all classes and denominations of Her Majesty's subjects, resident in the Colony, the advantages of a regular and liberal course of education, and that for the carrying of this object into effect the sum of £20,000 is authorised to be issued out of the Public Treasury for the erection of suitable buildings, and an annual sum of £1,500 by way of permanent endowment for the Grammar School at Sydney.

It being thus contemplated that the establishment on a liberal and comprehensive scale of a Central Grammar School in Sydney, wherein provision is made for scholarships in the University, should be regarded, at any rate for the present, as an institution available for the whole Colony, it scarcely seems possible, under these circumstances, and with reference to the general financial arrangements for the promotion of education, to comply with the application transmitted, for a sum to be at this time placed on the Estimates for the establishment of a Grammar School at Bathurst.

I have, &c.,

W. ELYARD.

MR. J. B. M'GUIGAN,

Willow Lodge,

Bathurst.

1858.

Legislative Assembly.

NEW SOUTH WALES.

NATIONAL EDUCATION.

REPORT

OF THE

BOARD OF NATIONAL EDUCATION

FOR THE YEAR

1857.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
9 April, 1858.

Sydney:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

NATIONAL EDUCATION.

TENTH REPORT OF THE COMMISSIONERS OF NATIONAL EDUCATION IN NEW SOUTH WALES.

REPORT for the Year 1857.

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, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Commissioners of National Education in New South Wales, beg to submit to your Excellency this our Tenth Report.

1.—NUMBER OF SCHOOLS IN OPERATION.

It will be seen by a Return, hereunto appended, that during the year we had sixty-two Schools in operation, attended in the aggregate by 5,976 children. Of the Schools mentioned in our last Report, one (Bathurst) was not in operation during 1857. One old School (Black Creek) was resumed, and seven new Schools were opened, viz., Cundletown, Carcoar, Eden, Major's Creek, Parading Ground, near Raymond Terrace, Purfleet, and Rylstone. Appendix A.

2.—GRANTS OF MONEY IN AID OF BUILDINGS.

The aggregate amount paid for the erection of school buildings, and for repairs, rent, and furniture, for 1857, was £4,433 9s. 3d.; and at the close of the year, the Board had pledged sums for similar purposes, amounting to £6,675, to meet £3,255, promised as local contributions. Appendix C.

The number of Schools for which aid was sought during 1857, was twenty-three; and at the close of the year, there were six new school buildings in course of erection. Appendix B.

3.—SALARIES.

The salaries and allowances paid to teachers, officers, and servants of the Corporation during 1857, amounted to £12,892 2s. 10d., of which sum, £10,834 8s. 6d. were paid to teachers; and £2,057 14s. 4d. were paid to other officers—Secretary, Inspector, Organizing Master, Accountant, Architect, and Messengers.

The gross amount of fees paid by the children during 1857, was £5,391 13s. 10d.

4.—INSPECTION OF SCHOOLS.

The following Reports from our Inspector, Mr. Wilkins, furnish a summary of the state of the Model National Schools in Sydney, for the year 1857; and also a general summary of the condition of the National Schools throughout the Colony, for the same period.

No. 1.

REPORT upon the Model National Schools, for the year 1857.

1. The following Table will show the condition of these Schools during the past year, as regards the attendance of pupils and the amount of their payments:—

NAME OF SCHOOL.	NO. ON THE ROLLS.	AVERAGE DAILY ATTENDANCE.	AMOUNT OF FEES PAID.
			£ s. d.
Fort-street School	1,107	791	1,371 14 9
William-street School	993	632	829 19 2
Cleveland-street School	339	264	393 9 1
Paddington School	273	187	318 12 0
Total	2,712	1,874	2,913 15 0
Total for 1856	2,251	1,426	2,287 16 10
Increase	461	448	£625 18 2

From

From this Return it appears that during the year the number of children on the rolls of these Schools increased 20 per cent., the average daily attendance 31 per cent., and the amount of fees 27 per cent. It may be fairly inferred from these statistics that the National Schools in Sydney have advanced in public confidence. The prevalence of wet weather during the greater part of the year seriously affected the attendance in some of the Schools, and thus diminished the daily average.

2. No changes of importance have occurred in the management of the Sydney Schools since the date of my last Report. The attention of the teachers has principally been confined to the practical working out of the views therein stated; and, notwithstanding many difficulties, they have attained very considerable success. Strenuous exertions will still be made for the improvement of the methods of instruction and raising the character of the education imparted in National Schools. The cordiality with which the different teachers co-operate for this purpose affords strong ground for anticipating a large measure of success.

3. The Training Department has been carried on in accordance with the programme furnished in my last year's Report. The lectures have been attended by the junior teachers, and by the candidates for situations under the Board. Twenty-one candidates entered the Model School in the course of the year, twelve being males, and nine females. Of these, eleven males and six females obtained appointments; the remainder, being unable to pass the necessary examinations, were not employed.

4. The arrangements for the present year simply provide for the extension of the plans already in operation. The course of lectures in the Normal School will include the additional subjects of History, Zoology, and popular Astronomy, but no important change is contemplated at present.

W. WILKINS.

Inspector and Superintendent.

No. 2.

REPORT upon the condition of National Schools during the year 1857.

1. The number of Schools inspected during the year 1857, exclusive of the Sydney Schools, was twenty. My visits were confined to this small number, first, on account of the lateness of the period when I received my instructions; and, secondly, because of the Secretary's illness, which rendered my presence in Sydney necessary for five months.

2. The past year was one of great trial to National Schools. It was generally expected that Parliament would give its sanction to some new scheme of public education. The agitation existing in the public mind on this subject was further increased by the efforts of the opponents of the National System. At no previous period since its first establishment in the Colony had they exerted themselves so strenuously to lower the National System in public esteem. It is, therefore, gratifying to find, that not only did the system maintain its ground, but it made rapid progress.

3. The disastrous floods which devastated a portion of the Colony injured some of the school buildings, and in other cases completely deprived the people of the means of proceeding with the erection of schoolhouses. Great numbers of children were also for many months prevented from attending School, communication being stopped by the floods.

4. Notwithstanding these drawbacks, I am enabled to report in decidedly favorable terms respecting ten of the Schools visited in 1857. Of two others, I was compelled to speak with marked dissatisfaction; while the remaining eight were found to be in varying grades of efficiency, but each exhibiting some promising indication of future improvement. As far as my observations extended, I saw reason to believe that the measures referred to in my Report for the year 1856 were producing considerable effect in improving the character of the Schools.

5. The services of the Organizing Master have proved very useful in disseminating information among the teachers on subjects connected with school management, and thereby enabled them to increase the efficiency of their Schools. His labors have further had the effect of bringing all the National Schools into closer relation with each other and with the central authority; of producing, to some extent, unity of purpose in the exertions of the teachers; and of raising the moral and intellectual character of the Schools.

W. WILKINS,

Inspector and Superintendent.

5.—FINANCE.

For information on this head we beg to refer to the annexed Balance Sheet.

Appendix C.

6.—NON-VESTED SCHOOLS.

We now address ourselves to a subject which has given rise to a controversy unhappily resulting in the loss of Mr. Plunkett's services as the President of our Board; and we feel it our duty to lay before your Excellency a statement of the facts and motives which led us to issue the new Rules regarding non-vested Schools, published in the *Government Gazette* of 5th January, 1858, and printed in the Appendix hereto.

Appendix D.

In October last a letter was addressed to us by our Inspector, which is of so much value and importance in illustration of this matter that we here transcribe it in full.

*" National Education Office,
" Sydney, 24 October, 1857.*

" GENTLEMEN,

" I do myself the honor to submit, for your consideration, the following suggestions in reference to the establishment of non-vested Schools under the Board's supervision.

" 2. The National Board in Ireland have, for many years, recognised the advantages to be derived from the establishment of non-vested Schools, and, at the present time, more than one-half of the Schools under their superintendence are of that kind.

" 3. In the neighbouring Colony of Victoria, the experiment seems to have been tried with satisfactory results. The Victorian Board state, in their fourth Report, that at the end of the year 1856, they had twenty-eight non-vested Schools in operation, with 1,771 children on the roll. The Chief Inspector, reporting upon such Schools, observes,—' Our non-vested Schools have advantages over vested Schools. All our non-vested Schools are private Schools, the head masters of which are either proprietors or tenants of the premises. The masters not being liable to dismissal, feel themselves more independent than those of vested Schools, and are more anxious, in every way, to improve their Schools; and, instead of making unsatisfactory, or perhaps unavailing exertions for subscriptions, they supply the necessary pecuniary funds out of their own resources. The zeal and energy of an individual for his own private benefit produce greater results than those of public bodies in the case of our Schools. The greater personal interest in the success of these (non-vested) Schools is also, probably, the reason why, as a general rule, the non-vested teachers evince a greater willingness to have defects pointed out, and greater anxiety to improve.'

" 4. The success of the system in Victoria, even making allowance for the different state of society in that Colony, encourages the belief that non-vested Schools would prove eminently useful in New South Wales. In addition to the benefits which would accrue to the country from such an extension of the means of Education, the introduction of non-vested Schools would tend to remove the great disparity between the National and Denominational Systems, as regards facilities for establishing Schools. I submit, therefore, that it is expedient to adopt some regulations by which Schools of this class may be instituted under the Board's control.

" 5. The following seem to me to be the more important conditions on which such Schools might be received into connection with the Board. Non-vested Schools might be established, or, if already in existence, might be adopted by the Board in localities where the population is too small to raise the necessary proportion of funds for building purposes, and in places where other Schools, not National, do not meet the educational wants of the district. They might also be instituted temporarily in places where a vested School is in course of erection, but requiring time for its completion. In all such cases the proposed teachers should provide—free of expense to the Board—suitable school buildings, furniture, and apparatus, regard being had only to the requirements of the locality in which the Schools are situated.

" 6. The qualifications of teachers should be tested in the usual manner, and payment made in accordance with their classification. It might, however, be expedient in the case of very poor districts to accept the services of teachers whose attainments were not sufficiently good to entitle them to a certificate of merit. Such teachers should be paid on a lower scale, and they would hold the same position in reference to the ordinary teachers that registered teachers in England bear to those who have obtained certificates. The registered teachers in

" England are men whose technical acquirements fall below the standard demanded for a certificate of merit, but who having spent most of their lives in teaching, are competent to give instruction in reading, writing, and arithmetic, to the children attending small country Schools. Teachers of this description form a numerous class in the Colony, and by taking advantage of their services, the rudiments of education may be extended to places which otherwise must remain entirely destitute.

" 7. All the Regulations promulgated by the Board should be scrupulously enforced in non-vested Schools. I am aware that considerable latitude is permitted both in Ireland and in Victoria in reference to the giving of religious instruction by the teacher; but, in the present state of the education question in this Colony, I am of opinion that much danger would arise from following these precedents. The opponents of the National System would regard such a course as a virtual abandonment by the Board of their fundamental principle, and as an assertion of the propriety and necessity of making the schoolmaster, as such, a teacher of religion.

" 8. At the same time it would be unnecessary to inquire too minutely into the proceedings of a non-vested teacher out of school hours, provided his duty was satisfactorily performed, and the Board's Regulations carefully observed. The teacher's own interest would then restrain him from doing anything likely to give offence to the parents of any of his pupils.

" 9. It would, of course, be requisite that Local Patrons should be appointed to the non-vested Schools, and on this head some difficulty may be anticipated. The Local Patrons would, in a majority of cases, be personal friends of the teacher, and they may be disposed to exhibit more leniency in their construction of the manner in which he discharges his duties than is desirable. This defect could only be obviated by frequent inspection; and if a large increase in the number of National Schools took place in consequence of the admission of non-vested Schools, a corresponding increase in the means of inspection would thereby be necessitated and justified.

" I have, &c.,

" W. WILKINS.

" THE BOARD OF NATIONAL EDUCATION,
" Sydney."

Having carefully deliberated on the statements submitted to us in the preceding letter, and having satisfied ourselves, by reference to the Reports of the Irish Education Board, that the change required to meet our Inspector's recommendation, instead of being any innovation, would only render the administration of the Schools confided to our management more in accordance with that prescribed as our model, by our Act of Incorporation, we resolved upon offering aid to non-vested Schools on the plan suggested, and upon supplementing our existing Rules by such additions, founded on those promulgated in Ireland, as should answer the proposed end. We had, at first, some thought of deferring this measure until we had invited public discussion; but several considerations influenced us in avoiding this delay. In the first place, more than one application had been already made on behalf of Schools that could only be aided on the new system, and the parties interested were anxiously awaiting our decision. More applications of like nature were expected, and they have since accumulated to a considerable number; and although this extension of our operations might somewhat cripple our pecuniary resources, it was evident that this newly adopted branch of expenditure would, if viewed in reference to its influence in extending the field of National Education, be far the most economical, involving only the payment of teachers' salaries, and supply of books, without the serious expense of building. We are indeed well aware that the large ratio of building expenses in our previous operations has at all times given a plausible colour to hostile and exaggerated representations of the relative cost of education as administered under our system.

We were also greatly influenced by the consideration that no coercion or dictation of any kind was involved in our proposed change, aid being merely extended to those voluntarily seeking it, upon terms not inconsistent with our own principles, although conceding somewhat more latitude than our previous Rules had done, to the wishes and consciences of those who had hitherto stood aloof from us. The test of its attracting less or more spontaneous

spontaneous applications appeared to us a desirable one to apply to the new scheme, before we brought it forward in any importunate manner; well knowing that our claim on the liberality of Parliament for any scheme, however excellent in theory, must eventually depend on the degree of its success in meeting the actual wants and wishes of the community. So far as our plan should succeed, in this silent manner, it would manifestly operate as a self-adjusting reconciliation of the two existing systems. Nor did it appear to us possible, in the nature of things, that the advocates of either system could object to our plan on any ground, except that of its being too great a concession to the other; an objection clearly entitled to no weight in the scale of public policy, so long as the Legislature is content to meet the views of both parties by endowing both systems.

Such were the views which actuated us in framing our new Rules, and, on the 18th December last, they were forwarded to the Colonial Secretary's Office, accompanied by the following letter:—

“ National Education Office,

“ Sydney, 18th December, 1857.

“ 57-1433.

“ SIR,

“ On behalf of the Board of National Education, incorporated by Act of Council, 11 Vict., No. 48, I have the honor to transmit, herewith, some additional Rules made by them, under the power conferred by that Act, and to request that the same may be published in the *Government Gazette*, and laid before the Legislature in the manner thereby prescribed.

“ 2. It will be perceived that these Rules have reference to the proposed extension of aid to Schools which, in their origin, may be other than National, and of which the property may not be vested in the Board; upon condition, nevertheless, that instruction of the same efficient and unsectarian character as that required in Schools purely National be therein given, without distinction of sects, during an adequate number of hours in each day (exclusive of Sunday), and that any sectarian religious instruction be given either before or after the ordinary school business, and to those children only whose parents approve of their receiving it.

“ 3. The Board has been induced to initiate these Regulations, partly in compliance with applications of a pressing nature from conductors of Schools—excluded from assistance by the previous Rules, but willing to accept aid on the terms now proposed—partly from a public avowal, of those promoting Denominational Schools, of a principle quite in accordance with the system proposed, although wanting, in their hands, the sanction of uniform and binding regulation; but chiefly by finding in the Reports of the Commissioners for National Education in Ireland evidence of the extensive prevalence and great success of a similar plan there in operation.

“ 4. It is at the same time evident, that in order to enable this Board effectually to carry out their proposal, it will be requisite that additional funds be placed at their disposal by the Legislature. The application of the new Rules will open out a new field of operations, and of consequent expenditure, whilst their existing means are barely adequate to the building and maintenance of Schools strictly their own.

“ 5. It will, however, be manifest, that exactly in the proportion in which non-vested Schools may conform to these new Rules, and thus obtain aid through the Board, the requirements of those who seek aid in a character avowedly Denominational will be reduced. And, as our plan merely substitutes positive regulation for individual caprice, in a matter affecting the public expenditure, and really exacts nothing more from Denominational Schools than the more enlightened and liberal of their conductors already profess to concede in practice, we venture to hope that the operation of these new Rules will tend to reconcile the conflicting wants and difficulties which have hitherto occasioned so large an expenditure of public money in maintaining two systems, and pave the way for a simpler organisation, comprising the advantages of both.

“ I have &c.,

“ JOHN H. PLUNKETT,

“ Chairman.”

“ THE HONORABLE

“ THE PRINCIPAL SECRETARY,

“ &c., &c., &c.”

At

At this time, two applications for non-vested Schools were waiting our decision; and our Secretary had been instructed to give answers, and to refer the applicants to the new Rules, as soon as they should appear in the *Gazette*. This circumstance led us, at each of our meetings to inquire about their publication; and various applications were made personally by our Chairman at the Colonial Secretary's Office to ascertain the cause of delay; none of which, however, elicited, until the month prescribed by law for the publication of the Rules was approaching expiration, any hint of an objection to the Rules themselves. We were especially solicitous to avoid their lapsing for want of due publication, in consequence of the departure for New Zealand of one of our Members, and the consequent impossibility of obtaining, without long further delay, his signature to any formal instrument which might be required to give them a renewed effect. Repeated and urgent applications at length elicited the letter of the Colonial Secretary of 4th January, 1858, crossing our previously written letter of the same date, and then apprising us, for the first time, of an objection to their publication.

As we have the misfortune to differ from your Excellency's advisers with regard to the relative powers and functions of ourselves and of the Executive Government in framing and promulgating these Rules, we find it difficult to render this topic the subject of an official report addressed to your Excellency,—especially as we have never yet been favored with any explanation of the grounds on which our legal power to frame these new Rules has been questioned. It now, however, becomes necessary for us to state the reasons which justified, to our own minds, the exercise of the power we thus assumed.

The Act (11 Victoria, No. 48,) originally incorporating the Board whose functions we exercise, declares it to have been formed for the management of Schools to be conducted under "Lord Stanley's National System of Education," and confers upon its members, in their corporate capacity, power to make Rules "touching all matters which should appear to them fit and expedient for the effectual attainment of the objects of "the Corporation", with power to alter and amend them, from time to time, at the like discretion. It then prescribes that such Rules shall be published within one month in the *Government Gazette*, and requires that they be also laid before the Legislature. No direction whatever is given as to the approval of the Executive Government for the time being. The only question which, as it seemed to us, could affect our legal authority, was, whether the Schools we now intended to assist were comprised within "Lord Stanley's "National System of Education." This question will bear the test of the most rigid examination. It might, we think, have been sufficient, if these non-vested Schools had been, in the year 1848, and from thence to the present time, in actual operation, under the Irish Board, created by Lord Stanley in 1832, and this, even though this class of Schools had formed no portion of his Lordship's original scheme, but had been subsequently engrafted on it. We cannot doubt that by Lord Stanley's System the Colonial Legislature of 1848 simply meant the system then in actual operation in Ireland; and we are entitled to infer, that the powers of local regulation were intended to give a latitude to the Colonial Board to meet from time to time their own views of local circumstances in any way compatible with the general principles of that system.

But it is not necessary for us to take shelter under this wide interpretation; the fact being, that these non-vested Schools were aided by Lord Stanley's Board in Ireland from the very origin of his system, and that with his own express sanction. This will clearly appear by referring to the Report of the Irish Board for 1836, which contains the following paragraph, commenting on the contents of an acrimonious pamphlet then recently published against the system. "The pamphlet (say the Commissioners, page 45,) objects to our giving aid to Schools in connection with nunneries, monasteries, or other religious bodies. Upon this point we had a communication with Lord Stanley, when he was Chief Secretary for Ireland. He thought it desirable, as we did, that such Schools should be brought under our superintendence, and, therefore, that we should grant aid to them. We have accordingly done so."

Appended to the Report of the Irish Board of 1841 is an explanatory paper, emanating from Lord Stanley himself, addressed to a deputation of the Synod of Ulster, in which he draws a distinction between "school hours," as appointed by Local Patrons and managers, and "ordinary school hours," during which the safeguards against proselytism peculiar

peculiar to the National System are enforced, clearly indicating his own recognition of the special rule applied to the Schools afterwards familiarly distinguished as non-vested.

And, in an explanatory document, issued under the express sanction of Government by the Commissioners themselves, and appended to the same Report, they state as follows:—

"The Board understand that they require a permanent submission to its regulations only in those cases in which grants have been made towards the erection of school-houses, to be vested in trustees according to the direction of Government; and that in Schools receiving occasional or annual grants, such as salaries for the teachers, &c., they are to require submission to their regulations *only during the period for which such grants were made.*"

They add, in conclusion, that "they do not regard these observations as altering or modifying in any degree the original instructions communicated to them of October, 1831; they offer them as containing views which *they have always entertained of their instructions, and upon which they have uniformly acted since the commencement of their labors.*"

On further examining, with a view to our own guidance, the course of the Irish Board, we have found that the non-vested Schools, under their guidance, have far exceeded in number those which have been vested. For example, in the Appendix to the Report of 1854, we found the total of vested Schools given as one thousand six hundred and twenty-one, and those of non-vested as three thousand six hundred and four.

To this evidence of the actual comprehension of non-vested Schools, within Lord Stanley's System, as administered in Ireland, we are enabled to add equally conclusive evidence that the same comprehensiveness was intended by those who introduced the system in this Colony. The Select Committee on Education, in compliance with whose Report Lord Stanley's System was adopted, specially recommended "that the Board should be invested with a very wide discretion as to the arrangements necessary for carrying the system into effect," [See Report 28th August, 1844,] and the Chairman of that Committee, Mr. Robert Lowe, thus expresses, in the same year, his own views of the system which it recommends, and of the prospective operations of the Colonial Board.

We extract the following from a speech at a public meeting in the School of Arts, published in a pamphlet then extensively circulated. As this pamphlet contained a reprint of the Report of the Select Committee, and various other important papers, it was, in fact, the Text Book of the day in reference to this subject, and evidence, therefore, not only of the views of the promoters of the system, but of the general popular understanding regarding it:—

"The Report," (Mr. Lowe says) "recommends the National System introduced into Ireland by Lord Stanley." He then goes on to say that, "as to separate religious instruction, a wide discretion had been claimed by the Irish Board, and may be profitably exerted here;" that "nothing would be lost to the present Denominational Schools by placing themselves in connection with the Board; all the sacrifice required of them being that they should do what ought to be done in every well regulated School—set aside certain hours for certain studies."

It is thus evident that in now extending aid to Schools of this class we are merely following up and completing the scheme of Education contemplated by the authority under which we hold our appointments. In the earlier stages of our operations the prejudices against our system which pervaded the conductors of all Schools already existing rendered it hopeless to expect them to submit to our conditions, and futile, therefore, to promulgate Rules regarding them. Ten years experience of the beneficial operation of our system has at length induced a different feeling among such of our opponents as are open to conviction; and it now only rests with those who have the control of the requisite funds to decide whether disadvantage shall be taken of this happy result.

Our new Rules are now called for by spontaneous applications, increasing since their publication to such a number as will now justify our urging an application to Parliament so to enlarge our resources as sufficiently to meet the demand. We have already stated why we deemed it right thus to ascertain, in some degree, the disposition of the public to accept aid under our new Rules, before strongly pressing this application, and for resisting, therefore, the attempted interference with their immediate publication.

Having, we believe, now clearly shewn that these Rules departed in *no degree* from the principles of Lord Stanley's System, whether as originated under his own sanction in Ireland, or, as intended by the Legislature introducing it in this Colony, we cannot even imagine any further objection to our authority in this matter, unless, in spite of the literal construction of the Act conferring our power, it be contended that the Legislature of 1848 never could really have meant to render us so far independent of the Executive Government. If a particle of doubt could have been entertained on this point, we assure your Excellency that nothing could have induced us to rely on a rigid verbal construction, or inadvertent omission in the Act, in order to assume an improper authority.

We have, however, to make an explanation very conclusive in this matter. It would, indeed, more naturally have been given by Mr. Plunkett himself; yet, as no opportunity for such explanation was afforded him before his removal from office, it ought not now to be withheld by us. Mr. Plunkett informs us that he, for some time, declined to yield to the wishes of the late Governor, Sir Charles Fitz Roy, by becoming Chairman of the Board, through apprehension that his efforts fully to carry out the proposed system would be liable to be at any moment defeated by the interference of some future Government of adverse views; and he at length was induced to consent to assume the office only on its being conceded that the power of making Rules without the intervention or control of the Executive for the time being should be a feature in the Act of Incorporation: Whereupon, he himself drafted the Act, as it now stands, with this express object.

It was after bestowing the labors of ten years on the business of the Board, under this compact, that it appeared to him to be for the first time abruptly interfered with, and this in a letter written by direction—as the now head of the Executive—of the only dissentient member of the Select Committee under whose recommendation the Act of 1848 was framed.

We think it a bare act of justice to Mr. Plunkett to refer to the circumstance, as illustrating his own view of the provocation which led to the correspondence bringing him into collision with the Government.

We abstain from making this Report the vehicle of any controversy regarding the propriety of the particular language used by Mr. Plunkett in protesting against what we believe we have thus clearly shewn to be an unauthorised interference.

Regarding, however, the loss of Mr. Plunkett's services, we feel bound to submit to your Excellency our conviction that an enemy to the cause of education in this Colony could scarcely desire to inflict upon it a greater injury than will be accomplished by permanently withdrawing Mr. Plunkett from this sphere of his long continued and useful exertions.

Although his services at this Board, since its formation in the year 1848, are generally well known, those only can fully appreciate them who have had our own peculiar opportunities of witnessing, as his coadjutors, the untiring zeal and assiduity with which he has sacrificed, year after year, the scanty leisure of a laborious public life to this self-imposed and gratuitous labor of love. We feel, indeed, entitled to assert that any minister of public instruction who had done as much in fulfilment of the duties of a well paid office, might justly claim the title of a public benefactor.

After making this declaration, we will only respectfully submit whether a few hasty expressions, however passing the usual limits of official etiquette, which were at least prompted, if not justified, by the self-same zeal in the cause of education to which we are indebted for the valuable services of many years, can make it necessary to ignore the merit of all those services in the past, and deprive the public of all their benefits in the future.

We, at all events, should not fulfil our duty if, apart from any personal regard for Mr. Plunkett, we did not, on the ground of the public interests at stake, earnestly press for the restoration of his services to their wonted channel, provided he can now be induced, upon any admissible terms, to resume them.

Our business, although gratuitously performed, is rapidly acquiring the dimensions of a public department; and if we, the present Members of the Board, are to remain deprived of the peculiar facilities afforded by the experience and unremitting attention of Mr. Plunkett, as our Chairman, and which have hitherto materially lightened the individual labor

labor and responsibility of each of us, we seriously apprehend that our duties will be found more onerous than we can, without undue sacrifice of other imperative obligations, continue to fulfil.

We submit this our Report for the year ending 31st December, 1857; and in testimony thereof we have caused our Corporate Seal to be hereunto affixed, this sixth day of April, one thousand eight hundred and fifty-eight.

(L. S.)

W. C. WILLS,
Secretary.

G. K. HOLDEN.
J. SMITH.
G. WIGRAM ALLEN.

Although, for the reason I subjoin, I abstain from signing the Report, I deem it right to signify my general concurrence in its views and statements.

From inability, on account of my judicial duties, to attend at the Board, I have not taken part for some time back in its proceedings. This inability I communicated to Mr. Plunkett; and I intimated to him, as Chairman, my wish and intention to resign, which I only postponed at his suggestion,—that as the four principal religious denominations were adequately and efficiently represented, each by one Commissioner, and my attendance was not required, it would be advisable for me to postpone my retirement from the Board, at least until Sir Charles Nicholson's return, when probably my place might be supplied in a way to preserve to the Board the character of a mixed and impartial commission, duly representing each religious section of the community. It is therefore that I have taken no part in the proceedings which resulted in Mr. Plunkett's removal, an event which, with my colleagues, I deem disastrous alike to the general interests of education, and to the successful working of Lord Stanley's system.

In the merited testimony which the Report bears to his untiring zeal, his unselfish devotion, his energy and his success, I fully concur; and I feel that, at this exigent moment, the loss of a man so fitted, in every respect, to be at the head of the Board, cannot easily, if indeed it can at all, be supplied. From the confidence which his presence there inspired, I share the opinion (I believe in common with the religious denomination of which he is a member,) that whilst he presided at the Board our interests and fair claims to consideration would not be disregarded.

On another point—the legality of the regulations for the establishment and conduct of non-vested National Schools, though not an original party to their framing, I consider it due to my colleagues, with deference to the opinions of those who may differ from us, to express my own earnest opinion that it was legally competent for the Board to frame those resolutions. It is an error to suppose that under the National System, schools must contain scholars of different religious denominations. That they should be of different denominations is an accidental part, not an essential element of the system. That which is its essential and leading principle is to afford the same facilities for education to all classes, without any attempt to interfere with the religious opinions of any, and to exclude none on account of such difference of opinion.

From an attentive perusal of the regulations framed by the Board, I can discover in them no departure from this fundamental principle. Not only are they compatible with it, but, in my opinion, calculated, in an eminent degree, to disseminate, promote, and extend its usefulness.

It is a matter of history, attested by the Reports of the Irish Commissioners, that non-vested Schools, under similar regulations to those approved of by the Board in this Colony, had been pre-established in Ireland, not only long before the adoption of the system in this Colony, but their origin dates from the very commencement of its establishment.

R. TERRY.

APPENDIX A.

RETURN of National Schools, as certified by the Local Patrons, for the Quarter ending December of the Year 1857, or for the last Quarter of 1857, in which the respective Schools were in operation.

NAME OF SCHOOL.	NUMBER OF SCHOLARS ON THE ROLL.			AVERAGE ATTENDANCE.			REMARKS.
	Male.	Female.	TOTAL.	Male.	Female.	TOTAL.	
Fort-street, Sydney	562	381	943	501	290	791	In operation the whole year.
William-street, Sydney..	542	451	993	357	275	632	Ditto
Cleveland-street, Sydney.	187	152	339	118	105	223	Ditto
Paddington	154	119	273	112	74	186	Ditto
Albury	40	45	85	27	29	56	Ditto
Black Creek	22	7	29	16	4	20	Re-opened in October.
Braidwood	69	57	126	48	32	80	In operation the whole year.
Bowenfels	28	39	67	23	24	47	Ditto
Brookfield	26	20	46	15	12	27	Ditto
Bolwarra	34	33	67	21	24	45	Ditto
Berrima	9	20	29	8	16	24	Ditto
Bendolba	13	25	38	7	13	20	Ditto
Camden	35	25	60	26	15	41	Ditto
Clarence Town	59	61	120	45	48	93	Ditto
Campsie	10	13	23	6	6	12	Ditto
Cundletown	27	17	44	18	12	30	Opened in July.
Carcoar	17	24	41	13	18	31	Opened in September.
Dunmore	56	53	109	40	39	79	In operation the whole year.
Dungog	40	53	93	22	29	51	Ditto
Drayton	32	33	65	18	22	40	Ditto
Dagworth	18	32	50	11	23	34	Ditto
Eling Forest	20	13	33	20	13	33	Ditto
Eden	30	12	42	26	11	37	Opened in November.
Falbrook	13	11	24	9	7	16	Re-opened in May.
Four Mile Creek	22	27	49	12	16	28	In operation the whole year.
Gosforth	22	22	44	15	12	27	Ditto
Glen William	16	21	37	8	10	18	Ditto
Grafton	55	44	99	40	32	72	Ditto
Hinton	62	54	116	40	33	73	Ditto
Iona	18	26	44	18	16	44	Ditto
Louisa Creek	15	18	33	12	13	25	Ditto
Major's Creek	45	42	87	22	24	46	Ditto
Murrurundi	35	30	65	23	17	40	Ditto
Merriwa	26	29	55	19	22	41	Re-opened 19th August.
Muloonda	14	15	29	10	9	19	In operation the whole year.
M'Donald River	16	18	34	7	11	18	Ditto
Meadow Flat	14	16	30	11	7	18	Ditto
Mudgee	59	50	109	45	36	81	Ditto
Nelson's Plains	28	21	49	20	14	34	Ditto
Orange	29	44	73	22	29	51	Ditto
Parading Ground	15	20	35	6	8	14	Opened 1st February.
Port Macquarie	41	28	69	29	20	49	In operation the whole year.
Pennant Hills	26	30	56	22	30	52	Ditto
Parramatta	36	44	80	30	40	70	Ditto
Panbula	28	37	65	14	13	27	Ditto
Peel	30	29	59	20	18	38	Ditto
Picton	21	31	52	21	31	52	Ditto
Purfleet	21	24	45	11	11	22	Opened 1st February.
Red Bank	33	21	54	16	9	25	In operation the whole year.
Rylstone	10	18	28	8	12	20	Opened 1st July.
Stanhope	16	19	35	9	18	17	In operation the whole year.
Sugar Loaf	11	18	29	8	10	18	Ditto
Smithfield	32	25	57	21	14	35	Ditto
Seaham	21	23	44	11	16	27	Ditto
Singleton	61	41	102	48	27	75	Ditto
Tomago	29	33	62	13	17	30	Ditto
Tamworth	34	35	69	21	26	47	Ditto
Wylie's Flat	14	16	30	12	14	26	Re-opened 1st September.
Wollongong	88	44	132	64	30	94	In operation the whole year.
Wollombi	53	49	102	34	32	66	Ditto
Warragee	8	4	12	5	2	7	This school is removed to Nowra, in consequence of the departure of the population from Warragee.
Warwick	34	33	67	23	22	45	
	3,181	2,795	5,976	2,277	1,862	4,139	In operation the whole year.

APPENDIX B.

Aberglasslyn.
Araluen.
American Creek.
Albion Park.
Ballina, Richmond River.
Binalong.
Burrier, Shoalhaven.
Dapto.
Fishery Creek.
Fairy Meadow.
Green Wattle Flat.
Good Dog, Shoalhaven.

Kempsey.
Kiama.
Mayfield.
Marshall Mount.
Merrendee.
Mount Hunter.
Omega Retreat.
Parramatta North.
Vacy.
Rylstone.
Walcha.

APPENDIX C.

RECEIPTS and DISBURSEMENTS of the BOARD OF NATIONAL EDUCATION, New South Wales, from 1st January to 31st December, 1857.

Dr.		Cr.	
To Vote, 1857	20,000 0 0	By Balance, for 1856	1,353 2 2½
„ Old Building Materials sold	137 11 4	Salaries and Allowances	12,892 2 10
		Buildings and Repairs, Rent, and Furniture	4,433 9 3
		Travelling Expenses of Teachers, Inspector, and Architect	689 17 9
		Books, Printing, Stationery, and Advertising	136 15 6
		Fuel, Light, Labor, Water, Work-materials, Law, and petty charges	335 0 5
			18,487 5 9
		Balance to 1858	297 3 4½
£ 20,137 11 4		£ 20,137 11 4	

APPENDIX D.

REGULATIONS for the Establishment and Conduct of Non-Vested National Schools in New South Wales.

To extend the benefits of National Education in the Colony, on a plan similar to that so successfully pursued in Ireland, the Commissioners of National Education will give assistance to Schools which in origin and ownership may be other than National—subject only to conditions making their conductors responsible to the Board, (1) For adequate instruction of the same nature as that prescribed for Schools purely National, open on equal terms to all; and (2) For the strict limitation of special religious instruction to those whose parents approve of it.

The following are the conditions on which aid will be afforded to Schools not vested in the Commissioners:—

1. The aid to such Schools will be limited to Salary and Books.

2. Before aid can be granted, the Commissioners must be satisfied that the case is deserving of assistance; that there is reason to expect that the School will be efficiently and permanently supported; that the School-house is sufficient for the purpose, and suitably furnished; and that a competent Teacher has been or will be appointed.

3. To entitle a School to a continuance of aid, the House and Furniture must be kept in good repair by means of local contributions; the School conducted in all respects in a satisfactory manner, and in accordance with the regulations of the Commissioners, and the instructions of their Inspectors; and there must be an average daily attendance of at least thirty Children.

NOTE—The Commissioners reserve to themselves the right of giving aid in special cases to Schools where the average daily attendance may be temporarily below thirty.

4. While the appointment and removal of Teachers in non-vested Schools will rest with the Local Patrons or Managers, the Commissioners will require to be satisfied with the character and competency of the Teacher so appointed, as a condition to the payment and continuance of Salary.

5. A Time Table, sanctioned by the Commissioners, must be kept constantly hung up in a conspicuous part of the School Room.

6. During the hours appropriated in the Time Table to the ordinary instruction of the pupils, the usual routine of a National School must be observed in non-vested Schools; but the Commissioners will not exercise any control over the use of the School at any other time.

NOTE—Any religious exercise or instruction peculiar to the private character of the School must, therefore, occupy some time before or after the hours fixed for the ordinary duties, so as to admit of the convenient absence of any children whose parents object to their attendance.

7. No Books shall be used for ordinary instruction under the preceding Rule but such as are sanctioned by the Commissioners.

8. Registers shall be kept in each School, and Returns forwarded to the Commissioners, according to forms that will be supplied by them.

9. The Commissioners and their Officers are to be allowed to visit and examine the Schools whenever they think fit. Those deputed to visit by the Commissioners will be furnished with credentials.

10. The public generally must have free access to every School during the stated school hours, not to take part in the business or to interrupt it, but, as visitors to observe how it is conducted.

11. The Commissioners reserve to themselves the power of altering or revoking any of the foregoing regulations as, from time to time, it shall seem to them to be expedient.

(L. S.)

W. C. WILLS, Sec.

{ J. H. PLUNKETT, CHAIRMAN.
G. K. HOLDEN.
J. SMITH.
G. W. ALLEN.

National Education Office,
Sydney, 14th December, 1857.

1858.

Legislative Assembly.
NEW SOUTH WALES.

NATIONAL EDUCATION BOARD.

(LETTER FROM, ON THE SUBJECT OF NON-VESTED SCHOOLS.)

Ordered by the Legislative Assembly to be Printed, 17 June, 1858.

THE NATIONAL EDUCATION BOARD to THE COLONIAL SECRETARY.

*National Education Office,
Sydney, 3 June, 1858.*

SIR,

In the letter of the Chairman of this Board, dated 18th December last, transmitting additional Rules for the extension of the aid of the Board to non-vested schools, the Government was apprised that the application of the new Rules would open out a new field of operation, and consequent expenditure, whilst the existing means of the Board were barely adequate to the building and maintenance of vested schools.

2. This intimation was not given with any expectation of its eliciting, at that time, from the Government any pledge of additional assistance. We must, on the contrary, admit that we acted under the conviction that it was our duty, in the exercise of the powers entrusted to us by the Legislature, even with the inadequate resources at our command, and at the expense of restricting our building grants, at least to initiate an experiment which should manifest, if successful, (as we ourselves believed it would be), the adaptation of our new plan to the wishes and exigencies of the community, before we importuned the Government and the Legislature for the means of fully carrying out our views. These motives have already been acknowledged as actuating us in this matter in our annual Report; and we have now to congratulate ourselves and the public on the proof already received, in the numerous applications which have reached us for non-vested schools, of its adaptation to the social condition of this Colony.

3. It is now our duty to report to the Government, that since the promulgation of the new Rules thirty-seven applications for non-vested schools have been received,—of which eighteen have been considered as deserving of aid; two have been rejected, as not meeting the required conditions; two have been deferred for the present, and fifteen are under investigation. Applications are at present continued from week to week; and it will, we think, be an estimate within the limits of probability, that we ought to endeavor to provide for compliance with a total of at least eighty such applications within the current year.

4. If additional funds be withheld, this Board will be constrained to determine for themselves the question, how far it is desirable, in the exercise of their important public trust, to continue the experiment of non-vested schools, at the expense of restricting contributions which would otherwise be available for the building of vested schools. We are, of course, anxious to avoid this dilemma, both from its tendency to render the experiment imperfect, through the injudicious economy it will impose, and from the disappointment it may occasion to some persons anxious to build vested schools.

It will be in that case impossible for the Board to do more than accept a few of the most pressing applications for non-vested schools, rejecting, on the other hand, a few of the least urgent building applications; while to the extent of those rejected in each class, for want of means, a public want (which it is, of all others, the highest interest of the community to satisfy,) will remain unprovided for.

5. We submit that all applications made to us for schools are to be taken as applications for aid in qualifying the rising generation of the Colony to fulfil the duties which the popular institutions, now about to be established on the widest foundation, will impose; and that money voted for such a purpose is to be regarded, not so much as ordinary expenditure, but rather as an investment of the most profitable kind, not only in a moral, but even in a material point of view.

6. The New York Board of Education, in their Report for 1856, refer, with a pardonable pride, to evidence taken before the English House of Commons, in proof that the superior education afforded in America to the particular class of persons who constitute the masters and crews of vessels trading across the Atlantic, had led to a very great advance in the relative proportion of American tonnage; and they point to the fertile invention applied to implements of practical use characteristic of Americans, as augmenting, in many ways, the fruits of agricultural and manufacturing industry, and refunding, even in hard dollars, the cost of public education. Regarding the question in a still higher point of view, the New York Board cite Jefferson, as saying—"If a nation expects to be ignorant and free, in a state of civilisation, it expects what never was, and never will be." They also cite Daniel Webster, as authority for the assertion that popular institutions cannot possibly be preserved "if early education be not freely furnished by public law, in such forms that all shall gladly avail themselves of it." If there be any hesitation in providing, by annual vote, for at least as liberal a plan of popular education as that of America, may we not venture to hope that the Legislature of this Colony may be induced to follow the example of America, by appropriating a share of public lands, in every county and town, to the support of common schools?

7. The Board have prepared a careful estimate of their liabilities from 1st May to 31st December, of the present year, of which the following is a summary:—

Pledged for building and repairs of vested schools	£7,647 14 2
Salaries, travelling expenses, and other charges	9,000 0 0
Total for vested schools	16,647 14 2
Salaries and books for 80 non-vested schools	3,000 0 0
Total estimated expenditure from 1st May to 31st December, 1858	19,647 14 2
Accruing to the Board from the sum at present on the Estimates	15,000 0 0
Leaving a deficiency of	4,647 14 2

without making any provision for the contingency of new applications for building vested schools during the remainder of the current year. In regard to these, however, it is not likely that the proportion of actual outlay required during the year will be considerable; and whatever it may be, it will probably be met by that proportion of the funds already pledged for building, which, by means of accidents and delays, may fail to be required during the same interval.

8. In the case of non-vested schools, the fact that the buildings are provided by the applicants will, of course, render the relative efficiency of the public expenditure, in regard to numbers educated, far greater than in those hitherto founded and supported by the Board.

9. It is true that, by this extension, the total cost of the National System of public Education will be augmented; but the education itself will be augmented in a much greater ratio; and by the extension of the present Normal Schools and system of Inspectorship, so as to meet the increasing demands of the Colony, the blessings of a good education may be secured throughout the length and breadth of the land, under systematic supervision and control, with the organization which, while it facilitates central improvement, helps to diffuse the improvements of the centre to the remotest circumference.

10. We have now the honor to submit, with a confidence we did not venture to express in our letter of the 18th December last, our application for an additional grant, to enable us to meet the applications for non-vested schools without detracting from other resources. The sum required for this purpose will appear, from the statement made in a preceding paragraph of this letter, to be about five thousand pounds.

11. In conclusion, we respectfully request that this letter may be laid before the Legislature, as supplementary to our last annual Report.

We have, &c.,

G. K. HOLDEN.

J. SMITH.

G. WIGRAM ALLEN.

R. TERRY.

1858.

Legislative Assembly.
NEW SOUTH WALES.

NATIONAL EDUCATION BOARD.

(REMOVAL OF MR. PLUNKETT FROM.)

Ordered by the Legislative Assembly to be Printed, 25 March, 1858.

SCHEDULE.

	Page.
1. The Chairman of the National School Board to the Principal Secretary, 18 December, 1857, transmitting, for publication in the <i>Government Gazette</i> , Regulations for the establishment and conduct of non-vested Schools in New South Wales	2
2. Under Secretary to the Chairman, 4 January, 1858, stating that it seems to the Colonial Secretary desirable that the Rules should not be published until an opinion on them had been elicited from Parliament	3
3. Chairman of Board to Colonial Secretary, 4 January, 1858, on the subject of the publication of the Rules	4
4. Under Secretary to the Chairman, 5 January, 1858, in reply	4
5. Chairman of Board to Colonial Secretary, 5 January, 1858, respecting the publication of the Rules	5
6. Under Secretary to Chairman, 7 January, 1858, in reply	5
7. Chairman of Board to Under Secretary, 8 January, 1858, on the subject of the letter, addressed to him on 7 January	6
8. Colonial Secretary to the Honorable John Hubert Plunkett, Esquire, 5 February, 1858, intimating the decision of the Government dispensing with his further services as a Commissioner of the Board of National Education	6
9. J. H. Plunkett, Esquire, to Colonial Secretary, 6 February, 1858, protesting against his removal	7
10. J. H. Plunkett, Esquire, to Colonial Secretary, 6 February, 1858, resigning the office of Justice of the Peace, and one of the Committee of Management of the Roman Catholic Orphan School	8
11. J. H. Plunkett, Esquire, to His Excellency Sir W. T. Denison, 6 February, 1858, tendering his resignation of the office of President of the Legislative Council	8
12. J. H. Plunkett, Esquire, to His Excellency Sir W. T. Denison, 6 February, 1858, resigning his Seat in the Legislative Council	8
13. Alfred Denison, Esquire, Private Secretary, to J. H. Plunkett, Esquire, 6 February, 1858, conveying the Governor General's reply	9
14. Secretary to the National Education Board to Colonial Secretary, 16 February, 1858, forwarding Resolutions of the Board in reference to the removal of the Chairman	9
15. G. K. Holden, Esquire, to Colonial Secretary, 6 February, 1858, avowing his participation as a Member of the Board in the Chairman's correspondence and its publication	10
16. Colonial Secretary to Mr. Holden, 17 February, 1858, in reply	10
17. G. K. Holden, Esquire, to Colonial Secretary, 18 February, 1858, in explanation	11
18. Colonial Secretary to Mr. Holden, 23 February, 1858, in reply	11
19. The Honorable James Macarthur, Esq., to the Colonial Secretary, 8 March, 1858, forwarding a Petition from the Local Patrons and others interested in the National School at Camden, in reference to the removal of Mr. Plunkett	11
20. Under Secretary to Mr. Macarthur, in reply, 15 March, 1858	12
21. Petition from the Local Patrons, Parents of Children, and others interested in the National School at Singleton	12
22. Similar Petitions from the Local Patrons, &c., at Gosforth; at Sugar Loaf, parish of Stamford, county of Northumberland; at Orange; and at Clarence Town	13
23. Under Secretary in reply, 25 March, 1858	13

NATIONAL EDUCATION BOARD.

No. 1.

THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD to THE PRINCIPAL SECRETARY.

*National Education Office,
Sydney, 18 December, 1857.*

SIR,

On behalf of the Board of National Education, incorporated by Act of Council, 11 Vict., No. 48, I have the honor to transmit herewith some additional Rules made by them, under the power conferred by that Act, and to request that the same may be published in the *Government Gazette*, and laid before the Legislature, in manner thereby prescribed.

2. It will be perceived that these Rules have reference to the proposed extension of aid to Schools which, in their origin, may be other than National, and of which the property may not be vested in the Board, upon condition, nevertheless, that instruction of the same efficient and unsectarian character as that required in Schools purely National be therein given, without distinction of sects, during an adequate number of hours in each day (exclusive of Sunday), and that any sectarian religious exercises or instruction be given either before or after the ordinary school business, and to those children only whose parents approve of their receiving it.

3. The Board has been induced to initiate these Regulations, partly in compliance with applications of a pressing nature from conductors of Schools excluded from assistance by the previous Rules, but willing to accept aid on the terms now proposed; partly from a public avowal by those promoting Denominational Schools of a principle quite in accordance with the system proposed, although wanting, *in their hands*, the sanction of uniform and binding regulation; but chiefly by finding in the Reports of the Commissioners for National Education in Ireland evidence of the extensive prevalence and great success of a similar plan there in operation.

4. It is at the same time evident, that, in order to enable this Board effectually to carry out their proposal, it will be requisite that additional funds be placed at their disposal by the Legislature. The application of the new Rules will open out a new field of operations, and of consequent expenditure, while their existing means are barely adequate to the building and maintenance of Schools strictly their own.

5. It will, however, be manifest, that exactly in the proportion in which non-vested Schools may conform to these new Rules, and thus obtain aid through this Board, the requirements of those who seek aid in a character avowedly Denominational will be reduced; and, as our plan merely substitutes positive regulation for individual caprice, in a matter affecting the public expenditure, and really exacts nothing more from Denominational Schools than the more enlightened and liberal of their conductors already profess to concede in practice, we venture to hope that the operation of these new Rules will tend to reconcile the conflicting wants and difficulties which have hitherto occasioned so large an expenditure of the public money in maintaining two systems, and pave the way for a simpler organization, comprising the advantages of both.

I have, &c.,

JOHN H. PLUNKETT,
Chairman.

THE HONORABLE
THE PRINCIPAL SECRETARY,

&c., &c., &c.

(Enclosure)

(Enclosure in No. 1.)

REGULATIONS FOR THE ESTABLISHMENT AND CONDUCT OF NON-VESTED NATIONAL SCHOOLS IN NEW SOUTH WALES.

To extend the benefits of National Education in the Colony, on a plan similar to that so successfully pursued in Ireland, the Commissioners of National Education will give assistance to Schools which in origin and ownership may be other than National—subject only to the conditions making their conductors responsible to the Board,—(1) For adequate instruction of the same nature as that prescribed for Schools purely National, open on equal terms to all; and (2) For the strict limitation of special religious instruction to those whose parents approve of it.

The following are the conditions on which aid will be afforded to Schools not vested in the Commissioners:—

1. The aid to such Schools will be limited to Salary and Books.
2. Before aid can be granted the Commissioners must be satisfied that the case is deserving of assistance; that there is reason to expect that the School will be efficiently and permanently supported; that the School-house is sufficient for the purpose, and suitably furnished; and that a competent teacher has been, or will be appointed.
3. To entitle a School to a continuance of aid, the house and furniture must be kept in good repair by means of local contributions; the School conducted in all respects in a satisfactory manner, and in accordance with the regulations of the Commissioners, and the instructions of their Inspectors; and there must be an average daily attendance of at least thirty children.

NOTE.—The Commissioners reserve to themselves the right of giving aid in special cases to Schools where the average daily attendance may be temporarily below thirty.

4. While the appointment and removal of teachers in non-vested Schools will rest with the local patrons or managers, the Commissioners will require to be satisfied with the character and competency of the teacher so appointed, as a condition to the payment and continuance of salary.

5. A time-table, sanctioned by the Commissioners, must be kept constantly hung up in a conspicuous part of the School-room.

6. During the hours appropriated in the time-table to the ordinary instruction of the pupils, the usual routine of a National School must be observed in non-vested Schools; but the Commissioners will not exercise any control over the use of the School at any other time.

NOTE.—Any religious exercise or instruction peculiar to the private character of the School must, therefore, occupy some time before or after the hours fixed for the ordinary duties, so as to admit of the convenient absence of any children whose parents object to their attendance.

7. No books shall be used for ordinary instruction under the preceding Rule but such as are sanctioned by the Commissioners.

8. Registers shall be kept in each School, and returns forwarded to the Commissioners, according to forms that will be supplied by them.

9. The Commissioners and their officers are to be allowed to visit and examine the Schools whenever they think fit. Those deputed to visit by the Commissioners will be furnished with credentials.

10. The public generally must have free access to every School during the stated school hours, not to take part in the business or to interrupt it, but as visitors to observe how it is conducted.

11. The Commissioners reserve to themselves the power of altering or revoking any of the foregoing regulations as, from time to time, it shall seem to them to be expedient.

(L.S.) { J. H. PLUNKETT, Chairman.
G. K. HOLDEN.
J. SMITH.
G. W. ALLEN.

National Education Office,
Sydney, 14 December, 1857.

W. C. WILLS, Secretary.

No. 2.

THE UNDER SECRETARY to THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD.

Colonial Secretary's Office,
Sydney, 4 January, 1858.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 18th ultimo, forwarding, with a request that they may be published in the *Government Gazette*, and laid before the Legislature, certain additional Rules framed by your Board, having reference to a proposed extension of aid to Schools which, in their origin, may be other than National, and of which the property may not be vested in the Board, and to observe, that as it is stated in the fourth paragraph of your communication, that, in order to enable the Board effectually to carry out their views, it will be requisite that additional funds should be placed at their disposal, it seems to the Colonial Secretary desirable that the

Rules

Rules alluded to should not be published by the Government until an opinion shall have been elicited from Parliament whether or not the class of Schools alluded to, aided as they are proposed to be from the Public Revenue, would receive the approval of the Legislature.

2. The Colonial Secretary desires me to add, that the Rules transmitted in your letter do not appear to the Government to be of the character contemplated by the third clause of the Act incorporating the Board of Commissioners of National Education.

I have, &c.,

W. ELYARD.

THE HONORABLE

J. H. PLUNKETT, Esq.,

Chairman of the National School Board.

No. 3.

THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD to THE PRINCIPAL SECRETARY.

National Education Office,

Sydney, 4 January, 1858.

SIR,

Together with our letter of the 18th December, 1857, I transmitted to you certain Rules framed by the Board of National Education, under authority of the Act of Council, 11th Victoria, No. 48, with a view to a compliance with the law as thereby enacted, requiring that such Rules shall, within one month from the date thereof, be published in the *Government Gazette*.

As these Rules have not hitherto appeared in the *Government Gazette*, I have the honor to recal your attention to the subject; and if you should, for any reason unknown to the Board, consider that they have been mistaken in regarding you as the proper channel for carrying out their intention to obey the law, we have the honor to request you to direct the printer of the *Gazette* to obey such instructions as the Board may give to him in this matter.

I have, &c.,

J. H. PLUNKETT,

Chairman of the Board of National Education.

THE HONORABLE

THE PRINCIPAL SECRETARY,

&c., &c., &c.

No. 4.

THE UNDER SECRETARY to THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD.

Colonial Secretary's Office,

Sydney, 5 January, 1858.

SIR,

In acknowledging the receipt of your letter of the 4th instant, I am directed by the Colonial Secretary to refer you to my communication of yesterday's date, on the subject of the Regulations transmitted in your letter of the 18th ultimo, having reference to a proposed extension of aid to Schools which, in their origin, may be other than National, and of which the property may not be vested in the Board.

2. The copy of the Rules which appear to have been sent by the Board to the Government Printer will be inserted by him in the *Gazette*, as a publication by the Commissioners.

I have, &c.,

W. ELYARD.

THE HONORABLE

J. H. PLUNKETT, Esq.,

Chairman of the National School Board.

No. 5.

THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD to THE COLONIAL SECRETARY.

*National Education Office,**Sydney, 5 January, 1858.*

SIR,

In acknowledging the receipt of your letter of the 4th instant, in reply to mine of the 18th ultimo, I have the honor to observe that the Board of National Education do not perceive in its contents anything which could justify them in withholding the request contained in my letter to you of the same (yesterday's) date, and which had been dispatched before receipt of that now under reply.

That request simply consists of an intimation of the wish of the Board to obey the directions of the Act by which they have been incorporated, "by publishing in the *Government Gazette* within one month," Rules framed by them under the powers confided to them, and considering that those powers are vested in them for the express purpose of carrying out "Lord Stanley's System of Education," they are at a loss to imagine on what ground the doubt of their authority, conveyed in the last paragraph of your letter, can rest, inasmuch as the new Rules are in exact accordance with the system of Lord Stanley, as administered under the sanction of the British Legislature.

The members of the Board are perfectly aware of their being amenable to Parliament this matter, as well as dependent upon its continued bounty for funds to continue their labors for the public welfare, either under their present or any improved Regulations; but, in the meantime, it is impossible they can be guided by the individual opinion of the Colonial Secretary in the exercise of their duty, whether in framing those Rules or in giving them publicity, (as far as they have the power), in the mode required by the Act.

If the publication in the *Government Gazette* be withheld, *this breach of the law* will not rest with them.

In order to expedite the publication of the Rules "within a month," (which will expire on the 14th instant), I have sent a copy to the printer of the *Government Gazette*, and the members of the Board expect that no obstacle will be placed in the way of their insertion.

I have, &c.,

JOHN H. PLUNKETT,

Chairman.

THE HON. CHARLES COWPER,

Colonial Secretary.

No. 6.

THE UNDER SECRETARY to THE CHAIRMAN OF THE NATIONAL EDUCATION BOARD.

*Colonial Secretary's Office,**Sydney, 7 January, 1858.*

SIR,

I am directed by the Colonial Secretary to inform you, in reply to your letter of the 5th instant, that it is the deliberate opinion of the Government that the Commissioners for National Education have no authority, under their Act of Incorporation, to make such Rules and Regulations as those transmitted in your letter of the 18th ultimo, and that, in this respect, they have exceeded their power.

2. The Government, I am instructed to add, desires it to be distinctly understood, that it is in no way pledged to provide funds for the class of Schools proposed to be established, without the express sanction of Parliament, to which the subject will be submitted as early as possible after its assembling.

3. The copy of the Regulations alluded to in the second paragraph of my letter of the 5th instant, forwarded to the Government Printer by the Board, has, you will observe, been inserted in the *Gazette* as a publication by the Commissioners.

I have, &c.,

W. ELYARD.

THE HONORABLE

JOHN H. PLUNKETT, Esq.,

Chairman of the National Education Board.

No. 7.

THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD to THE UNDER SECRETARY.

*National Education Office,
Sydney, 8 January, 1858.*

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date, stating that you are directed by the Colonial Secretary to inform me, in reply to my letter of the 5th instant, that it is the deliberate opinion of the Government that the Commissioners for National Education have no authority, under their Act of Incorporation, to make such Rules and Regulations as those transmitted in their letter of the 18th ultimo; and that, in this respect, they have exceeded their powers; and further stating that the Government desires it to be distinctly understood, that it is in no way pledged to provide funds for the class of schools proposed to be established, without the express sanction of Parliament, to which the subject will be submitted as early as possible after its assembling.

2. In reply, I have the honor to state, that I am in doubt as to what individuals are included in the word "Government," as it is generally understood the office of Secretary for Lands and Public Works is still vacant, and the office of Finance Minister was vacant until Monday last, and I have been informed that the Attorney General has been out of town some days, preparing for his election; therefore, under such circumstances, I may be pardoned for not attaching much weight to the "*deliberate opinion of the Government*" on the Rules in question, more particularly when I recollect the hostility which the present Colonial Secretary has uniformly evinced towards the system of education which the Legislature has entrusted to the Board.

3. The names of the members of the National Board are appended to the new Rules; and it is scarcely necessary for me to say, that each and all of those members entertain an equally "*deliberate opinion*" as to their powers to frame those Rules, as well as the expediency of promulgating them; and they do not think they lay themselves open to any charge of vanity in asserting for their conjoint opinion an equal weight with that which you have announced.

4. I have already intimated, in my letter of the 5th instant, "that the members of the Board are perfectly aware of their being amenable to Parliament in this matter, as well as dependent on its continued bounty for funds, to continue their labors for the public welfare, either under their present or any improved Regulations." They are therefore quite prepared, and perfectly willing to abide by the decision of the new Parliament, in the full confidence that the representatives of the country will not take the same narrow minded view of so *all important a subject* as that which you assert is taken by the present Government.

I have, &c.,

JOHN H. PLUNKETT,

Chairman.

WILLIAM ELYARD, Esq.,

Colonial Secretary's Office.

No. 8.

THE COLONIAL SECRETARY to THE HON. JOHN HUBERT PLUNKETT, Esq.

*Colonial Secretary's Office,
Sydney, 5 February, 1858.*

SIR,

I have the honor to inform you, that, upon the receipt of your letter of the 8th ultimo, I considered it my duty to bring it under the special consideration of the Government, and to draw attention to its contents, and to the fact of its having been published by you in the newspapers almost immediately after the time that it was dispatched to my office. The whole of the correspondence, of which that letter forms a part, having, in consequence, been brought before the Governor General and Executive Council, I have now to acquaint you with the decision which has been arrived at by the Government in reference to the course which you have adopted in this matter.

2. Upon a perusal of the correspondence, the Council regret to observe that you should have not only thought fit to address the Chief Secretary of the Government in terms so highly improper as those in which your letters of the 5th and 8th of last month are couched, but you should also have been induced to resort to the irregular and unseemly step of publishing your letters in one of the public newspapers while the correspondence was yet going on with the Government.

3. The course thus adopted by you the Council cannot but consider as unjustifiable in every respect, and, after a calm and deliberate consideration of all the bearings of the case, they are reluctantly forced to the conclusion that it is the duty of the Government, under the circumstances, to dispense with your further services as a Commissioner of the Board of National Education; and, with the advice of the Council, His Excellency the Governor General, by virtue of the powers conferred by the 2nd section of the Act incorporating the Commissioners, has removed you from the said office accordingly.

THE HONORABLE
JOHN HUBERT PLUNKETT, Esq.

I have, &c.,
CHARLES COWPER.

No. 9.

J. H. PLUNKETT, Esq. to THE COLONIAL SECRETARY.

Macquarie-street,
6 February, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date intimating to me that, for the reasons therein alleged, His Excellency the Governor General, with the advice of the Executive Council, by virtue of the powers conferred by the second section of the Act incorporating the Board of National Education, has removed me from the office of Commissioner.

I shall abstain from offering any comment on the arbitrary and despotic character of this proceeding, but as I have not either been called on to explain, or afforded the opportunity of defending, the conduct which has induced the Government to adopt this course towards me, I must beg leave to submit that the decision conveyed by your letter is premature. I am prepared to defend that conduct, and also to maintain what appears to me a valid objection to the jurisdiction of the Executive Council as at present constituted and summoned.

In the well-known case of Mr. Justice Willis, his removal from office was decided by the Privy Council to have been premature and illegal, and I submit that the present decision will be found, on consideration, to be equally premature and far less justifiable.

I have held the office in question (that of Chairman of the Board of National Education) since the first formation of the Board in January, 1848. Although a mere honorary office, I have discharged its duties as diligently as if I was in receipt of a salary for their performance.

I valued the office as a means of usefulness to the present and to future generations; and I do respectfully, but firmly, protest against my removal from it by a *fraction* of the Executive Council, the majority of that body (as I have reason to believe) not having been summoned, or not being present to take part in its deliberations and decision.

I have, &c.,
JOHN H. PLUNKETT.

THE HONORABLE
THE COLONIAL SECRETARY.

No. 10.

No. 10.

J. H. PLUNKETT, Esq., to THE HONORABLE THE CHIEF SECRETARY.

Macquarie-street,
6 February, 1858.

SIR,

I beg leave to resign, and do hereby resign, the office of Justice of the Peace for New South Wales.

I also resign the office (if so it can be called) as one of the Management of the Roman Catholic Orphan School, Parramatta.

These are the only offices I can recollect that I hold at the pleasure of the Government; but if there are any others which have escaped my recollection, held on the same tenure, it is my desire to relinquish them all, as "*the reign of terror has commenced.*"

I have, &c.,

J. H. PLUNKETT.

THE HONORABLE
THE CHIEF SECRETARY.

No. 11.

J. H. PLUNKETT, Esq., to HIS EXCELLENCY SIR W. T. DENISON.

SIR,

Your Excellency was pleased, about twelve months ago, to confer on me, under the authority vested by the Constitution Act in the Governor General, the high office of President of the Legislative Council.

It has now been intimated to me, by a letter from the Chief Secretary of the Government, that your Excellency has been pleased, by the advice of your Executive Council, to remove me from another office which I have held for a much longer period, as member of the Board of National Education. The circumstances are such as to impress me with the conviction that I cannot, consistently with self respect or public advantage, hold the office of President of the Council; for, I cannot be free from the apprehension that, on grounds as insufficient, and, in my opinion, unjustifiable, I may be removed from the office of President by the same authority that has sanctioned my removal from the office of Chairman of the Board of National Education.

The very peculiar constitution of this Government renders it impossible for me to form a satisfactory opinion how far your Excellency, under whom, as Governor General, I hold the Presidency of the Legislative Council, is identified with the act of the Executive above referred to; I have, therefore, no alternative but to tender my resignation of the office of President, which I do accordingly.

I have, &c.,

J. H. PLUNKETT.

HIS EXCELLENCY
SIR W. T. DENISON.

No. 12.

J. H. PLUNKETT Esq., to HIS EXCELLENCY SIR W. T. DENISON.

Macquarie-street,
6 February, 1858.

SIR,

I hereby resign my seat in the Legislative Council of New South Wales.

I have &c.,

J. H. PLUNKETT.

HIS EXCELLENCY
SIR W. T. DENISON,
Governor General.

No. 13.

NATIONAL EDUCATION BOARD.

9

No. 13.

ALFRED DENISON, Esq., to J. H. PLUNKETT, Esq.

Government House,

6 February, 1858.

SIR,

I am directed by His Excellency the Governor General to acknowledge the receipt of your letter of this day's date, tendering the resignation of your office of President of the Legislative Council. His Excellency cannot but express his regret that you should have felt called upon to resign this high office, as it appears to him that the grounds stated in your letter, namely, your removal by the Executive from your seat as a member of the Board of National Education, are not sufficient to justify the apprehensions you appear to entertain. As, however, you say that you cannot, consistently with self-respect or public advantage, retain your office of President of the Legislative Council, His Excellency has no alternative but to accept your resignation, though he does so with extreme regret.

I have, &c.,

ALFRED DENISON.

J. H. PLUNKETT, Esq.

No. 14.

THE SECRETARY TO THE NATIONAL EDUCATION BOARD to THE PRINCIPAL SECRETARY.

*National Education Office,**Sydney, 16 February, 1858.*

SIR,

I have the honor, by direction of the Board of National Education, to acquaint you, that at their meeting, holden on the 15th February instant, the enclosed Resolutions were moved and adopted, and the Secretary was instructed to transmit a copy thereof to the Honorable the Principal Secretary.

I now, therefore, do myself the honor to forward to you a copy of the Resolutions in question, in compliance with the instructions of the Board.

I have, &c.,

W. C. WILLS,

Secretary.

THE HONORABLE

THE PRINCIPAL SECRETARY.

(Enclosure in No. 14.)

EXTRACT from the Minutes of the Proceedings of the Board of National Education, dated 15 February, 1858.

RESOLVED,—

1. That the Commissioners of National Education feel themselves compelled, under a deep sense of their responsibility in the conduct of the important department they are appointed to administer, unanimously to represent their conviction that the loss of the services of Mr. Plunkett at their Board will be so grievous an injury that they earnestly trust a regard to the welfare of the Colony will, even yet, induce those who have the power to use the means to avert it.

2. That they lament the admixture of any personal or political controversy with a question demanding such calm and serious consideration as that which the Board has, by its new Rules, laid before the public and the Parliament. They, therefore, refrain from any comment on the correspondence which has placed Mr. Plunkett at issue with the Executive, beyond submitting their simple declaration that these Rules were framed by the Board under suggestions made to them by their Inspector, after most carefully considering their Act of Incorporation and the Reports of the First Board of Education respecting the system which the Board was appointed to carry out; that they acted under a full persuasion of their lawful authority—and in the absence of any explained ground of objection, they have hitherto been at a loss to imagine any.

(A true Extract.)

W. C. WILLS,

Secretary.

No. 15.

G. K. HOLDEN, ESQ., to THE COLONIAL SECRETARY.

Sydney, 6 February, 1858.

SIR,

Having been informed by Mr. Plunkett that you have intimated to him his removal from office as a member of the Board of National Education, in consequence of the course he deemed it right to pursue in regard to the new Regulations lately issued by the Board, and to a correspondence with you, remonstrating against your objection to carry out the law by their publication in the *Government Gazette*,—I deem it incumbent on myself, as a member of the Board by whom part of that correspondence was drafted, and the whole agreed to, distinctly to avow this my participation therein; and, moreover, to declare my acquiescence in the propriety of its cotemporary publication in the newspapers,—considering that the usual Parliamentary channel of information was then shut up, and this at the very time when the public were especially concerned to know and to judge of such questions as this correspondence involved.

Whether this avowal be or be not considered a ground for my own removal, it will at all events relieve me from any consciousness or suspicion of retaining even an unpaid office through disingenuous concealment.

I will not deny that I value the office as a means of enduring usefulness, far beyond others of more conventional importance, and for this reason alone I abstain, under the circumstances, from *voluntarily* terminating, by resignation, those labors which, as regards the public, I am willing cheerfully to continue as long as I have the power to bestow them.

I have, &c.,

G. K. HOLDEN.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 16.

THE COLONIAL SECRETARY to G. K. HOLDEN, ESQ.

Colonial Secretary's Office,

Sydney, 17 February, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 6th instant, in reference to the correspondence which has passed with respect to the establishment of non-vested Schools by the Board of National Education, and the consequent removal of Mr. Plunkett from the office of Chairman of the Board.

2. In this letter you state that, "you deem it incumbent upon yourself, as a member of the Board by whom part of the correspondence was drafted, and the whole agreed to, distinctly to avow this your participation therein; and, moreover, to declare your acquiescence in the propriety of its cotemporary publication,"—but you intimate at the same time, that although this avowal may be considered a ground for your own removal, you abstain, for reasons therein stated, from voluntarily resigning your seat at the Board.

3. The Government do not clearly understand whether by these expressions you intend to avow your entire concurrence in the propriety of the language adopted by Mr. Plunkett in reference to the Government in his letter of the 8th January, and your approval of the act of its publication in the *Empire* newspaper. Before therefore arriving at any decision in the matter, and with a view of removing any ambiguity as to your meaning, I have the honor to request that you will have the goodness to state explicitly whether you desire the Government to understand that you deliberately adopt the language of Mr. Plunkett's letters, and also approve of their cotemporaneous publication in the newspapers.

I have &c.,

CHARLES COWPER.

THE HON. G. K. HOLDEN, ESQ.,
Sydney.

No. 17.

G. K. HOLDEN, ESQ., to THE COLONIAL SECRETARY.

Sydney, 18 February, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 17th, in which, referring to mine of the 6th instant, you request me to state explicitly whether I desire the Government to understand "that I deliberately adopt the language of Mr. Plunkett's letters, "and also approve of their publication in the newspapers."

I beg, first, to observe, that I consider the position of Mr. Plunkett entitled *him* to express, with far less restraint than would have been becoming in myself individually, his indignation at what he, in connexion with every member of the Board of National Education, regarded as an unwarrantable interference with their functions; furthermore, that, on the spur of the moment, language might be venial, if not justifiable, which would be otherwise if deliberately adopted without renewed provocation after a considerable lapse of time.

Bearing these considerations in mind, and, therefore, without implying any judgment of mine upon the act of Mr. Plunkett or its results, I answer that I do *not* myself deliberately adopt the language of his letters.

As to the question of publication, I have already stated that I acquiesced in it, under a conviction that it was peculiarly important the public should become acquainted, *at that juncture*, with the merits of this question, through the only available channel. So far as the correspondence contains matters of offence separable from those merits, I certainly now regret that it should have been published, or even written. But, if the publication of the whole be considered an unpardonable act, admitting neither of retractions nor apology, I cannot shrink from taking my share of the blame, at the same time that I express a regret, which I have no doubt Mr. Plunkett would equally have himself expressed, had he been allowed a like opportunity.

I have, &c.

G. K. HOLDEN.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 18.

THE COLONIAL SECRETARY to G. K. HOLDEN, ESQ., M.L.C.

Colonial Secretary's Office,

Sydney, 23 February, 1858.

SIR,

I do myself the honor to inform you that the Government, having had under its consideration your letter of the 18th instant, in reply to that which I addressed to you on the preceding day, has determined that it is unnecessary to adopt any proceedings with reference to your seat at the Board for National Education.

I have, &c.,

CHARLES COWPER.

THE HONORABLE

G. K. HOLDEN, ESQ., M.L.C.,

Sydney.

No. 19.

THE HONORABLE JAMES MACARTHUR, ESQ., to THE COLONIAL SECRETARY.

Camden, 8 March, 1858.

SIR,

I do myself the honor to forward herewith a Petition from the Local Patrons and others interested in the National School at Camden, addressed to His Excellency the Governor General, in reference to Mr. Plunkett's removal from the Chairmanship of the Board of National Education.

I have, &c.,

JAS. MACARTHUR.

THE HONORABLE

THE COLONIAL SECRETARY,

&c., &c., &c.

(Enclosure

[Enclosure in No. 19.]

To His Excellency SIR WILLIAM DENISON, K.C.B., Governor General, &c., &c., &c.
The Petition of the Undersigned, Local Patrons, Parents of Children, and others interested
in the National School at Camden,

HUMBLY SHEWETH:—

That your Petitioners have, during a long series of years, witnessed with admiration and gratitude the laborious and successful exertions of Mr. Plunkett as Chairman of the Board of National Education.

That your Petitioners cannot conceive it possible that your Excellency's Constitutional advisers will desire to persist in inflicting on the public the permanent loss of Mr. Plunkett's services, by his removal from that office, for the mere act of using strong language towards themselves, while maintaining the rights of the Board,—at all events, without affording him opportunity for vindication or explanation of the act complained of.

Your Petitioners, therefore, pray that your Excellency will be pleased to take some effectual steps for the retention or restoration of Mr. Plunkett's inestimable services as Chairman of the Board of National Education.

And your Petitioners will ever pray, &c.

[Here follow 55 signatures.]

Camden, February, 1858.

No. 20.

THE UNDER SECRETARY to THE HONORABLE JAMES MACARTHUR, ESQ.

Colonial Secretary's Office,

Sydney, 15 March, 1858.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 8th instant, forwarding a Petition from the Local Patrons and others interested in the National School at Camden, addressed to His Excellency the Governor General, in reference to the removal of Mr. Plunkett from the Chairmanship of the Board of National Education.

2. The Petition has been duly laid before the Governor General; and, in reply, I am directed to inform you that His Excellency regrets that the course pursued by Mr. Plunkett on the occasion alluded to should have rendered his removal by the Government from the Chairmanship of the Board a matter of necessity.

I have, &c.,

W. ELYARD.

THE HONORABLE

JAMES MACARTHUR, ESQ.,

&c., &c., &c.

Camden.

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 Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

The Petition of the undersigned Local Patrons, Parents of Children, and others interested
in the National School at Singleton,

HUMBLY SHEWETH:—

That your Petitioners have, during a long series of years, witnessed with admiration and gratitude the laborious and successful exertions of Mr. Plunkett as Chairman of the Board of National Education.

That your Petitioners cannot conceive it possible that your Excellency's Constitutional advisers will desire to persist in inflicting on the public the permanent loss of Mr. Plunkett's services, by his removal from this office, for the mere act of using strong language towards themselves in maintaining the rights of the Board,—at all events, without affording him an opportunity for vindication or explanation of the act complained of.

Your Petitioners, therefore, pray that your Excellency will be pleased to take some effectual step for the retention or restoration of Mr. Plunkett's inestimable services as Chairman of the Board of National Education.

And your Petitioners will ever pray.

[Here follow 57 signatures.]

No. 22.

No. 22.

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Gosforth, in the Police District of Maitland. [25 signatures.]

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Sugar Loaf, Parish of Stamford, County of Northumberland, Police District of East Maitland. [25 signatures.]

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Orange. [51 signatures.]

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Clarence Town. [36 signatures.]

No. 23.

THE UNDER SECRETARY to R. RODD, ESQ., J.P., AND OTHERS.

Colonial Secretary's Office,

Sydney, 25 March, 1858.

GENTLEMEN,

I am directed by the Colonial Secretary to inform you that the Petition forwarded by you to the Governor General, in reference to the removal of Mr. Plunkett from the Chairmanship of the Board of National Education, has been duly received; and to state, in reply, that His Excellency regrets that the course pursued by Mr. Plunkett on the occasion alluded to should have rendered his removal by the Government from the Chairmanship of the Board a matter of necessity.

I have, &c.,

W. ELYARD.

R. RODD, ESQ., J.P.,

and the Local Patrons, Parents of Children,
and others interested in the National School
at Singleton.

[A similar reply was made to each of the other Petitions.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

NATIONAL EDUCATION BOARD.

(PROPOSED REINSTATEMENT OF J. H. PLUNKETT, Esq., AS CHAIRMAN OF.)

Ordered by the Legislative Assembly to be Printed, 14 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Board of National Education,—

HUMBLY SHEWETH :—

That your Petitioners are incorporated under the Act of the Legislature of this Colony, 11th Victoria, No. 48, and by virtue thereof are intrusted with the duty of "Superintending the formation and management of Schools to be conducted under Lord Stanley's National System of Education," and of making Rules touching all matters which may, from time to time, appear to your Petitioners "fit and expedient for the effectual attainment of the objects of the Corporation."

That this Act was passed in pursuance of the recommendation of the Report of a Select Committee of the Legislative Council on Education, appointed in the year 1844, consisting of Messieurs Lowe, Cowper, Windeyer, E. Deas Thomson, Plunkett, Nicholson, Robinson, Mr. Justice Therry, Dr. Lang, and Sir Thomas Mitchell; which Report, besides expressing an opinion that the Board should be incorporated, recommends "that it should be invested with a very wide discretion."

That Mr. Plunkett, who has acted as Chairman of the Board from its first institution, until recently removed therefrom, accepted the office, as we are assured by him, on the express condition that the discretion of the Board in framing its Rules should be so guarded by Legislative enactment as to render it independent of the interference of the Executive Government, and the Act was framed and passed in such terms accordingly.

That, on the 11th December last, the Board passed, under their Common Seal, pursuant to this Act, certain Rules, calculated to render their administration of Lord Stanley's System in this Colony more conformable than it has hitherto been with the course pursued ever since its commencement, in 1831, by the Board in Ireland.

That, with a view to comply with a provision in the Act which prescribes publication, within one month, of all such Rules in the *Government Gazette*, the Board transmitted these Rules to the Colonial Secretary, requesting that they might be so published.

That, although the Colonial Secretary so far yielded, after some objection, as to permit this publication, he caused the Board to be at the same time informed, through their Chairman, that it was "the deliberate opinion of the Government that they had exceeded their powers;" and their Chairman has since been removed from office, by the Executive Government, in consequence of the course taken by him in protesting against this hitherto unexplained imputation.

That the Board, believing they have herein lawfully and rightly exercised an authority in regard to which they are amenable to Parliament alone, now humbly submit the whole subject thereto, inclusive of your Honorable House, as one branch thereof; and, in order

to prevent useless repetition and expense in printing, they beg leave to refer your Honorable House for further explanation of the matters herein mentioned to their ordinary Report for the past year, when it shall be submitted to your Honorable House, in the usual course.

Your Petitioners, in conclusion, represent to your Honorable House, that the sudden removal of Mr. Plunkett from their Board has greatly embarrassed their operations, to the great detriment of the public service, and that they conceive it impossible, under existing circumstances, adequately to supply the loss by the appointment of any successor; since, however otherwise qualified, no successor can possess that special aptitude and influence which have been acquired by Mr. Plunkett as the fruits of a matured experience in the business of the Board.

Your Petitioners, therefore, deem it their imperative duty to the public and to the cause of Education, irrespectively of any consideration of justice to Mr. Plunkett, or of gratitude for his past services, to entreat your Honorable House to exert its influence in promoting his reinstatement.

And, as in duty bound, your Petitioners will ever pray.

G. K. HOLDEN.

J. SMITH.

R. TERRY.

G. WIGRAM ALLEN.

1858.

Legislative Assembly.

NEW SOUTH WALES.

NATIONAL EDUCATION BOARD.

(FURTHER PAPERS RELATING TO REMOVAL OF MR. PLUNKETT FROM.)

Ordered by the Legislative Assembly to be Printed, 15 April, 1858.

SCHEDULE.

NO.	PAGE.
1. Petition from the Local Patrons and others interested in the National School at Albury, in reference to the removal of Mr. Plunkett	2
2. Similar Petitions from the Local Patrons, &c., at	
Eling Forrest, Berrima.	Braidwood.
Panbula.	Major's Creek.
Smithfield.	Wollongong.
Cundletown.	Mudgee.
Louisa Creek.	Redbank.
Carcoar.	Bowenfels.
Peel.	
3. Under Secretary in reply	3

NATIONAL EDUCATION BOARD.

No. 1.

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, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Albury,—

HUMBLY SHEWETH:—

That your Petitions have, during a long series of years, witnessed with admiration and gratitude the laborious and successful exertions of Mr. Plunkett as Chairman of the Board of National Education.

That your Petitioners cannot conceive it possible that your Excellency's Constitutional Advisers will desire to persist in inflicting on the public the permanent loss of Mr. Plunkett's services, by his removal from this office, for the mere act of using strong language towards themselves, in maintaining the rights of the Board,—at all events, without affording him an opportunity for vindication or explanation of the act complained of.

Your Petitioners, therefore, pray that your Excellency will be pleased to take some effectual step for the retention or restoration of Mr. Plunkett's inestimable services as Chairman of the Board of National Education.

And your Petitioners will ever pray.

[Here follow 146 Signatures.]

No. 2.

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Eling Forest, near Berrima.

[Here follow 44 Signatures.]

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Panbula.

[Here follow 123 Signatures.]

The Petition of the undersigned Local Patrons, Parents of Children, and others interested in the National School at Braidwood.

[Here follow 66 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Smithfield.

[Here follow 137 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Major's Creek.

[Here follow 102 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Cundletown.

[Here follow 29 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Wollongong.

[Here follow 4 Signatures—(Local Patrons.)]

The

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Louisa Creek.

[Here follow 223 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Mudgee.

[Here follow 34 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Carcoar.

[Here follow 36 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Redbank.

[Here follow 18 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Peel.

[Here follow 112 Signatures.]

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Bowenfels.

[Here follow 43 Signatures.]

No. 3.

THE UNDER SECRETARY to D. BOWEN JONES, ESQ., J.P., AND OTHERS.

Colonial Secretary's Office,

Sydney, 25 March, 1858.

SIR,

I am directed by the Colonial Secretary to inform you, that the Petition forwarded by you to the Governor General, in reference to the removal of Mr. Plunkett from the Chairmanship of the Board of National Education, has been duly received; and to state, in reply, that His Excellency regrets that the course pursued by Mr. Plunkett on the occasion alluded to should have rendered his removal by the Government from the Chairmanship of the Board a matter of necessity.

I have, &c.,

W. ELYARD.

D. BOWEN JONES, ESQ., J.P.,

And the Local Patrons, Parents of Children,
and others interested in the National School at Albury.

[A similar reply was sent to each of the other Petitions.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

NATIONAL EDUCATION BOARD.

(REMOVAL OF MR. PLUNKETT FROM—FURTHER CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 22 April, 1858.

SCHEDULE.

NO.	PAGE.
1. Petition from the Local Patrons, Parents of Children, and others interested in the National School at Port Macquarie	2
2. Similar Petition from the Local Patrons, Parents of Children, and others interested in the National School at Raymond Terrace	2
3. Under Secretary in Reply	2

NATIONAL EDUCATION BOARD.

No. 1.

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, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same.

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Port Macquarie,—

HUMBLY SHEWETH:—

That your Petitioners have, during a long series of years, witnessed with admiration and gratitude the laborious and successful exertions of Mr. Plunkett as Chairman of the Board of National Education.

That your Petitioners cannot conceive it possible that your Excellency's Constitutional advisers will desire to persist in inflicting on the public the permanent loss of Mr. Plunkett's services, by his removal from this office, for the mere act of using strong language towards themselves in maintaining the rights of the Board,—at all events, without affording him an opportunity for vindication or explanation of the act complained of.

Your Petitioners, therefore, pray that your Excellency will be pleased to take some effectual step for the retention or restoration of Mr. Plunkett's inestimable services as Chairman of the Board of National Education.

And your Petitioners will ever pray.

[Here follow 24 Signatures.]

No. 2.

The Petition of the undersigned, Local Patrons, Parents of Children, and others interested in the National School at Raymond Terrace.

[Here follow 80 Signatures.]

No. 3.

THE UNDER SECRETARY to R. S. ROSS, ESQ., AND OTHERS.

Colonial Secretary's Office,

Sydney, 7 April, 1858.

GENTLEMEN,

I am directed, by the Colonial Secretary to inform you that the Petition forwarded by you to the Governor General in reference to the removal of Mr. Plunkett from the Chairmanship of the Board of National Education has been duly received, and to state, in reply, that His Excellency regrets that the course pursued by Mr. Plunkett on the occasion alluded to should have rendered his removal by the Government from the Chairmanship of the Board a matter of necessity.

I have, &c.,

W. ELYARD.

R. SCOTT ROSS, ESQ., J.P.,
and the Local Patrons, Parents of Children,
and others interested in the National
School at Port Macquarie.

[A similar reply was made to the other Petition.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

NATIONAL EDUCATION BOARD.

(PROCEEDINGS OF THE EXECUTIVE COUNCIL WITH RESPECT TO THE REMOVAL OF MR. PLUNKETT FROM.)

*Ordered by the Legislative Assembly to be Printed, 22 April, 1858.**Return to an Address, dated 20 April, 1858. MR. FAUCETT.**PROCEEDINGS of the Executive Council with respect to the removal of Mr. Plunkett from the Board of National Education.*

(Extract from Minute No. 56-6, dated 27th January, 1858.)

PRESENT :

HIS EXCELLENCY THE GOVERNOR GENERAL.

The Honorable CHARLES COWPER, Esquire, Vice-President of the Council.

The Honorable JAMES MARTIN, Esquire, Attorney General.

The Honorable ROBERT CAMPBELL, Esquire, Colonial Treasurer.

The Honorable ALFRED P. LUTWYCHE, Esquire, Solicitor General.

His Excellency the Governor General lays before the Council a correspondence which has passed between the Honorable the Colonial Secretary and Mr. Plunkett, the Chairman of the Board of National Education, relative to the publication, in the *Government Gazette*, of certain additional Regulations framed by the Board, and having for their object the extension of aid to non-vested Schools.

Therewith His Excellency also lays before the Council a Minute by the Honorable the Colonial Secretary, drawing attention to the tone of the Chairman's letters, and to other circumstances connected with the matter, of a nature so unusual as to appear to him to call for some notice on the part of the Government.

2. Upon a perusal of the correspondence, and a Minute of the Honorable the Colonial Secretary, the Council regret to observe that Mr. Plunkett should have not only thought fit to address the Chief Secretary of the Government in terms so highly improper as those in which his letters of the 5th and 8th instant are couched, but that he should also have been induced to resort to the irregular and unseemly step of publishing his letters in one of the public newspapers while the correspondence was yet going on with the Government.

3. The course thus adopted by Mr. Plunkett the Council cannot but consider as unjustifiable in every respect, and after a calm and deliberate consideration of all the bearings of the case, they are reluctantly forced to the conclusion, that it is the duty of the Government, under the circumstances, to dispense with his further services as a Commissioner of the Board of National Education; and they accordingly advise that His Excellency the Governor General should, under the powers conferred by the 2nd Section of the Act incorporating the Commissioners, remove Mr. Plunkett from the said office.

EDWARD C. MEREWETHER,

Clerk of the Council.

PROCEEDINGS of the Executive Council with respect to a letter from Mr. G. K. Holden, relating to certain correspondence about new Regulations framed by the Board of National Education.

(Extract from Minute No. 58-9, dated 15th February, 1858.)

PRESENT :

HIS EXCELLENCY THE GOVERNOR GENERAL.

The Honorable CHARLES COWPER, Esquire, Vice-President of the Council.

The Honorable JAMES MARTIN, Esquire, Attorney General.

The Honorable ROBERT CAMPBELL, Esquire, Colonial Treasurer.

The Honorable JOHN ROBERTSON, Esquire, Secretary for Lands and Public Works.

HIS Excellency the Governor General lays before the Council a letter from G. K. Holden, Esq., in reference to the correspondence which has passed with respect to the establishment of non-vested Schools by the Board of National Education, and the consequent removal of Mr. Plunkett from the office of Chairman of the Board. In this letter Mr. Holden states, that " he deems it incumbent upon himself, as a member of the " Board by whom part of the correspondence was drafted, and the whole agreed to, distinctly " to avow this, his participation therein, and moreover to declare his acquiescence in the " propriety of its contemporary publication"; but he intimates at the same time that, although this avowal may be considered a ground for his own removal, he abstains, for reasons therein stated, from voluntarily resigning his seat at the Board.

2. His Excellency accordingly invites from the Council an expression of opinion as to the course which it would be proper for the Government to pursue under the circumstances.

3. Having carefully considered the expressions used by Mr. Holden in his letter, the Council do not clearly understand whether he intends to avow his entire concurrence in the propriety of the language adopted by Mr. Plunkett, in reference to the Government, in his letter of the 8th January, and his approval of the act of its publication in the *Empire* newspaper.

Before therefore arriving at any decision in the matter, and with the view of removing any ambiguity as to his meaning, the Council advise that the Honorable the Colonial Secretary should request Mr. Holden to state explicitly whether he desires the Government to understand that he deliberately adopts the language of Mr. Plunkett's letters, and also approves of their contemporaneous publication in the newspapers.

EDWARD C. MEREWETHER,

Clerk of the Council.

1858.

Legislative Assembly.
NEW SOUTH WALES.

EDUCATION.

(APPENDIX TO THE REPORT OF THE DENOMINATIONAL SCHOOL BOARD FOR 1856.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1858.

THE SECRETARY TO THE DENOMINATIONAL SCHOOL BOARD to THE COLONIAL SECRETARY.

*Denominational School Board Office,
Sydney, 16 April, 1858.*

SIR,

I have the honor, by direction of the Denominational School Board, to forward the accompanying copies of communications which have been received from the various heads of the respective Denominations in connection with the Board, and to request that the same may form an Appendix to the Report of the Denominational Board for the year 1856.

I have, &c.,

THE HONORABLE

C. E. ROBINSON.

THE COLONIAL SECRETARY.

No. 1.

THE LORD BISHOP OF SYDNEY to THE CHAIRMAN OF THE DENOMINATIONAL SCHOOL BOARD.

Sydney, 4 May, 1857.

SIR,

Herewith I have the honor to transmit the Estimate for the expenditure of schools in connexion with the Church of England for the year 1858.

That estimate is based upon a greatly improved and extended system of school management.

I desire, particularly, to call the attention of the Board to the proposed examination and classification of teachers, with reference to their salaries, and also to the employment and examination of pupil-teachers.

It is also proposed to remodel the school in connexion with St. James' parish, so as to make it a school for the purpose of training teachers.

An additional Inspector, who will also act as Organizing Master of Schools throughout the diocese, will be required. To give a proper annual examination to each school, to examine and classify the teachers and pupil-teachers, and to overlook the Model School and provide for the instruction of teachers in training, will require the services of two well qualified persons.

I have reason to expect one from England; and, with the assistance of the present Inspector, the various duties belonging to the office, and to inspection, may be successfully carried out.

At present this is impossible; and the schools can never be kept in a state of efficiency without such examinations, &c., as I have the honor now to propose to the Board.

I earnestly hope that you will kindly sustain this application for increased funds by your representations to the Government.

I have, &c.,

THE CHAIRMAN OF THE

F. SYDNEY.

DENOMINATIONAL SCHOOL BOARD.

THE PROPOSED ESTIMATE for the Year 1858, of NINETY-ONE CHURCH OF ENGLAND
SCHOOLS, in the Diocese of Sydney.

CONTENTS.

	PAGE.
The arrangement of the Estimate	2
List of Schools at present receiving Government aid	3
List of Schools already in existence requiring it	3
Proposed scale of payment of Teachers of Church of England Schools	4
Probable result of Examination and Classification of the present Teachers, and the total expense attendant thereon, and the introduction of Pupil Teachers	4
Plan for reorganizing the Model Schools	4
List of places requiring Schools, and applying for a grant for building purposes	5
List of places requiring a Master's Residence	5
List of Schools requiring repair	6
Estimate for Books, Maps, and Apparatus	6
Estimate of the Office Department.. .. .	6
Summary of Estimate	6

THIS ESTIMATE IS ARRANGED UNDER THE FOLLOWING HEADS:—

I. SALARIES AND ALLOWANCES TO TEACHERS.

- a* Masters, Class I.
- " Class II.
- " Class III.
- b* Pupil Teachers.
- c* Model School Expenses.

II. SCHOOL BUILDINGS, REPAIRS, AND WORKS.

- a* Grants for Building.
- b* " Repairs.
- c* Rent of School Rooms.
- d* Furnishing "

III. SCHOOL BOOKS, APPARATUS, AND REQUISITES.

- b* Carriage of Books, (in Colony).
- a* Purchase of Books; Apparatus.
- c* Freightage, &c.

IV. OFFICE DEPARTMENT, INSPECTION, &c.—MISCELLANEOUS.

- a* Salaries.
- b* Travelling Expenses.
- c* Printing and Stationery, &c.
- d* Postage, Fuel, and Miscellaneous.

SCHOOL.		Character.	SCHOOL.	Character.	
1.	St. James' } Model School ... {	B	37.	Wilberforce	M
2.	" " ... }	Inft.	38.	Penrith	M
3.	St. Philip's	B	39.	South Creek	M
4.	" "	Inft.	40.	Emu Plains	M
5.	St. Andrew's	B	41.	Mulgoa	M
6.	" "	Inft.	42.	Liverpool	M
7.	Holy Trinity	B	43.	Campbelltown	M
8.	" "	Inft.	44.	Appin	M
9.	Christ Church	B	45.	East Bargo	M
10.	" "	Inft.	46.	Gobbity	M
11.	Chippendale	B	47.	Narellan	M
12.	Darlinghurst	M	48.	Camden	M
13.	Surry Hills	M	49.	Menangle	M
14.	Glebe	M	50.	Picton	M
15.	Paddington	M	51.	Wollongong	M
16.	Balmain	M	52.	Dapto	M
17.	Pymont	M	53.	Macquarie River	M
18.	St. Leonard's	M	54.	Kiama	M
19.	Newtown, late Camperdown	M	55.	Sutton Forest	M
20.	Cook's River	M	56.	Goulburn	M
21.	Lord's Forest	M	57.	Yass	M
22.	Ashfield	M	58.	Queanbeyan	M
23.	Burwood	M	59.	Canberra	M
24.	Enfield	M	60.	Bathurst	M
25.	Ryde, late Hunter's Hill	M	61.	Kelso	M
26.	Pennant Hills	M	62.	Mittagong	M
27.	Castle Hill	M	63.	Colo	M
28.	Dooral	M	64.	Mudgee	M
29.	Parramatta	M	65.	Ulladulla	M
30.	Marsfield	M	66.	Collector	M
31.	Seven Hills	M	67.	Carcoar	M
32.	Windsor	M	68.	Gunning	M
33.	Richmond	M	69.	Sofala	M
34.	Kurrajong, S.	M	70.	Woonona	M
35.	Kurrajong, N.	M	71.	Shoalhaven	M
36.	Pitt Town	M			

THE following is a LIST of CHURCH of ENGLAND SCHOOLS for which SALARIES are more immediately required—some of which have been in existence during the Year 1856, without any Government Aid:—

- | | | | |
|-----|---|----------------------|---|
| 1. | Surry Hills—Salary for an Infant Teacher. | | |
| 2. | St. Mark's, Alexandria, | Master and Mistress. | |
| 3. | Waverley | " | " |
| 4. | Waterloo Estate, Botany Road | " | " |
| 5. | Botany | " | " |
| 6. | Colo, South | " | " |
| 7. | Frederick's Valley | " | " |
| 8. | Banks Town | " | " |
| 9. | Bomballa | " | " |
| 10. | Tumut | " | " |
| 11. | Kembla | " | " |
| 12. | Flaggy Crossing | " | " |
| 13. | Gerringong | " | " |
| 14. | Brownlow Hill | " | " |
| 15. | Louisa Park | " | " |
| 16. | Cabramatta | " | " |
| 17. | Denham Court | " | " |
| 18. | Spring Hill | " | " |
| 19. | Mount Pleasant | " | " |
| 20. | Glebe—Infant Mistress. | " | " |

It is proposed to invite the teachers of all existing Church of England Schools in this diocese to pass through an examination, to be held at some convenient place at Xmas, 1857; the result of which will be made known, and the class of certificate to which each teacher is entitled will be published. Those who do not come forward will remain in their present positions, with the title of Registered Teachers, and will receive the lowest rate of remuneration; those who obtain a certificate will claim a salary corresponding to the class they have obtained.

The

The following is the scale of payments it is desirable to introduce :—

I. Class...	{ a £12 per month.....	£144 per annum.
	b 11 " "	132 " "
II. Class...	{ a 10 " "	120 " "
	b 9 " "	108 " "
III. Class...	{ a 8 " "	96 " "
	b 7 " "	84 " "
IV. Class...	{ a 6 " "	72 " "
Registered	{ b 5 " "	60 " "
Pupil Teachers... ..	£15 first year. £20 second year. £30 third year.	

The probable result of the Xmas Examinations of present Teachers.

9 Class II.	{ 6 at £120	£720	
	3 at 108	324	
			£1,044
14 Class III.	{ 9 at 96	864	
	5 at 84	420	
			1,284
48 Registered	{ 30 at 72	2,160	
	18 at 60	1,080	
			3,240
71 Schools			£5,568
Proposed Teachers, (See above.)			
1 Class II.	at £120.....	£120	
2 Class III.	3 at 96.....	288	
16 Registered	16 at 72.....	1,152	
			1,560
19			
25 Pupil-teachers, at £15 each the first year			375
25 Bonuses to masters for instructing them, at £10 each ...			250
Travelling Expenses to teachers in going to take charge of }			200
Country Schools			
			£7,953

The necessity for providing additional assistance to the masters of existing schools suggests the propriety of introducing pupil-teachers, to be apprenticed to the Local School Boards for three years, and during that period to be paid at the rate of £15 the first year, £20 the second, and £30 the third; at the same time to secure for them not less than six hours private instruction, per week, from the master, who will be entitled to the sum of £10 (ten pounds) upon his pupil passing each annual examination.

It is further proposed to reorganize the Model Schools,—a matter of great importance, when it is considered that a large proportion of the future teachers of Church of England Schools will be trained in that institution. The pressing calls for assistance to rising schools and destitute localities, which have been received from every quarter of the diocese, have prevented such an appropriation of the Government Grant to this school as could have been desired. This is a matter of extreme regret, and can only be accounted for by the fact, that with a constantly increasing Church of England population, the amount voted for the support of Denominational Schools has not been increased; at the same time a feeling of insecurity was thrown over the whole by a threatened reduction, or even entire withdrawal, of the aid so much needed.

ESTIMATE of Expense of the St. James' Model Schools.

I. BOYS' DEPARTMENT :—	
Head Master... ..	£150
Assistant Master	100
II. GIRLS' DEPARTMENT :—	
Mistress	100
Assistant Mistress	50
III. INFANT DEPARTMENT :—	
Mistress	100
IV. TEACHERS IN TRAINING	250
	£750

These three schools, although here spoken of separately, do not entail £750 extra expenditure, as they have been deducted from the list at page 3 of the estimate, at the same time that the item for "Teachers in Training" would have necessarily been introduced into the estimate, had no reorganization been proposed.

A LIST OF PLACES WHERE NEW SCHOOLS ARE REQUIRED.

			Half the Cost.
1	St. Lawrence, Sydney	Rev. Canon Walsh	£300
2	St. Andrew's, Sydney	Rev. George King.	
1	Pymont	Rev. W. Farrar and Churchwardens ...	200
1	Waverley	Requisition of the Inhabitants	200
1	Waterloo Estate.	Rev. A. Stephen.	
1	Canterbury	Incumbent of Cook's River.	
1	Banks Town	Requisition of Inhabitants. Plans pre- pared, including Master's residence... }	300
1	Newtown		
1	Randwick		
1	Surry Hills	Plans prepared for a new school	300
1	Parramatta (St. John's)	New school required. Requisition of In- habitants for half the cost	750
1	Ditto (Marsfield)	New school required. Requisition of In- habitants for half the cost	600
1	Bathurst.....	Master's residence—plans prepared. Re- quire a grant of	800
1	Pennant Hills	School-house, and addition of two rooms to Master's residence. }	75
1	Queanbeyan (Gunning)	School building.....	200
1	Botally	Police District of Broulee—no school at all	75
1	Moruya	No school.....	75
1	Shoalhaven	School in existence.	100
1	Bomballa	No school at all—one building. Grant required	50
1	Bega	Supposed population, 400 ; no school.	
1	Tumut	No school. Pop 1,467. One building ...	100
1	Gundagai	No school; one proposed. Pop. 966.	
1	Deniliquin	Town pop. 725 ; one small school.	
1	Hartley	Town pop. 128 ; District pop. 2,273.	
1	Mount Kembla, near Wollongong	No school at all. Site conveyed to Lord Bishop. Pop. — }	100
1	Flaggy Crossing, Camden	Town Pop. 458. No school-house	75
1	Spring Hill, Kiama ...	No school-house. Pop. —	75
1	Cooma	District pop. 2,009 ; no school at all.	
1	Wellington.....	Do. do. 1,993 ; do. do.	
1	Dubbo	Do. do. 1,626 ; do. do.	
2	North Shore	One Infant, and one other school re- quired. Particulars not yet given. }	
1	Freeman's Reach	On application of Rev. T. C. Ewing	100
1	Castle Hill.....	Requisition of Rev. A. Douglass and Churchwardens..... }	100
1	Gerringong	Pop. about 500. Application of Rev. Dr. Barnier	150
1	Kiama	School held in Church. Application of Rev. Dr. Barnier	200
1	Dooral	On application of Rev. A. Douglass.....	50

38

It is not possible to give an estimate of the sum required in each case. The inhabitants of the respective districts would, in all cases, gladly subscribe half the cost.

A LIST OF PLACES REQUIRING A MASTER'S RESIDENCE.

	Half the Cost.
1. Surry Hills (Half the probable cost.) .....	...
2. Paddington .....	...
3. Darlinghurst .....	...
4. Pennant Hills	£25
5. Dooral	15
6. Kiama	75
7. Gerringong.....	50
8. Spring Hill	50
9. Chippendale .....	...
10. Glebe .....	...
11. Balmain.....	...
12. Pymont .....	...
13. Ashfield	Two rooms to be added to new residence and outbuildings..... }
14. Penrith .....	...
15. Appin.....	...
16. Cobbity .....	...
17. Mittagong .....	...
18. Mudjee .....	...
19. Ulladulla .....	...
20. Collector.....	...
21. Shoalhaven.....	...

It is not possible to say what is required in each case. The inhabitants would gladly subscribe half the cost.

LIST OF CHURCH OF ENGLAND SCHOOLS REQUIRING REPAIR.

St. Philip's	Application of the Venerable the Archdeacon	£145
St. James	" Local School Board	300
Surry Hills	" Rev. H. S. King	77
Cabramatta	" Rev. G. N. Wood	15
Seven Hills	" Rev. T. Donkin	15
Mudgee	" Rev. J. Gunther	20
Barwood	" Rev. T. H. Wilkinson	25
Wollongong	" Rev. M. D. Mears	10
Liverpool	" Rev. C. F. D. Priddle	50
Pitt Town	" Rev. T. C. Ewing	25

BOOKS, MAPS, AND APPARATUS.

Purchase of Books, Maps, and Apparatus, &c.	}	500
Freightage, Commission, and other charges		

OFFICE DEPARTMENT.

Rent and other Office Expenses	150
Stationery, Postage, Fuel, &c. ..	60
	£200

INSPECTION.

Salary of Secretary and Inspector	300
" Inspector and Organizing Master	300
Travelling Expenses of ditto	200
Printing Examination Papers, School Forms, &c.	100
	£900

SUMMARY OF THE ESTIMATE.

I. Salaries and Allowance to Teachers	£8650
II. School Buildings and Repairs	uncertain
III. School Books and Apparatus	"
IV. Office Department	"
V. Inspection, &c.	"

No. 2.

THE BISHOP OF NEWCASTLE to THE CHAIRMAN OF THE DENOMINATIONAL SCHOOL BOARD.

Morpeth, 30 April, 1857.

SIR,

I have the honor to request that you will lay before the Denominational Board the following Statement of additional aid required for Church of England Schools in the Diocese of Newcastle, so that the Board may incorporate as much of it as they may deem expedient in the proposed Estimate of Expenditure for Denominational School purposes for the year 1858, which they are about to furnish to the Government.

I. Masters' Stipends are urgently required for the following Schools:—

1. Blandford, near Murrurundi	£40	0	0
2. Grafton, Clarence River	40	0	0
3. Richmond River	40	0	0
4. Borrel, Port Stephens	40	0	0
5. Morpeth, Infant School	30	0	0
6. The Lower Colo	40	0	0
	£230	0	0

£230.

II. The following schools are now building, and must either remain unfinished, or be encumbered with heavy debt, unless Government aid be granted. In each case I mention, the

the estimated cost of the buildings, of which I engage to provide one-half, and would trust that the other moiety be provided from Government funds.

1. Newcastle, St. John's	£1,100	0	0
2. Tamworth	600	0	0
3. Drayton Swamp	300	0	0
4. South Brisbane	400	0	0
5. Brisbane, Fortitude Valley	600	0	0
6. North Brisbane, Master's House	300	0	0
7. Maryborough	400	0	0
8. Gresford	300	0	0
9. Blandford	200	0	0
	<hr/>		
	£4,200	0	0

All these school buildings are in process of erection; and it might reasonably be expected that the Government would furnish one-half of the expense of the school buildings, as two-thirds of the expense of school buildings is the proportion provided for schools in connexion with the National Board.

The half expense of these sums would be £2,100. £2,100.

III. The following school buildings are urgently required, and the half of the contemplated cost has been contributed. The buildings, however, are delayed; because it is deemed desirable not to expend the present contributions in erecting inferior buildings, but rather to wait until the Government may be persuaded to render to the Denominational Schools the same support which it renders to National Schools; in which case excellent efficient buildings could be erected according to the following estimate:—

1. Newcastle, Christchurch	£400	0	0
2. Morpeth, Infant School	350	0	0
3. West Maitland, Master's House	400	0	0
4. Singleton, New School... ..	500	0	0
5. Raymond Terrace... ..	300	0	0
6. Port Macquarie, Master's House	250	0	0
7. Richmond River	400	0	0
8. Cassilis	300	0	0
	<hr/>		
	£2,900	0	0

Of this sum the moiety would be £1,450. £1,450.

IV. The following school-rooms are in urgent need of repairs; the contemplated cost of which would be the sums set opposite their respective names, and the half of this cost would be at once cheerfully contributed:—

1. Hexham	£60	0	0
2. Miller's Forest	60	0	0
3. Morpeth	50	0	0
4. Paterson	50	0	0
5.	60	0	0
6. Jerry's Plains	80	0	0
	<hr/>		
	£360	0	0

Of this sum the moiety would be £180. £180.

Trusting that your Board may be able to obtain from the Government such an additional grant for 1858 as will enable you to render the required assistance in very many of these cases,

I remain, &c.,

W. NEWCASTLE.

THE CHAIRMAN OF THE
DENOMINATIONAL SCHOOL BOARD.

No. 3.

THE MODERATOR OF THE SYNOD OF AUSTRALIA to THE SECRETARY OF THE
DENOMINATIONAL SCHOOL BOARD.

Paddington, 28 May, 1857.

SIR,

I have the honor to state, that on the receipt of your letter,—requesting me to furnish the Denominational School Board a list of the localities where it was considered Presbyterian Schools should be established, and also a Statement of the probable amount necessary towards the building and fitting up of each of the said schools,—I immediately communicated on the subject with the various Clergymen belonging to the Synod of Australia, and am now enabled, from their replies, to report for the information of the Board as under:—

Schools required at—	Probable Expense of Building, &c.
1. East Maitland	£200
2. West Maitland	100
3. Parramatta	600
4. Liverpool	500
5. Richmond	200
6. Wollongong	250
7. Camperdown, Sydney	200
8. Pyrmont	200
9. Bathurst	600
10. Mudgee	350
11. Wilberforce	150
12. Picton	180
13. Clifton	150
14. Newcastle	150
15. Baddawang	120
16. Braidwood	180
17. Goulburn, and two District Schools	450
18. Paterson	150
19. Dungog	150
20. Nowra, Shoalhaven	125
21. Pyree, do.	125
22. Armidale	200
23. Muswellbrook	100
24. Scone	300
25. Aberdeen	100
	<hr/> £5,830 <hr/>

Twenty-five localities at which schools are required; the estimated expense of which, as above stated, being five thousand eight hundred and thirty pounds; one-half of the sum to be granted by Government, and one-half to be raised by private subscription.

I have, &c.,

JAS. MILNE,

Mod. Syn. Aust.

THE SECRETARY OF THE
DENOMINATIONAL SCHOOL BOARD,
Sydney.

No. 4.

THE REV. S. RABONE to THE SECRETARY OF THE DENOMINATIONAL SCHOOL BOARD.

Parramatta, 5 May, 1857.

SIR,

I have the honor to acknowledge a communication from you, stating that Estimates for Schools, &c., for the year 1858, were about being sent in to Government, and requesting a list of those localities in which it might be deemed desirable new Wesleyan Schools should be established, &c., &c.

I

I regret that time is insufficient to admit of my collecting all the information I could wish on this important subject.

The accompanying list will show, however, what I think we are prepared to do at once, in accordance with the terms stated in your communication:

I beg, therefore, that the respective amounts in the accompanying list may be regarded as the Estimate for the Wesleyan Church for school purposes for the year 1858.

I have, &c.,

S. RABONE.

THE SECRETARY OF THE
DENOMINATIONAL SCHOOL BOARD.

Localities in which we consider new Wesleyan Schools should be established.	Localities in which there are Wesleyan Schools, but in which aid is needed towards buildings for Schools.	Amount required.	REMARKS.
Sussex-street, Sydney.....	£ 500	This sum is required towards the purchase of a building, which will cost, including land, upwards of £2,000.
	Chippendale, Sydney.....	250	This sum is required to meet £250, which will be subscribed towards a new school-room.
	Surry Hills, Sydney.....	500	Required to meet £500, which can be raised from other sources in order to the erection of a new school-room.
Waverley.....	250	Required towards the erection of a new school-room, which will cost £500.
Ashfield.....	At Ashfield we have a building, and a good school might be established if aid can be afforded in respect to the master's salary.
	Windsor.....	200	This sum is required towards the erection of a school-house, which will cost £400. The present school-room is too small.
Kurrajong.....	In these places good Wesleyan Schools could be established, if aid can be granted towards the salaries of the teachers.
Portland Head.....	
Greens, 30 miles } from Windsor }	
Bathurst.....	A Wesleyan School is very much needed in Bathurst. We have a school-room.
Orange.....	200	This sum is required towards the erection of a school-room, which will cost £400.
Molong.....	100	Required towards the erection of a school-room, which will cost £200.
Cobbitty Pad- dock, near Camden.....	60	If aid can be granted towards a master's salary, £60 will be required towards putting the school-room in repair. Repairs to cost £120.
	West Maitland ...	250	A school-room is greatly needed, and £250 will be raised by private subscription.
Morpeth, Hunter } River.....	150	If aid can be granted towards masters' salaries, these sums will be required towards buildings—at least equal sums will be raised.
Bolwarra.....	100	In these places new Wesleyan Schools should be established.
Raymond Terrace...	A Wesleyan Day School is very much needed.
Oswald.....	Fifty or sixty children could be got together. There is no day school of any kind within 20 miles.
Newcastle.....	Twelve miles from the above place, with a considerable population. No school within 15 miles. A building is needed, cost £200.
Fish River Creek, } about 30 miles from Bathurst }	In this place there is no school nearer than Bowenfels National School, a distance of 6 miles.
Mullon's Falls, on } the Fish River }	100	Towards the erection of a building, which will cost £200.
River Lett (a new Township)	
Boggy Flat, near Singleton.....	100	

No. 5.

THE REV. J. M'ENCROE to THE CHAIRMAN OF THE DENOMINATIONAL SCHOOL BOARD.

Sydney, 30 April, 1857.

SIR

In reply to your letter of the 23rd, regarding the proposed Estimate of Expenditure for Denominational School purposes, for the year 1858, I have the honor, by direction of His Grace the Archbishop, to submit to the Board the enclosed list of places where school-houses, or a residence for teachers, are much required. No school-house of any suitable dimensions can be erected under a cost of £200, or a teacher's residence for less than £100. Should the Council vote a certain sum for this laudable purpose, we shall guarantee that a sum equal in amount shall be subscribed in the several localities where this sum may be expended for school purposes.

The number of places requiring school-houses is *twelve*, and the number for a residence for teachers *ten*. The sum, then, which I have the honor to solicit the Board to recommend to be placed on the Estimates for the year 1858, towards building Roman Catholic school-houses, £1,200, and for teachers residences £500, in all £1,700.

I have the honor further to state, that new schools are required in the "eight" places named in the list, at the minimum salary to teachers of £52 10s., which would be in all £420.

I have, &c.,

J. M'ENCROE.

C. COWPER, ESQ., M. L. A.,

Chairman of the

Denominational School Board.

ESTIMATE for the year 1858, of School-houses and Teachers Residences, in connexion with the Roman Catholic Church, required to be built.

				£	s.	d.
Ryde	School-house	...	...	100	0	0
Pymont	do.	...	...	100	0	0
Newtown	do.	...	...	100	0	0
Richmond	do.	...	...	100	0	0
Cooly Camp	do.	...	...	100	0	0
Bungendore	do.	...	...	100	0	0
Marulan	do.	...	...	100	0	0
Brisbane	do.	...	...	100	0	0
Ipswich	do.	...	...	100	0	0
Cook's River	do.	...	...	100	0	0
South Creek	do.	...	...	100	0	0
Albury	do.	...	...	100	0	0
Miller's Forest	Teacher's Residence	...	...	50	0	0
Raymond Terrace	do.	...	...	50	0	0
West Maitland	do.	...	...	50	0	0
Hartley	do.	...	...	50	0	0
Mudgee	do.	...	...	50	0	0
Irish Town	do.	...	...	50	0	0
Bathurst	do.	...	...	50	0	0
Collector	do.	...	...	50	0	0
Braidwood	do.	...	...	50	0	0
Reidsdale	do.	...	...	50	0	0
				£1,700	0	0

New Schools required at the following places, viz. :—

New Schools required at the following places.			£	s.	d.
Braidwood	Salary to Teacher	...	52	10	0
Reidsdale	do.	...	52	10	0
Marulan	do.	...	52	10	0
King's Plains	do.	...	52	10	0
Orange	do.	...	52	10	0
Brisbane	do.	...	52	10	0
Warwick, or Maryborough	do.	...	52	10	0
Tumut	do.	...	52	10	0
			420	0	0
Amount brought down			1,700	0	0
			£2,120	0	0

P. S.

Under the new arrangement made by the Denominational School Board for the purchase of books, a large supply has lately been received from Great Britain, and distributed among the several Roman Catholic Schools.

Fourteen school houses, and teachers' residences have been built, and others in course of erection at the following places, viz:—

Kent-street, South,	Miller's Forest,
Kent-street, North,	Newcastle,
Queanbeyan,	Broulee,
Mudgee,	Raymond Terrace,
West Maitland,	Prospect,
Sussex-street,	Sutton Forest,
Singleton,	Goulburn.

at a cost of £4,560, of which £3,752 10s. has been contributed by subscriptions and donations, and £807 10s. by the Denominational School Board.

I have, &c.,

J. M'ENCROE.

THE HONORABLE GEORGE ALLEN, M.L.C.,

Chairman of the

Denominational School Board.

P.S. Several applications have been made from various parts of the Colony for new schools in connexion with the Denominational School Board.

I hope the Legislative Assembly will increase the vote for Denominational Schools, so as to meet the pressing wants of a system of primary education based upon religious instruction.

J. M'E.

1858.

Legislative Assembly.

NEW SOUTH WALES.

EDUCATION.

(REPORT FROM DENOMINATIONAL BOARD FOR 1857.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1858.

DENOMINATIONAL SCHOOL BOARD REPORT, FOR THE YEAR 1857.

THE Denominational School Board have the honor to submit their Report for the year 1857.

FINANCE.

RECEIPTS.

	£	s.	d.
Vote in aid of Denominational Schools for 1857	17,350	0	0

DISBURSEMENTS.

<i>Teachers' Salaries</i>	13,927	4	9
----------------------------------	--------	---	---

Books.

Sum appropriated for purchase of Books for 1857 ...	£800	0	0
Librarian's Salary	100	0	0
Rent of Book-Room	35	0	0
Packages, Freight, and other Expenses	42	14	11
Occasional assistant in Book Depot	20	13	0
	998	7	11

Inspection.

Salary of Inspector of Church of England Schools, Sydney Diocese	300	0	0
Expenses of Inspector's Office	39	2	3
	339	2	3

<i>Printing Roll Books, Returns, &c</i>	83	10	0
--	----	----	---

<i>Travelling Expenses of Teachers</i>	117	5	0
---	-----	---	---

Board Expenses.

Secretary's Salary	400	0	0
Office-Keeper	20	0	0
Occasional Accountant and Copyist	42	4	0
Office Rent	100	0	0
Stationery, Stamps, Incidentals	25	7	6
Furniture	11	4	6
	598	16	0

16,064 5 11

BALANCE 1,285 14 1

£17,350 0 0

FEEs FROM PARENTS AND GUARDIANS.

The amount received under this head, during the year 1857, was £12,826 0s. 11d.

NUMBER OF SCHOOLS.

The number of schools under the Board on the 31st December, 1857, was 215, of which 15 were temporarily vacant.

NUMBER OF CHILDREN.

The number of children on the rolls on the 31st December, 1857, was 14,967, being 46 less than that shewn for the previous year.

The average number in daily attendance was 10,788, or more than 1,000 less than the number given in the Board's Report for 1856. The great falling off in this particular is attributed, in the periodical returns furnished to the Board, to the flooded state of the country districts during a considerable part of the year; it is, however, gratifying to observe, that, although the children were thus from time to time prevented from attending school, their names appear to have remained upon the books, and that the fees paid by their parents have amounted to a larger sum than has ever been realized from this source in previous years.

INSPECTION OF SCHOOLS.

With the exception of Church of England Schools in the Sydney Diocese, the inspection of which is (as shewn in the Report for 1856) specially provided for, the Board are unable to report that any progress has been made in this important feature in school management. The amount hitherto placed by the Legislature at the disposal of the Board has been barely sufficient to meet the many urgent demands made upon them for the payment of teachers' salaries and for the purchase of books.

SALARIES.

The Board have thought it desirable to raise the minimum annual salary allowed by them to teachers of Denominational Schools. The rule under the head "Salaries" now runs as follows:—"Instead of the minimum annual salary allowed by the Board being, as heretofore, £30, such annual salary shall be £50 for a Primary School, and for an Infant School "£40." This rule to take effect after the 1st July, 1858.

GENERAL REMARKS.

The monitorial system of instruction is that encouraged by the Denominational School Board, and generally adopted throughout their Schools. Annual Examinations are held during the December quarter; and a statement of the qualifications of the children, the number present at the last examination, and of other matters, is furnished by the Local Board of each school in the usual periodical return for the December quarter.

A statistical form is now in course of preparation, giving a tabular view of each Denominational School in the Colony, in which the progress made by the children, the state of the school buildings, and other particulars will be detailed. The completion of this document will occupy further time; in the meanwhile the Board do not consider it necessary on that account to delay sending in their Report; the table referred to will, however, be forwarded to the Government as early as possible, with a view to its forming an Appendix to this Report.

The Board herewith forward a Report which has been received from the Inspector of Church of England Schools, of schools visited by him.

GEO. ALLEN, Chairman.

GEO. MACLEAY.

P. FAUCETT.

JOHN DUNSMURE.

Sydney, May 1, 1858.

C. E. ROBINSON, Secretary.

DENOMINATIONAL SCHOOLS.

RETURNS CONNECTED WITH DENOMINATIONAL SCHOOLS FOR DECEMBER 31st 1857.

Number of Schools.	DENOMINATION.	Number of Children on the Books, December 31st, 1857.			Average number of Children on the Books of each School.			Average daily atten- dance during December quarter.	SUPPORT FROM GOVERNMENT.			Fees paid by Parents to Teachers in 1857.	Total cost of Children's Edu- cation during 1857.	Proportion paid by Government for each Child in 1857.	Proportion paid by Parents for each Child in 1857.	Average cost of each Child's Education.
									Vote for 1857.							
		Boys.	Girls.	Total.	Boys.	Girls.	Total.	Total.	Salaries.	Books.	Total.					
									£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
100	Church of England....	4,215	3,118	7,333	42	31	73	5,127	8,231 9 11½	522 12 9	8,754 2 8½	6,872 4 9	15,626 7 5½	1 3 10½	0 18 8½	2 2 7½
18	Presbyterian	729	506	1,235	40	28	68	1,016	1,605 3 7½	101 18 4	1,707 1 11½	1,181 9 4	2,888 11 3½	1 7 7½	0 19 1½	2 6 9½
10	Wesleyan.....	481	322	803	48	32	80	562	884 12 9½	56 3 4	940 16 1½	955 2 8	1,895 18 9½	1 3 5	1 3 9½	2 7 2
72	Roman Catholic	2,828	2,768	5,596	39	38	77	4,083	5,028 13 8	319 5 7	5,347 19 3	3,817 4 2	9,165 3 5	0 19 1½	0 13 7½	1 12 9
200	TOTALS....	8,253	6,714	14,967	....	....	....	10,788	15,750 0 0	1,000 0 0	16,750 0 0	12,826 0 11	29,576 0 11	.....	.....	.....

C. E. ROBINSON,
Secretary.

Sydney, 1 May, 1858.

DIOCESAN INSPECTOR'S REPORT ON CHURCH OF ENGLAND SCHOOLS FOR THE DIOCESE OF SYDNEY.

TO THE HONORABLE THE CHAIRMAN OF THE DENOMINATIONAL SCHOOL BOARD.

SIR,

I have the honor, by the direction of the Lord Bishop of Sydney, to lay before you the second Report of the Church of England Schools inspected by me in the Diocese of Sydney, N. S. W., extending from 1st October, 1857, to 26th April, 1858.

This Report contains the details of the inspection of seventeen country and three Sydney and suburban schools; making a total of twenty schools visited and examined by your Inspector during that period.

In nearly every case the Clergy cordially welcomed my visit, appeared glad to receive any suggestions respecting the improvement of their schools, and expressed a hope that the schools under their superintendence might be subject to regular inspection.

I much regret that, with the exception of two instances, I had not the pleasure of meeting any of the Local Boards.

In judging of the condition of a school from the present Report, it should be borne in mind that, at the period of my visit, the greater part of them were but imperfectly supplied with books, very few had appropriate or sufficient desking, most of them were without black boards, clocks, and many other little etc., which tend so much to facilitate the instructions of the schoolmaster. In some cases the buildings were in a dilapidated condition, and either totally without, or inadequately furnished with, out-buildings. In three instances, which might be named, the dreadfully crowded state of that which per favor was designated a school-room, was such that the health of the teachers materially suffered; in one case rendering him increasingly unfit for the duties of his office, and in another causing such a deterioration of health as to compel him to relinquish his duties altogether.

Of the twenty schools visited, six were found to be in a healthy and vigorous condition, viz.: St. James, Glebe, Pitt Town, Richmond, Cook's River and Pennant Hills; four were decidedly in an unsatisfactory state, so much so as to warrant my calling the special notice of the Lord Bishop of Sydney to them, viz.: Burwood, Enfield, South Kurrajong, and Emu Plains, (the teacher of the last school has since resigned); the remaining ten were being conducted with more or less efficiency, the teachers being generally desirous of adopting any measures of improvement pointed out to them.

The system of quarterly or half-yearly inspection by the Local Boards themselves, have, when carried out, a marked effect upon the general proficiency of the children and the interest and activity of the teacher.

Since I last had the honor of addressing the Board, the first Voluntary Examination of Church of England Teachers has been held, under a Board of Examiners appointed by the Lord Bishop of Sydney. The following gentlemen compose the Board:—Rev. Canon Allwood, B.A.; Rev. H. Hose, M.A., Warden of St. Paul's College; Rev. W. Hodgson, M.A., Principal of Moore College; The Diocesan Inspector of Church of England Schools. To this examination eight candidates presented themselves; of this number five were awarded a Registered Teacher's Certificate, two withdrew, and one failed. The next examination is fixed for the 1st July, 1858.

The new school at Waverley has been opened, under the charge of Miss Hartley, one of the successful candidates at the Xmas Examination.

At St. Paul's, Chippendale, a new Infant School-room has been erected, to accommodate the large number of infants heretofore attending the Primary School, and only provided with tent accommodation.

St. Philip's School has been refitted on the tripartite system, with parallel rows of desking in three tiers.

For the more minute details of each school I have the honor to refer you to the special Report thereon which accompanies this statement.

I have the honor to be,

Sir,

Your most obedient servant,

W. J. CUTHBERT,
Diocesan Inspector and Secretary.

REPORT FROM DENOMINATIONAL EDUCATION BOARD.

5

Chippendale Church of England School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz.:

School-rooms... Large and commodious
 Floor... Wood.
 Offices... Sufficient.
 Playground... Sufficient.
 Residence... None.

2. Desks—

Kind... Parallel.
 Quantity... 13, in 3 tiers of 3 each.

3. Furniture—

(Cupboards... Two shelves.
 Grates and other fixtures) Insufficient.
 Books... Well supplied.

5. Registers—

a. Description... D. S. B. Roll Book.
 b. How kept...

6. Apparatus...

{ A sufficient supply of Maps.
 Fair, but enforced by too frequent recourse to corporal punishment.

7. Discipline...

{ On the whole is fair, but might be much improved by the judicious use of monitors, for which the Rules of the Board provide.

8. Instruction...

{ On the whole is fair, but might be much improved by the judicious use of monitors, for which the Rules of the Board provide.

9. Fitness for training apprentices—

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10.

Organization. {
 Classes... { How many?... Four (infants).
 Whether the same for all subjects... Yes.
 Shape... In the desks.
 Collective groups... { For what subjects?... Scriptural knowledge
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 Master... One.
 Assistants... Two.
 Apprentices...
 Monitors... { Paid
 Unpaid... Not used.

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination. { Girls... Boys... Total in each class }							

Holy Scriptures

Catechism

Liturgy

Letters and Monosyllables

Easy Narratives

Books and general Information

From { On Slates

Copy. { On Paper

From { On Slates

Dictation { On Paper

Simple Rules

Compound Rules

Proportion and Practice.

Fractions

Decimals

Higher Rules

Geography

Grammar

History

Singing

Drawing

Fair knowledge of this subject.

1st & 2nd class, M.; 3rd, 4th, 5th, & 6th, F.

5th & 6th class, In. SPOCK—3rd Bk.

3rd & 4th class fair, but not loud enough. SPOCK—2nd Bk.

1st & 2nd class, fluently; 3rd & 4th class fair, but not loud enough.

70 children wrote in copy books fairly.

40 children presented themselves for dictation—result moderate.

1st & 2nd class, very fair; 3rd and 4th class, not tried; 5th & 6th class, fair.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

Betrayed a moderate knowledge, as shown incidentally in the reading lessons.

REMARKS:—61 children were in at 2 o'clock; 113 on Roll; 81 infants present, taught occasionally in a framed tent; they wrote, counted, and replied to my interrogatories readily.

Cook's River Church of England School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. *Premises, viz.:*—
 School-rooms... 38 by 18 feet.
 Floor Good.
 Offices In a filthy state.
 Playground Common to both sexes.
 Residence None.

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Fair.

Fair.

2. *Desks*—
 Kind Against the wall.
 Quantity Four.

Report of Examination by Inspector.

3. *Furniture*—
 (Cupboards, Grates, and other fixtures.) } None, much wanted.

4. *Books* { Well supplied with all, except 1st class books.

Number present at Examination. { Girls
 Boys
 Total in each class }

1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
						20
						31
						51

5. *Registers*—
 a. Description... D. S. B. Roll Book.
 b. How kept ... Fairly.

Holy Scriptures

Good.

Catechism

Good.

Liturgy

6. *Apparatus* { A black board. No clock.

Writing Reading

Letters and Monosyllables
 Easy Narratives
 Books and general Information

Fair; the upper class read with some degree of expression.

7. *Discipline* { Fair. A want of system is apparent.

From

On Slates

Copy.

On Paper

From

On Slates

Dictation

On Paper

8. *Instruction* { Is too much confined to the upper classes, but, on the whole, the school presented a favorable aspect.

Simple Rules

Compound Rules

Proportion and Practice

Fractions

Decimals

Higher Rules

1st class, M.; 2nd class, In. } Lower classes do not write from dictation.

9. *Fitness for training apprentices*... Capable.

Geography

1st & 2nd class, G. { The rest fair; some progress is being made in mental Arithmetic.

Grammar

Fairly known. (Map of World.)

History

Good; some attention had evidently been bestowed on this subject.

Singing

Drawing

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. {
 Classes, ... { How many? Seven.
 Whether the same for all subjects ... Yes.
 Shape
 Collective groups { For what subjects?—
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 Master One.
 Assistants
 Apprentices
 Number of Teachers { Monitors { Paid
 Unpaid } None used.

REMARKS:—The whole school should be well trained in the principles of notation and numeration. The master is faithfully performing his work, and is assisted by the ladies of the parish, who attend to teach the girls sewing; the master's wife also teaches or assists in the school.

The contractions used in this Report are: Ex. excellent; G. good; F. fair; M. moderate; In. imperfect; Fl. failure.

* 144—B

Ashfield

Ashfield School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz. :—
 School-rooms. }
 Floor. } The earth covered
 Offices. } with tarpaulin.
 Playground. } None.
 Residence. }

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

2. Desks—
 Kind. Double.
 Quantity. One.

3. Furniture—
 (Cupboards, }
 Grates, and } None.
 other fixtures. }

4. Books. Good supply.

5. Registers—
 a. Description D.S.B. Roll Book.
 b. How kept.

6. Apparatus. { A sufficient supply
 of maps; no black
 board or clock.

7. Discipline. Imperfect.

8. Instruction. Very meagre.

9. Fitness for training apprentices. } Wanting.

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination.	7	15					22
Girls							
Boys							
Total in each class							

Number very much diminished lately.

Holy Scriptures
 Catechism
 Liturgy
 Letters and Monosyllables
 Easy Narratives
 Books and General Information
 From On Slates
 Copy. On Paper
 From On Slates
 Dictation On Paper
 Simple Rules
 Compound Rules
 Proportion and Practice
 Fractions
 Decimals
 Higher Rules
 Geography
 Grammar
 History
 Singing
 Drawing

Moderate.

Fair.

Fair.

Fair (neat and clean.)

Imperfect.

One boy who attempted any.

Fair in the upper class.

Moderate.

10. Organisation {
 Classes ... { How many? Three.
 Whether the same for all subjects? Yes.
 Shape. Semicircle.
 Collective groups ... { For what subjects? None.
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 Master. One.
 Number of Teachers. { Assistants
 Apprentices
 Monitors { Paid
 Unpaid One.

REMARKS:—The room used is a portion of a stable or out-house, into which the rain enters freely.

Burwood School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination.							12
Girls							16
Boys							28
Total in each class.							

Holy Scriptures	Very imperfect.
Catechism	Fair; not intelligently known.
Liturgy	
Letters and Monosyllables	A small class read easy words with difficulty.
Easy Narratives	
Books and general Information	10 New Testament; imperfectly.
From On Slates	
Copy On Paper	The copy books were clean and neat.
From On Slates	
Dictation On Paper	
Simple Rules	
Compound Rules	
Proportion and Practice	The children were unable to get down a simple Addition sum—Failure.
Fractions	
Decimals	
Higher Rules	
Geography	Failure.
Grammar	Two children only attempted to answer.
History	
Singing	Not practised.
Drawing	

1. Premises, viz. —
 School-rooms... 40 by 20 by 12.
 Floor and roof. Out of repair.
 Offices.....
 Playground ... None.
 Residence Out of repair.

2. Desks—
 Kind Against the wall.
 Quantity Five.

3. Furniture—
 (Cupboards, }
 Grates, and } Insufficient.
 other Fixtures. }

4. Books Prayer Books required.

5. Registers—
 a. Description.....D. S. B. Roll.
 b. How keptSlovenly.

6. Apparatus { None. Clock very much required.

7. Discipline { Fair. Punctuality not good.

8. Instruction ... { Of the poorest kind.
 Cleanliness — boys good, girls fair.

9. Fitness for training apprentices .. { Quite unfit.

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. Organization. {
 Classes... { How many?
 Whether the same for all subjects?
 Shape
 Collective groups. { For what subjects?
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 Master
 Number of Teachers. { Assistants
 Apprentices
 Monitors ... { Paid
 Unpaid

REMARKS:—One of the worst schools I have at present visited.

Enfield

REPORT FROM DENOMINATIONAL EDUCATION BOARD.

7

Enfield School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. *Premises, viz.:*—
 School-rooms... { About 12½ yards by 6 yards.
 Floor Out of repair.
 Offices Same for both sexes.
 Playground One for all classes.
 Residence Out of repair.

2. *Desks*—
 Kind Single, 4: double, 1.
 Quantity {

3. *Furniture*—
 (Cupboards, Grates, and other fixtures) { Insufficient.

4. *Books* { None; a few imperfect ones, or rather scraps, were shown.

5. *Registers*—
 a. Description... D.S.B. Roll.
 b. How kept ... Slovenly.

6. *Apparatus* { Only a few tablets.
 No black board or maps.

7. *Discipline* The children were quiet.

8. *Instruction* { Of the most meagre kind, the first class alone making any progress.

9. *Fitness for training apprentices*—
 (The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. *Organization.* {
 Classes ... { How many? Three.
 Whether the same for all subjects Shape
 Collective groups ... { For what subjects? Not used.
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 Master One.
 Assistants Wife.
 Apprentices
 Monitors { Paid
 Unpaid

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination { Girls Boys Total in each class }							28 19 47
Holy Scriptures	Very slight acquaintance.						
Catechism	{ 11 children had a fair acquaintance with this subject.						
Liturgy							
Letters and Monosyllables	A large class, sadly deficient.						
Easy Narratives	17 read in 2nd book imperfectly.						
Books and general information	11 New Testament, read with difficulty.						
From { On Slates	10 besides the 1st class wrote on slates.						
Copy. { On Paper	35 copy books shown, fairly done.						
From { On Slates	Sadly deficient; only the first class attempted it.						
Dictation. { On Paper							
Simple Rules	Out of a class of 5, $\frac{2}{5}$ were right in Addition.						
Compound Rules	$\frac{2}{5}$ in Multiplication.						
Proportion and Practice	$\frac{2}{5}$ in Division.						
Fractions	Arithmetic can scarcely be said to be taught.						
Decimals							
Higher Rules							
Geography	No books.						
Grammar	No books.						
History							
Singing							
Drawing							

REMARKS:—The general appearance of the school denoted great disorder and negligence.

Ryde School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz. —

School-rooms, 30 by 16 by 12.
 Floor Good.
 Offices Sufficient.
 Playground Yes.
 Residence Yes.

2. Desks—

Kind Against the wall.
 Quantity Two.

3. Furniture—

(Cupboards,
 Grates, and
 other Fixtures) } Insufficient.

4. Books { A good supply of books. Slates wanted.

5. Registers—

a. Description, D.S.B. Roll.
 b. How kept Neatly.

6. Apparatus { Required black board and lesson stands.

7. Discipline Good.

8. Instruction { Very fair throughout the school.

9. Fitness for train- } Appears to be capable apprentices } b/c.

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. {

Classes { How many?
 { Whether the same for all subjects..
 { Shape
 collective groups { For what subjects?—
 { (Add, after the name of each subject, a figure to denote
 { the number of Classes grouped for instruction in it.)
 Number of Teachers { Master Mistress.
 { Assistants Daughter.
 { Apprentices
 Monitors { Paid
 { Unpaid Sometimes.

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination. { Girls Boys Total in each class. }							27 33 60

Holy Scriptures
 Catechism
 Liturgy
 Letters and Monosyllables
 Easy Narratives
 Books and general Information
 From { On Slates
 Copy. { On Paper
 From { On Slates
 Dictation. { On Paper
 Simple Rules
 Compound Rules
 Proportion and Practice...
 Fractions
 Decimals
 Higher Rules
 Geography
 Grammar
 History
 Singing
 Drawing

Fair.
 Good, and intelligently known.

14 read in SPCK—2nd Bk.—fairly
 13 read in the New Testament fluently.
 50 wrote neatly, and many well, both on slates and in copy books.
 15 stood up for this subject and acquitted themselves well.
 Numeration imperfect.
 Fair; appeared a favorite subject with the Mistress.

Fair in upper class.

REMARKS:—A large proportion of the children were girls, but the general appearance of the school, and the results of the examination, were very gratifying.

South

South Creek School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz. :—
 School-rooms 35 by 18.
 FloorSlightly out of repair.
 OfficesSeparate.
 PlaygroundOne.
 ResidenceIn good repair.

2. Desks—
 Kind4 single, 2 double.
 Quantity }

3. Furniture—
 (Cupboards, Grates, and other fixtures) } Cupboards required.

4. BooksPrayer books required.

5. Registers—
 a. Description D. S. B. Roll.
 b. How kept, Neatly.

6. Apparatus in school7 maps, 12 tablets.

7. DisciplineFair. The children were clean, quiet, and orderly, and remained so, without any apparent effort either of the master or his wife.

8. InstructionModerate. Would not recommend him for No. 9.

9. Fitness for training apprentices—
 (The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. Organisation. {
 ClassesHow many?Six.
 Collective groups { Whether the same for all subjects...Yes.
 ShapeEvery Friday.
 For what subjects?Every Friday.
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 MasterOne.
 AssistantsWife.
 ApprenticesWife.
 Monitors { Paid
 UnpaidSometimes.

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination. { Girls Boys Total in each class }							23 21 44
Holy Scriptures	{ A class of 23 came up for this subject, and acquitted themselves fairly. Was well known, but were unable to explain the meaning of the terms they used. By the lower class, well.						
Catechism	{ This class read fluently but not loud enough. New Testament very fairly read.						
Liturgy	{ 23 copy books were shown, very fairly done. Was good. This was an interesting class, and acquitted themselves well.						
Letters and Monosyllables							
Easy Narratives							
Books and general Information							
From .....On Slates							
Copy .....On Paper							
From .....On Slates							
Dictation .....On Paper							
Arithmetic. { Simple Rules							
Compound Rules							
Proportion and Practice							
Fractions							
Decimals							
Higher Rules.....							
Geography							
Grammar							
History							
Singing							
Drawing							

* Could not write down in figures twenty thousand and twenty.

REMARKS:—Windows are much out of repair.

Mulgoa School.

STATE OF SCHOOLS AS TO—		INSPECTOR'S OPINION OF—															
<p>1. Premises, viz. :—</p> <p>School-rooms { In two School-rooms 17 by 20.</p> <p>Floor Stone.</p> <p>Offices One for both sexes.</p> <p>Playground The bush.</p> <p>Residence In repair.</p>		The Master's qualification to give the required instruction to his Apprentices during the year now commencing.		The Master, as a guide and example in forming the character of the Apprentices.													
<p>2. Desks—</p> <p>Kind { A long and broad Quantity { desk against the wall.</p>		Report of Examination by Inspector.															
<p>3. Furniture—</p> <p>(Cupboards, Grates, and other Fixtures) { Cupboards much required; books are lying about the desks.</p>		<p>Number present at Examination. { Girls Boys Total in each Class }</p>		1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.							
<p>4. Books { Indifferent supply, only one Catechism in the School.</p>		<p>Holy Scriptures 15 read slowly in the New Testament { the children answered indifferently Catechism 15 knew the letter of the Catechism</p>		The weather being dull the attendance was thin.													
<p>5. Registers—</p> <p>a. Description .. D.S.B. Roll.</p> <p>b. How kept Neatly.</p>		<p>Letters and Monosyllables { 3 children in alphabet, not brought forward. Easy Narratives { 6 read in Reading Series, No. 1, fairly. Books and General Information { 7 read in Lesson Book, No. 2, imperfectly.</p>															
<p>6. Apparatus { Wanted maps, tablet-lessons, and a clock.</p>		<p>From { On Paper Copy { On Slates From { Dictation {</p>		<p>15 books carelessly and slovenly written.</p> <p>5 stood up for this subject, one-tenth got it down fairly, the rest very imperfectly done.</p>													
<p>7. Discipline Imperfect.</p>		<p>Simple Rules Compound Rules Proportion and Practice Fractions Decimals Higher Rules</p>		<p>1 1 1 1 1 1</p> <p>Numeration Addition Subtraction Multiplication</p>													
<p>8. Instruction { Very imperfect; the Teacher appears too old.</p>		<p>Geography Grammar History Singing Drawing</p>		<p>Were right in the above rules.</p> <p>Very imperfect indeed.</p> <p>{ One boy showed some acquaintance with this subject.</p>													
<p>9. Fitness for training apprentices.—</p> <p>(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)</p>																	
<p>10. Organisation.</p> <p>Classes ... { How many? Five Whether the same for all subjects... Yes.</p> <p>Collective groups... { Shape (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)</p> <p>Master One.</p> <p>Assistants Wife.</p> <p>Apprentices</p> <p>Monitors—Unpaid Sometimes.</p>		<p>REMARKS:—5 more copy books were afterwards shown of like character to the above.</p> <p>Children not accustomed to dictation.</p> <p>Nine-tenths could not write the word Tuesday or Wednesday.</p> <p>Three of the rooms require repair.</p>															

REPORT FROM DENOMINATIONAL EDUCATION BOARD.

9

Penrith School

STATE OF SCHOOLS AS TO—

- Premises, viz.:**—
School-rooms 60 by 29 by 16.
Floor Wood, in repair.
Offices { Separate; not in
Playground { good condition.
Residence One acre.
Residence None.
- Desks**—
Kind Single.
Quantity Seven.
- Furniture**—
(Cupboards Sufficient shelving.
Grates and other A stove.
Fixtures)..... }
- Books** A fair supply.
- Registers**—
a Description D. S. B. Roll.
b How kept Fairly.
- Apparatus in School** { An abacus, 4 smaller
do., 1 large black
board, 1 easel, and
9 maps.
- Discipline** { Very good; clean-
liness good; punc-
tuality fair.
- Instruction** ... { Fair throughout the
school.
- Fitness for training apprentices**—
(The Inspector will bear in mind under
this head the state of the Children's know-
ledge of the Holy Scriptures, Catechism,
and Liturgy, and will invite the assistance
of the Parochial Clergyman in this part
of the examination.)

INSPECTOR'S OPINION OF—

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

		1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination.	Girls	8	3	6	3	0	1	21
	Boys	4	11	4	1	4	2	26
	Total in each class	12	14	10	4	4	3	47

Holy Scriptures

Catechism

Liturgy

Writing Reading { Letters and Monosyllables
Easy Narratives
Books and general In-
formation
From On Slates
Copy On Paper
From On Slates
Dictation }

Arithmetic. { Simple Rules
Compound Rules
Proportion and Practice
Fractions
Decimals
Higher Rules }

Geography

Grammar

History

Singing

Drawing

Mental Arithmetic

Rev'd. Elijah Smith assisted—they read fluently,
{ 21 knew the Catechism, and gave intelligent an-
swers on this subject.

Lower part of the school read fairly and spelt well.
This class read indifferently; spelt fairly.

The upper part of the school read fluently and well.
30 wrote from copies on slates.
14 books, in which the writing was carelessly done.
{ A very large class stood up for this subject; the
writing unsatisfactory, and the spelling imperfect.

Numeration	Numeration	Addition	Subtraction	Multiplication	Division	*Reduction
9 12	12 12	12 12	12 12	12 12	12 12	12 12

Were able to work the above Rules.
A very fair knowledge of this subject.
The same.

At present discontinued.
{ 10 Maps fairly done, including Australia, Iceland,
and Sardinia.
Fair.

* Reduce 374 fathoms into feet.

REMARKS:—

Repairs required to the windows and plastering, and a clock is very much required.

Emu Plains School

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. *Premises, viz.:*—
 School-rooms—Stone; 35 by 18.
 Floor.....Boards want repair.
 Offices.....Filthy.
 Playground The Plains.
 Residence.....None.

2. *Desks*—
 Kind.....Against the wall.
 Quantity.....All round one end.

3. *Furniture*—
 (Cupboards.....None.
 Grates, and other Fixtures) One stove and 14 forms.

4. *Books*.....
 A much larger supply than were being used; numbers were being destroyed by damp and insects.

5. *Registers*—
 a. Description.....D. S. B. Roll.
 b. How kept.....Very neatly.

6. *Apparatus*.....
 A black board much wanted. Fair, obtained by a constant recourse to the stick on the slightest occasion.

7. *Discipline*.....
 Imperfect; it cannot be otherwise for the children are allowed to bring and use any book they choose.

8. *Instruction*.....
 Imperfect; it cannot be otherwise for the children are allowed to bring and use any book they choose.

9. *Fitness for training apprentices*.....
 Quite unfit.

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. *Organization.*

Classes.....
 How many?.....
 Whether the same for all subjects.....

Collective groups.....
 For what subjects?.....
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)

Number of Teachers.....
 Master.....
 Assistants.....
 Apprentices.....
 Monitors { Paid.....
 Unpaid.....

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination							11
Girls.....							9
Boys.....							20
Total in each class							

Holy Scriptures.....	Imperfect.
Catechism.....	Good; not known intelligently.
Liturgy.....	
Letters and Monosyllables.....	Lower class imperfectly taught.
Easy Narratives.....	Imperfect.
Books and general information.....	New Testament—8 read fluently.
From On Slates.....	
Copy. On Paper.....	
From On Slates.....	
Dictation. On Paper.....	
Simple Rules.....	
Compound Rules.....	
Proportion and Practice.....	
Fractions.....	
Decimals.....	
Higher Rules.....	
Geography.....	
Grammar.....	
History.....	
Singing.....	
Drawing.....	

8 wrote in books in a slovenly manner.
 6 attempted this—result very imperfect.

7 children in this class, who quite failed.

None. }
 None. } Did not wish them examined.

REMARKS:—The master appeared to be quite unconcerned as to whether the children were progressing or not. Since my visit he has left.

Castlereagh School.

STATE OF SCHOOLS AS TO—		INSPECTOR'S OPINION OF—																																																		
<p>1. Premises, viz.—</p> <p>School-rooms { Brick-building, 16 by 45.</p> <p>Floor and Ceiling { Want repair.</p> <p>Offices.....None.</p> <p>Playground...The Bush.</p> <p>Residence....Otherwise occupied.</p>		<p>The Master's qualification to give the required instruction to his Apprentices during the year now commencing.</p> <p>Capable.</p>																																																		
<p>2. Desks—</p> <p>Kind.....None; a large table</p> <p>Quantity.....used instead.</p>		<p>The Master, as a guide and example in forming the character of the Apprentices.</p>																																																		
<p>3. Furniture—</p> <p>(Cupboards, Grates, and other fixtures.) { No shelving.</p>		<p>Report of Examination by Inspector.</p> <table> <tr> <th></th><th>1st class.</th><th>2nd class.</th><th>3rd class.</th><th>4th class.</th><th>5th class.</th><th>6th class.</th><th>TOTAL present in School.</th></tr> <tr> <td>Number present at Examination.</td><td></td><td></td><td></td><td></td><td></td><td></td><td>17</td></tr> <tr> <td>Girls.....</td><td></td><td></td><td></td><td></td><td></td><td></td><td>13</td></tr> <tr> <td>Boys.....</td><td></td><td></td><td></td><td></td><td></td><td></td><td>30</td></tr> <tr> <td>Total in each class.....</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>			1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.	Number present at Examination.							17	Girls.....							13	Boys.....							30	Total in each class.....																
	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.																																													
Number present at Examination.							17																																													
Girls.....							13																																													
Boys.....							30																																													
Total in each class.....																																																				
<p>4. Books.....</p> <p>{ Children buy their own maps; black board, &c., wanted.</p>		<p>Holy Scriptures.....</p> <p>Catechism.....</p> <p>Liturgy.....</p> <p>Letters and Monosyllables.....</p> <p>Easy Narratives.....</p> <p>Books and General Information.....</p> <p>From { On Slates.....</p> <p>Copy { On Paper.....</p> <p>From { On Slates.....</p> <p>Dictation { On Paper.....</p>																																																		
<p>5. Registers—</p> <p>a. Description ..</p> <p>b. How kept.....</p>		<p>Fair.</p> <p>Well known.</p> <p>10 read with difficulty.</p> <p>8 read fairly.</p> <p>The upper class read in the New Testament fluently</p> <p>14 copy books neatly written.</p> <p>8 attempted this subject—imperfect.</p>																																																		
<p>6. Apparatus.....</p> <p>{ Two boxes, in which the girls' work is kept.</p>		<table> <tr> <th></th><th>1st class.</th><th>2nd class.</th><th>3rd class.</th><th>4th class.</th><th>5th class.</th><th>6th class.</th></tr> <tr> <td>Numeration.</td><td>12</td><td>10</td><td>10</td><td>10</td><td>10</td><td>10</td></tr> <tr> <td>Addition.</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>Subtraction.</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>Multiplication.</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>Division.</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>Compound Rules.</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>			1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	Numeration.	12	10	10	10	10	10	Addition.							Subtraction.							Multiplication.							Division.							Compound Rules.						
	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.																																														
Numeration.	12	10	10	10	10	10																																														
Addition.																																																				
Subtraction.																																																				
Multiplication.																																																				
Division.																																																				
Compound Rules.																																																				
<p>7. Discipline.....Good.</p> <p>Cleanliness.....Good.</p>		<p>Arithmetic. { Simple Rules.....</p> <p>Compound Rules.....</p> <p>Proportion and Practice.....</p> <p>Fractions.....</p> <p>Decimals.....</p> <p>Higher Rules.....</p>																																																		
<p>8. Instruction.....</p> <p>{ Generally fair; solid instruction is being given.</p>		<p>Geography.....</p> <p>Grammar.....</p> <p>History.....</p> <p>Singing.....</p> <p>Drawing.....</p> <p>Tables.....</p>																																																		
<p>9. Fitness for training apprentices.....</p> <p>(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)</p>		<p>Were right in the above rules.</p> <p>One child responded on this subject.</p> <p>Very moderate.</p>																																																		
<p>10. Organization.</p> <p>{ Classes.....How many?.....Six.</p> <p>Whether the same for all subjects. Yes.</p> <p>Shape.....Not used.</p> <p>Collective groups { For what subjects?.....</p> <p>(Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)</p> <p>Master.....Mistress.</p> <p>Number of Teachers { Assistants.....</p> <p>Apprentices.....</p> <p>Monitors { Paid.....</p> <p>Unpaid.....Sometimes.</p>		<p>Imperfect.</p>																																																		
		<p>REMARKS:—This is a very interesting school; the work of Education is being carried on with considerable success. I would recommend the Teacher for a Government Stipend.</p>																																																		

Richmond School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz. :—
 School-rooms 40 by 14
 Floor Brick.
 Offices Separate.
 Playground Sufficient.
 Residence Good repair.

2. Desks—
 Kind Against the wall.
 Quantity Six.

3. Furniture—
 (Cupboards, Grates, and other Fixtures.) } Sufficient.

4. Books { Insufficient.
 (Since supplied.)

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

Sufficiently qualified.

The Master, as a guide and example in forming the character of the Apprentices.

I should recommend him.

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination.							41
Girls							29
Boys							70
Total in each Class							
Holy Scriptures							
Catechism							
Letters and Monosyllables							
Easy Narratives							
Books and general Information							
From { On Slates							
Copy { On Paper							
From { On Slates							
Dictation { On Paper							
Simple Rules							
Compound Rules							
Proportion and Practice							
Fractions							
Decimals							
Higher Rules							
Geography							
Grammar							
History							
Singing							
Drawing							
Writing							

{ Revd. Mr. Elder undertook these subjects—and the answers were intelligently given; the letter of Catechism was well known.

5 children read fairly in this class.

14 children read indifferently and spelt imperfectly.

12 children read fairly in the New, and 16 in the Old Testament.

The children wrote fairly.

16 wrote words of two syllables well.

{ The majority of the children work sums in these Rules moderately well.

20 could work these Rules fairly.

A few of the upper children had a fair knowledge of these Rules.

The answers were confined to a few on this subject. The same.

Of the whole school good.

A large proportion of the school wrote carefully.

5. Registers—
 a. Description D.S.B. Roll.
 b. How kept Neatly.

6. Apparatus { Insufficient. No blackboard, clock.

7. Discipline Fair.
 Punctuality Fair.
 Cleanliness Good.

8. Instruction { The children appear to be making solid progress, the whole tenor of the school giving me great satisfaction.

9. Fitness for training apprentices { Quite fit, I should think.
 (The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10. Organization. { Classes How many? Five, and infants'.
 Whether the same for all subjects. No.
 Shape
 Collective groups { For what subjects? None used.
 (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
 Master One.
 Number of Teachers { Assistants Wife & daughter.
 Apprentices
 Monitors { Paid
 Unpaid Occasional.

REMARKS:—The reading would be much improved by teaching the children to divide the words into syllables when necessary, and causing them to read much louder.

Windsor (Mixed) School.

STATE OF SCHOOL AS TO—

INSPECTOR'S OPINION OF—

Premises, viz.:—

School-rooms
 Floor Brick, in good repair.
 Offices
 Playground of an acre,
 Residence in good repair.

2. *Desks*—

Kind Against the wall,
 Quantity 2—very long.

3. *Furniture*—

(Cupboards, } Shelves on each side
 Grates, and } of the fire place.
 other Fixtures.)

4. *Books*

{ Fair supply; table-
 books required.

5. *Registers*—

a. Description D. S. B. Roll.
b. How kept Neatly.

6. *Apparatus*

{ Insufficient. A clock
 much required.

7. *Discipline*.....Very imperfect.

8. *Instruction*

9. *Fitness for train-* } Should not con-
 ing apprentices } sider him fit.

(The Inspector will bear in mind
 under this head the state of the Children's
 knowledge of the Holy Scriptures, Cate-
 chism, and Liturgy, and will invite the
 assistance of the Parochial Clergyman in
 this part of the examination.)

The Master's qualification to give the
 required instruction to his Apprentices
 during the year now commencing.

The Master, as a guide and example in
 forming the character of the Appren-
 tices.

Report of Examination by Inspector.

	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
Number present at Examination. { Girls Boys Total in each Class }							19 16 35
Holy Scriptures.....	{ 17 read fluently, and with some regard to ex- pression, in the New Testament. Fairly known.						
Catechism							
Liturgy							
{ Letters and Monosyllables	5 were learning alphabet. 5 very easy words.						
{ Easy Narratives	13 in 2nd book, imperfectly.						
{ Books and General In- formation	Fair.						
{ From { On Slates							
{ Copy { On Paper	23 wrote imperfectly and carelessly in copy book.						
{ From { On Slates	{ This subject not regularly taught, but children wrote an easy sentence.						
{ Dictation { On Paper							
{ Simple Rules							
{ Compound Rules	{ Failed in numeration, and could not get down any sum dictation, otherwise moderate knowledge of the four first rules; one or two boys were much more advanced.						
{ Proportion and Practice							
{ Fractions							
{ Decimals							
{ Higher Rules							
Geography	{ 12 children were fairly acquainted with the subject. 6 children knew a little of Grammar.						
Grammar	{ Not attempted. One boy, a kind of pupil-teacher, was familiar with some points of English History.						
History							
Singing							
Drawing							

10. *Organization*.

{ Classes ... { How many? Six.
 Whether the same for all subjects No.
 Shape
 Collective { For what subjects? None.
 Groups ... { (Add, after the name of each subject, a figure to denote
 the number of Classes grouped for instruction in it.)
 Master One.
 Assistants Wife.
 Number of { Apprentices
 Teachers. { Paid
 Monitors.. { Unpaid Not used.

REMARKS:—The children had a fair knowledge of
 Old Testament History, as far as I had time to
 examine them.

Pitt Town (Mixed) School.

STATE OF SCHOOLS AS TO—		INSPECTOR'S OPINION OF—														
1. Premises, viz. :— School-rooms 40 by 18 by 15. Floor Good. Offices Good. Playground ... Four acres of ground. Residence ... In good repair.		The Master's qualification to give the required instruction to his Apprentices during the year now commencing.				The Master, as a guide and example in forming the character of the Apprentices.										
		Capable.														
Report of Examination by Inspector.																
2. Desks— Kind Fixed against the wall. Quantity		3. Furniture— (Cupboards, Grates, and other Fixtures.) } None (much required) re-	Number present at Examination.	{ Girls Boys Total in each Class		1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.				
												34 28 62				
4. Books :..... Sufficient supply.		Holy Scriptures Catechism Liturgy Letters and Monosyllables Easy Narratives Books and general Information From { On Slates Copy { On Paper From { On Slates Dictation { On Paper				23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
5. Registers— a. Description ... D. S. B. Roll Book. b. How kept Neatly.		Arithmetic. { Simple Rules Compound Rules Proportion and Practice Fractions Decimals Higher Rules				23 read fluently, with expression, in the Bible. Good throughout the school.										
6. Apparatus { Master's desk, table, and clock only.		Geography Grammar History Singing Drawing Tables				23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
7. Discipline Good.						23 read fluently, with expression, in the Bible. Good throughout the school.										
8. Instruction Fair throughout.						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
9. Fitness for training apprentices ... } Capable.						23 read fluently, with expression, in the Bible. Good throughout the school.										
(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
10. Organization.	{					23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F. 2nd. SPCK; 12 read in this book with difficulty; 15 in primer. Fairly. 31 wrote in copy books very fairly. 23 wrote fairly from dictation.				
						23 read fluently, with expression, in the Bible. Good throughout the school.										
						23 read fluently, with expression, in the Bible. Good throughout the school.						5 or 6 were in alphabet class; 3 in monosyllables read F				

Wilberforce (Mixed) School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz. —

School-rooms { A brick building;
school held up
stairs filled with
furniture neces-
sary for public
service. 42 by 16.
Roof requires re-
pair.

Floor.....
Offices..... { One for teacher
and children.
Playground..... Rush.
Residence..... { But not in good
repair.

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

Number present at Examination. { Girls
Boys
Total in each class }

1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
						20
						15
						35

Holy Scriptures.....
Catechism.....
Liturgy.....

13 read in the New Testament fluently; knowledge F. Fairly acquainted with the letter of this subject.

Letters and Monosyllables.....
Easy Narratives.....

No. 1. S.P.C.K. 8 read in this book fairly and intelligently.

Books and General Information.....

The upper class was heard out of the Testament.

From Copy..... On Paper
From Dictation..... On Slates

22 wrote in books somewhat carelessly.

Simple Rules.....
Compound Rules.....
Proportion and Practice.....
Fractions.....
Decimals.....
Higher Rules.....

13 wrote a very short sentence moderately well.

Geography.....
Grammar.....
History.....
Singing.....
Drawing.....

a b c d e f g h i j k l m n o p q r s t u v w x y z were right in.

Numération.....
Addition.....
Subtraction.....
Multiplication.....
Division.....
Compound Rules.....
Simple Rules.....

Mental Arithmetic, moderate.

Very little known on this subject.

Attempted to parse, and failed.

How many?..... Four.
Whether the same for all subjects..... Yes.

Shape.....

For what subjects?..... None given.

(Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)
Master..... One.
Assistants..... Wife.
Apprentices.....
Monitors..... Paid
Unpaid..... Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Number of Teachers.....

Unpaid..... Occasionally.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

Occasionally.

REMARKS:—The Teacher was neat in his appearance and respectful in his behaviour. The Rev. Thos. Wilson conducted the Scriptural examination.

North Kurrajong School.

STATE OF SCHOOLS AS TO—

INSPECTOR'S OPINION OF—

1. Premises, viz.—

School-rooms 37 by 18 feet.
 Floor Good order.
 Offices { One, a long distance
 { from the school.
 Playground ...
 Residence In want of repair.

The Master's qualification to give the required instruction to his Apprentices during the year now commencing.

Qualified.

The Master, as a guide and example in forming the character of the Apprentices.

Report of Examination by Inspector.

2. Desks—

Kind Fixed against the wall.
 Quantity One long one.

Number present at Examination.

{ Girls
 Boys
 Total in each class }

1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	TOTAL present in School.
						29
						36

3. Furniture—

(Cupboards, Grates, and other fixtures.) } One shelf, others much required.

4. Books Fair supply.

5. Registers—

a. Description D. S. B. Roll.
 b. How kept ... Neatly.

6. Apparatus { Insufficient; no clock or black board.

7. Discipline Fair.

Cleanliness .. Good.

Punctuality ... Fair.

8. Instruction ... { Moderate, but careful as far as it went.

9. Fitness for training apprentices } Appears capable.

(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)

10.

Organisation.

Classes. { How many? Six.
 { Whether the same for all subjects ... Yes.
 { Shape

Collective groups. { For what subjects? Sometimes for Geography.
 { (Add, after the name of each subject, a figure to denote the number of Classes grouped for instruction in it.)

Master One.
 Assistants Wife & daughter.
 Apprentices

Monitors { Paid
 { Unpaid Sometimes.

15 read without expression on Bible knowledge. F.
 10 children were acquainted with the Catechism.

6 read moderately well Easy Lesson Book.
 8 read Reading Series No. 2 fluently.

Is much practised throughout the school.
 20 copy books, very carefully written, were shown.
 All could write, more or less, from dictation; the majority wrote fairly.

Numeration.	1 ²	1 ²	1 ²	1 ²	1 ²
Addition					
Subtraction	1 ²	1 ²	1 ²	1 ²	1 ²
Multiplication					
Division					

Imperfect.
 Imperfect.

REMARKS:—The Revd. Mr. Elder examined in Religious knowledge, and the children acquitted themselves fairly.

REPORT FROM DENOMINATIONAL EDUCATION BOARD.

13

South Kurrajong School.

STATE OF SCHOOLS AS TO—		INSPECTOR'S OPINION OF—	
1. Premises, viz. :— School-rooms 80 by 14½ by 9 Floor Wood. Offices Insufficient. Playground Half an acre. Residence In repair.		The Master's qualification to give the required instruction to his Apprentices during the year now commencing.	The Master, as a guide and example in forming the character of the Apprentices.
2. Desks— Kind Fixed against the wall. Quantity Two		Incapable.	
3. Furniture— (Cupboards, Grates, and other fixtures.) } None.		Report of Examination by Inspector.	
4. Books { Fair supply; except Arithmetics, of which six are wanting.			
5. Registers— a. Description D. S. B. Roll. b. How kept Very neatly.			
6. Apparatus { None. A clock much required.			
7. Discipline { The children were quiet, orderly, and clean.			
8. Instruction Very imperfect.			
9. Fitness for training apprentices } Unfit.			
(The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)			
10. { Classes { How many? Six. Collective groups { Whether the same for all subjects Yes. Number of Teachers. { Master One. Assistants One. Apprentices One. Monitors Paid Occasionally. Unpaid Occasionally.			

Pennant Hills School.

STATE OF SCHOOLS AS TO—		INSPECTOR'S OPINION OF—	
1. Premises, viz. :— School-rooms { Stone, used as Church, 42 by 19. Floor Stone. Offices Sufficient. Playground Ample. Residence Yes.		The Master's qualification to give the required instruction to his Apprentices during the year now commencing.	The Master, as a guide and example in forming the character of the Apprentices.
2. Desks— Kind Against the wall. Quantity Two.		Yes—qualified.	
3. Furniture— (Cupboards, Grates, and other fixtures.) } Insufficient.		Report of Examination by Inspector.	
4. Books Sufficient.			
5. Registers— a. Description D. S. B. Roll. b. How kept Neatly.			
6. Apparatus Insufficient.			
7. Discipline Fair. Cleanliness Fair.			
8. Instruction { Fair throughout the School.			
9. Fitness for training apprentices } (The Inspector will bear in mind under this head the state of the Children's knowledge of the Holy Scriptures, Catechism, and Liturgy, and will invite the assistance of the Parochial Clergyman in this part of the examination.)			
10. { Classes { How many? Collective groups { Whether the same for all subjects Number of Teachers. { Master Assistants Apprentices Monitors. { Paid Unpaid Occasionally.			

1858.

Legislative Assembly.

NEW SOUTH WALES.

DENOMINATIONAL SCHOOL BOARD.

(FURTHER APPENDIX TO REPORT FOR 1857.)

Ordered by the Legislative Assembly to be Printed, 13 August, 1858.

C. E. ROBINSON, ESQ. to THE COLONIAL SECRETARY.

*Denominational School Board Office,
Sydney, 22 July, 1858.*

SIR,

Referring to the Report of the Denominational School Board for the year 1857, I have now the honor, by direction of the Board, to forward the accompanying Statistical Documents, relative to the attainment of the Children attending the Schools under the Board, together with other matters of detail connected with the Schools. The Board directs me to say that this Return would have been forwarded at an earlier period, only that some of the documents from which the information has been collected were found to have been imperfectly filled in by the Teachers, and had to be returned for correction; this fact will also account for a slight difference appearing between the list of the number of Children on the Rolls now sent and that given in the Report for 1857.

I have, &c.,

C. E. ROBINSON.

THE HONORABLE
THE COLONIAL SECRETARY.

FURTHER APPENDIX TO REPORT FOR 1857

STATISTICS OF SCHOOLS connected with the

SITUATION AND NAME OF SCHOOL.		RELIGIOUS DENOMINATION OF SCHOOL.	NUMBERS.										ATTAINMENTS.													
			No. of Children on the ROLL.		No. of Children paying FEE.		AVERAGE NO. IN ATTENDANCE DURING DECEMBER QUARTER, 1857.		No. of CLASSES.		No. of PAID TEACHERS FOR		READING.				ARITHMETIC.				GRAM- MAR.		GEO- GRAPHY.		HIS- TORY.	
													LEARNING TO READ.		READING WITH EASE.		WRITING.		IN FIRST RULES.		IN COMPOUND RULES.					
			Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
St. James' Sydney			92	92	40	66	66	6	6	1	1	48	44	50	62	30	28	48	22	48	22	48	22	48	22	
St. Philip's			109	69	40	39	38	67	3	3	1	45	40	54	6	30	28	48	22	48	22	48	22	48	22	
St. Andrew's			73	73	3	30	26	56	3	3	1	19	10	8	14	20	12	15	2	54	73	3	14	3	14	
Trinity			95	79	16	32	34	66	3	3	1	20	18	8	11	40	38	38	8	46	49	46	49	30	33	
Christ Church			123	101	22	40	48	88	4	5	1	55	68	79	45	63	43	16	2	79	45	79	45	79	45	
Chippendale			124	122	2	50	28	83	4	3	1	31	17	142	18	173	97	95	71	78	16	148	77	102	38	
Darlinghurst			163	158	5	59	38	97	3	3	1	148	83	5	4	30	8	14	2	26	33	36	25	36	25	
Surry Hills			270	264	6	129	60	189	4	4	1	79	48	68	48	69	45	59	50	24	4	68	14	70	54	
Glebe			243	239	13	114	67	181	4	4	1	26	17	14	8	23	14	24	14	17	3	26	33	36	23	
Paddington			67	66	1	36	16	52	4	4	1	46	54	31	12	53	28	41	24	12	53	28	53	28	53	
Balmain			112	108	4	70	70	33	3	3	1	81	31	31	79	66	66	25	25	53	53	53	53	53	53	
Pyrmont			48	48	20	13	33	33	3	3	1	21	11	8	8	29	19	12	8	4	6	29	19	15	14	
St. Leonard's			74	73	1	34	17	51	4	3	1	22	16	26	10	36	15	20	14	15	4	36	15	36	15	
Newtown			109	83	26	58	25	83	5	4	1	38	22	40	9	41	9	42	14	28	4	20	4	20	4	
Cook's River			36	36	21	11	22	33	3	3	1	19	7	29	10	41	9	8	7	9	5	10	5	10	5	
Lord's Forest			95	94	1	18	15	63	6	4	1	28	18	14	8	33	12	18	8	12	6	13	6	13	6	
Ashfield			58	50	8	15	11	26	2	2	1	27	19	6	3	12	6	11	8	3	2	5	2	5	2	
Burwood			45	45	20	10	30	4	4	1	1	15	9	13	8	15	8	4	5	8	3	7	7	6	6	
Enfield			44	36	8	21	11	32	4	4	1	8	6	23	7	22	9	19	5	3	2	7	6	10	6	
Ryde			66	66	23	18	41	5	3	3	1	11	17	22	16	22	16	11	6	11	10	11	10	11	10	
Pennant Hills			95	91	4	43	42	85	4	4	1	28	23	10	14	25	30	10	11	9	7	17	8	14	9	
Castle Hill			97	88	9	32	35	67	5	5	1	30	36	13	12	23	28	15	14	7	6	13	12	10	11	
Dooral			29	29	8	8	16	2	2	2	1	Vacant														
Parramatta			59	59	33	8	41	6	6	6	1	20	2	27	10	30	10	22	4	5	11	7	7	4	3	
Marsfield			108	94	14	43	32	75	6	6	1	40	32	23	13	42	20	23	15	18	5	23	13	23	13	
Seven Hills			39	39	11	13	24	3	3	3	1	9	12	8	14	12	9	12	6	1	2	11	8	6	8	
Windsor			46	41	5	17	17	34	6	6	1	7	8	14	8	19	15	9	7	6	1	6	8	6	8	
Richmond			92	89	3	27	33	59	6	6	1	20	14	22	36	17	33	10	20	16	4	10	11	10	11	
N. Kurrangong			51	30	21	9	26	35	6	6	1	2	3	5	20	7	23	4	12	1	6	3	10	4	4	
S. Kurrangong			45	30	15	12	18	30	3	3	1	18	17	4	6	5	4	4	4	4	5	5	4	5	5	
Pitt Town			74	74	22	30	52	5	5	5	1	17	22	20	15	30	28	20	18	10	8	12	14	12	14	
Wilberforce			56	54	2	20	25	45	4	4	1	11	10	15	20	10	22	24	4	6	4	6	4	6	4	
Penrith			66	60	5	32	20	52	7	7	1	6	5	33	21	28	18	31	20	8	6	28	18	28	18	
South Creek			71	71	26	28	54	6	6	6	1	16	16	21	18	19	20	9	13	8	4	16	13	16	13	
Emu Plains			34	34	10	8	18	2	2	2	1	12	15	6	6	12	2	7	3	3	3	4	1	4	1	
Mulgoa			43	39	4	21	9	30	4	4	1	14	10	11	7	13	12	8	10	3	4	4	4	4	4	
Liverpool			113	101	12	56	33	88	6	6	1	17	10	57	29	62	27	23	17	2	42	19	42	19	42	
Campbelltown			90	79	11	28	28	56	5	5	1	29	32	15	14	25	27	11	12	6	13	21	20	20	5	
Appin			22	20	2	5	11	16	4	4	1	2	2	5	13	5	13	4	6	1	7	1	6	1	6	
E. Bargo			28	26	2	6	5	11	4	4	1	10	8	6	4	7	4	6	3	4	2	6	3	5	2	
Cobbity			32	32	17	18	35	5	5	5	1	12	13	14	13	18	4	8	7	9	5	9	15	12	9	
Narrellan			76	76	32	23	55	5	5	5	1	13	7	32	24	24	20	11	12	10	6	8	18	10	8	
Camden			120	120	50	49	99	8	8	8	1	25	27	39	29	68	56	31	37	13	19	38	29	13	10	
Menangle			29	29	8	14	22	3	3	3	1	2	2	7	19	7	19	6	13	7	6	5	11	5	11	
Picton			35	35	14	11	25	4	4	4	1	6	6	10	13	10	13	7	8	6	6	6	6	6	6	
Wollongong			71	65	6	26	24	50	4	4	1	16	18	22	20	24	17	18	12	10	12	8	12	8	12	
Dapto			23	23	12	3	15	3	3	3	1	6	3	10	4	11	5	10	2	4	2	8	4	7	2	
Macquarie River			17	17	7	6	13	1	1	1	1	5	5	5	5	5	5	2	2	2	2	2	2	2	2	
Kiama			62	37	25	29	14	43	4	4	1	10	4	32	16	26	12	14	11	9	4	20	12	11	8	
Sutton Forest			26	26	6	9	18	3	3	3	1	5	6	7	8	8	9	5	4	3	4	5	4	5	4	
Goulburn			87	87	42	34	76	7	7	7	1	8	7	40	32	26	24	30	27	10	5	23	21	21	8	
Yass			32	32	18	8	26	3	3	3	1	6	3	10	4	11	4	10	4	3	6	6	6	6	6	
Queanbeyan			49	49	17	19	36	2	2	2	1	9	7	17	16	16	8	6	4	5	8	8	8	8	8	
Canberra			25	25	6	8	14	4	4	4	1	8	13	3	3	1	3	1	3	1	3	1	1	1	1	
Bathurst			87	75	12	47	28	75	4	4	1	12	12	43	20	38	14	20	15	22	2	25	8	30	8	
Kelso			58	58	26	17	43	4	4	4	1	30	15	8	5	20	12	37	18	1	25	13	23	13	7	
Carcoar			47	47	11	16	27	3	3	3	1	8	10	15	14	15	14	12	17	11	7	9				

OF THE DENOMINATIONAL SCHOOL BOARD.

Denominational Board of Education in New South Wales.

DATE OF LAST EXAMINATION, 1857.	No. of CHILDREN FOR WHOM ACCOM- MODATION IS PROVIDED.	SCHOOL HOUSES.		WHETHER IN GOOD REPAIR.	WHETHER FURNISHED WITH NECESSARY OUT-BUILDINGS.	REMARKS, AS FURNISHED BY THE LOCAL BOARD.
		TENURE OF SCHOOL HOUSE.	HEAVY OF SCHOOL ROOM. LENGTH & BREADTH OF SCHOOL ROOM.			
22 September	200	Freehold	15 66 by 41	Good	Yes.	
22 December	200	Freehold	18 66 " 41	Good	Furnished.	
15 December	138	Freehold	13 46 " 23 1/2	Good	Furnished.	
16 December	100	Freehold	12 46 " 17	Good	Furnished.	
18 December	100	No Return	12 46 " 17	Good	Furnished.	
18 December	100	No Return	12 46 " 17	Good	Furnished.	
19 June	120	Freehold	21 42 " 20	Bad	Furnished.	
21 Dec., 1855	120	Freehold	21 30 " 20	Bad	Furnished.	
15 Sept., 1856	130	Crown Grant	12 65 " 17	Good	Furnished.	
20 Nov., 1854	100	Crown Grant	12 39 " 18	Good	Furnished.	
No Return	150	Crown Grant	12 50 " 25	Good	Furnished.	
17 December	200	Freehold	18 60 " 24	Good	Furnished.	
6 May	150	Freehold	16 60 " 24	Good	Furnished.	There is a Master's residence.
18 December	100	Freehold	16 40 " 18	Good	Furnished.	
17 December	110	Freehold	17 50 " 22	Very good	Furnished.	
21 December	80	Freehold	12 48 " 16	Satisfactory	Furnished.	
20 October	80	Rented	16 35 " 18	No Return	Not furnished	Efforts are being made to erect a building for this School.
24 December	80	Freehold	9 30 " 16	Good	Furnished.	There is a Teacher's residence.
2 July	50	Rented	8 13 " 24	Good	Furnished.	There is a Teacher's residence.
21 October	100	No Return	20 38 " 18	Good	Furnished	The out-buildings are stated to be in ruins.
No Return	300	Freehold	14 36 " 18	Good	Not furnished.	
22 December	80	Rented	No Return	Furnished	Furnished	There is a Teacher's residence.
21 October	80	No Return	15 40 " 18	Undergoing repair	Furnished	There is a Teacher's residence.
23 October	80	Freehold	11 30 " 16	Out of repair	Furnished	There is a Master's residence. [Teacher's residence.
December	100	Freehold	11 30 " 16	Good	Furnished	The conduct of the School is highly satisfactory.—There is a
4 Jan., 1858	100	Freehold	12 42 " 19	Good	Not furnished	There is a residence. The Local Board speak highly of the Teacher.
No Return	70	No Return	10 18 " 12	Bad	Furnished	There is a Teacher's residence.
21 December	30	No Return	9 45 " 12	Very bad	Furnished	There is a residence.
18 December	130	Freehold	14 50 " 18	Indifferent	Furnished	A new School House has since been erected.—(Freehold.)
23 November	80	Freehold	8 35 " 18	No Return	These are out of repair	
11 December	80	Freehold	14 40 " 20	Good	Furnished	There is a Teacher's residence.
15 October	100	No Return	9 40 " 14	Good	Furnished	There is a Teacher's residence.
22 December	No	Return	9 30 " 14	Good	Furnished	There is a Teacher's residence.
17 November	90	Freehold	15 40 " 18	No Return	Not furnished.	
19 November	100	Govt. Grant	16 42 " 16	Good	Furnished	A Master's residence.
19 November	100	Freehold	16 60 " 20	Indifferent	Furnished	A Master's residence.
22 June	80	Freehold	10 36 " 18	Good	Furnished	There is a Master's residence.
14 December	100	Govt. Grant	12 36 " 18	Good	Unfurnished.	
11 November	80	Freehold	10 31 " 18	Good	Furnished	There is a Master's residence.
23 December	60	Govt. Grant	8 50 " 15	Tolerable	Furnished	There is a Master's residence.
22 December	120	Crown Grant	12 40 " 16	Tolerable	Not furnished	There is a Teacher's residence.
14 December	50	Rented	9 32 " 17	Good	Furnished	The School Room is provided by the Teacher.
26 October	40	No Return	9 20 " 13	Bad	Furnished.	[for the Children.
13 October	100	Freehold	12 35 " 18	Very bad	Much wanted	The Local Board remark strongly upon the bad provision made
24 September	100	Freehold	12 40 " 18	Out of repair	Yes, but imperfectly	Furnished with residences—out of repair.
24 November	60	Freehold	15 32 " 16	Good	Partly	There is a Master's residence.
12 November	60	Freehold	8 22 " 19	Good	Furnished	There is a Master's residence.
9 November	35	Rented	8 12 " 10	Tolerable	Furnished.	[Teacher.—A Teacher's residence is supplied.
22 December	80	Freehold	16 30 " 20	Very bad	Furnished	An examination, held December 23, was highly creditable to the
16 September	70	Freehold	10 21 " 20	Very bad	Furnished	There is a Teacher's residence.
No Return	40	Rented	12 21 " 13	Out of repair	No	A Master's residence is furnished.
7 December	60	Freehold	15 40 " 20	Bad	Furnished	There is a Master's residence.
22 December	No Ret.	Freehold	8 20 " 12	Extremely bad	No	There is a Master's residence.
18 December	100	Freehold	14 28 " 14	Indifferent	Yes	A Master's residence.
29 June	70	Freehold	8 34 " 13	Good	Furnished	There is a Master's residence.
23 December	80	Freehold	9 25 " 14	Indifferent	Furnished	There is a residence.
22 December	50	On sufferance	9 27 " 12	Good	Furnished	There is a residence.
21 December	No Ret.	A School Room appears to be provided by the Master.			The Master.	The Local Board speak highly of the Teacher
7 December	60	Freehold	12 30 " 18	Out of repair	Yes	A Master's residence.
18 December	35	Rented	9 26 " 12	Very bad	No.	
No Return	Govt. Grant	8 24 " 19	No Return	No	No.	
18 December	40	Freehold	10 16 " 12	Good	No.	There is a Master's residence.
23 December	48	Freehold	16 16 " 16	Good	Furnished	There is a Teacher's residence.
11 November	50	Freehold	8 35 " 15	In good repair	Not furnished	There is a Master's residence provided.
30 November	100	Free	12 42 " 15	Bad	Yes	There is a residence.
21 July	60	Freehold	8 25 " 15	Incomplete	Furnished	There is a Teacher's residence.
21 December	50	On sufferance	13 20 " 12	Bad	Furnished	There is a Master's residence.
26 January	100	Freehold	11 40 " 20	Good	Not furnished.	There is a Teacher's residence.
18 December	150	Free	22 44 " 24	Good	Furnished	There is a Teacher's residence.
18 December	100	Free	14 40 " 18	Good	No Return.	
18 December	80	Free	12 25 " 14	Good	Vacant.	There is a residence.
No Return	250	Free	20 58 " 18	Good	Furnished	There is a residence.
No Return	130	Govt. Grant	14 45 " 27	Out of repair	Furnished	There is a Teacher's residence.
7 November	130	Govt. Grant	10 50 " 22	Good	Furnished	There is a residence.
No Return	150	Free	12 50 " 25	Fair	Furnished	There is a residence.
17 December	75	Rented	8 17 " 16	Dilapidated	Furnished	[examination.
No Return	80	Free	10 36 " 18	Good	Vacant.	Ditto. The Local Board speak highly of the result of the
16 December	45	Free	10 33 " 13	Tolerable	Vacant.	There is a residence.
17 December	120	Free	10 30 " 24	Good	Insufficient	There is a residence. [ment.
30 September	90	Free	10 40 " 13	Good	Furnished	There is a residence.—The Local Board speak well of the manage-
18 December	80	Free	12 33 " 20	Not good	Furnished	There is a residence.
9 October	80	Govt. Grant	11 36 " 17	Tolerable	Furnished.	
10 December	60	No Return	10 36 " 13	Bad	Furnished	There is a residence.
No Return	100	Free	12 30 " 15	Good	Furnished	There is a residence.
16 December	50	Free	10 20 " 15	Good	Furnished	There is a residence.
No Return	85	Free { U. 13 33 " 19	Good	No	No	There is a residence.—The school is held three days in the week
11 September	50	Free { L. 13 30 " 18	Bad	No	No	at Upper, and three days at Lower Mangrove.
15 December	50	Free	8 30 " 15	Tolerable	Furnished	There is a residence.
No Return	50	Free	8 20 " 15	Good	Furnished	There is a residence.
No Return	50	Free	8 40 " 18	Good	Furnished	There is a residence.
No Return	60	Rented	18 28 " 13	Fair	Furnished.	
No Return	150	Free	No Return	Incomplete	Not furnished	There is a residence.
No Return	50	Free	9 20 " 15	Good	Vacant.	
No Return	50	Free	20 22 " 16	Good	Not furnished.	There is a residence.
9 November	50	Free	10 30 " 15	Good	Furnished	There is a residence.
No Return	50	Free	10 32 " 16	Good	Furnished	There is a residence.
No Return	150	Govt. Grant	12 60 " 22	Good	Not furnished.	
December	80	Free	10 40 " 20	Good	Furnished.	
11 December	60	Ch. property	12 30 " 16	Very bad	Not furnished	There is a residence, but it is much out of repair.

FURTHER APPENDIX TO REPORT FOR 1857

STATISTICS OF SCHOOLS, &c.—continued.

SITUATION AND NAME OF SCHOOL.	RELIGIOUS DENOMINATION OF SCHOOL.	NUMBERS.										ATTAINMENTS.															
		No. of CHILDREN ON THE BOOKS.	No. PAYING FEES.	No. of CHILDREN OF PAUPERS.	AVERAGE NO. IN ATTENDANCE DURING DECEM- BER QUARTER, 1857.			No. OF CLASSES.		No. OF PAID TEACHERS FOR	READING.		WRITING.	ARITHMETIC.				GRAM- MAR.		GEO- GRAPHY.		HIS- TORY.					
					Boys.	Girls.	Total.	Boys.	Girls.		Boys.	Girls.		Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.						
PRESBYTERIAN SCHOOLS, December 31, 1857.		142	136	6	61	50	111	7	7	1	21	39	55	27	56	39	31	24	19	7	50	36	50	36	41	29	
St. Andrew's, Sydney	Presbyterian.	15	15	...	8	2	10	2	1	1	Vacant	3	1	8	3	8	3	5	1	5	3	8	3	8	3	8	3
Pitt-street		97	94	3	58	16	74	7	7	1	27	12	46	12	51	12	30	12	27	1	42	8	42	8	15	...	
Paddington		81	81	...	45	24	69	4	4	1	22	7	23	17	30	6	20	14	23	10	20	10	20	10	20	10	
Parramatta		105	105	...	49	32	81	4	4	1	30	24	33	18	33	15	29	6	12	8	18	9	7	9	7	9	
W. Maitland		59	59	...	25	24	49	3	3	1	14	14	20	11	17	14	17	8	15	9	17	10	21	12	21	12	
Bathurst		52	52	...	25	22	47	5	4	1	13	11	14	14	15	15	12	12	15	12	19	18	19	18	19	18	
Goulburn		36	33	13	15	13	31	4	4	1	9	7	12	8	8	6	6	6	7	3	6	4	4	2	4	2	
Morpeth		70	70	...	25	23	48	3	3	1	16	10	22	20	14	13	18	13	10	6	11	11	11	11	11	11	
Windoor		116	116	...	53	37	90	5	5	1	49	29	29	17	42	25	40	23	8	3	29	17	29	17	6	...	
Charcoal Creek		67	67	...	25	33	58	3	4	1	3	4	20	28	20	28	8	9	10	12	20	28	28	11	16	...	
Woolloomooloo		72	69	3	32	16	48	6	4	1	25	19	16	12	16	12	8	7	5	7	6	3	6	3	6	3	
Campbelltown		41	41	...	13	18	31	4	4	1	11	15	7	8	10	10	5	8	7	5	7	8	6	6	6	6	
St. Leonard's		83	83	...	41	25	67	5	4	1	27	22	23	11	38	15	12	18	11	18	9	18	9	18	9	18	
Portland Head		79	75	4	33	20	53	4	4	1	29	22	15	13	25	16	14	9	11	6	16	9	16	9	...	...
Newcastle		61	64	...	38	24	62	4	3	1	13	16	26	15	14	13	9	7	8	4	2	2	0	...	...	...
Shoalhaven	53	53	...	24	14	38	...	...	1	21	8	9	13	17	15	9	6	8	10	8	11	11	11	11	11	
Dapto	34	34	...	19	10	29	2	2	1	6	5	13	5	11	5	8	3	11	3	6	3	6	3	6	3		
Dingo Creek	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL	...	1266	1237	29	592	404	996	...	...	...	330	250	391	252	425	202	273	190	215	110	293	190	296	186	179	110
WESLEYAN SCHOOLS, December 31, 1857.		111	111	...	47	30	77	6	5	1	26	29	35	21	25	16	16	12	13	5	9	9	24	9	...	...
York-street, Sydney	Wesleyan.	109	109	...	78	30	114	...	...	1	79	53	42	25	60	37	39	29	21	8	42	25	42	25	42	25
Chippendale		...	...	...	...	...	...	...	...	...	Vacant	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hay-street		114	114	...	56	32	88	6	6	1	26	18	44	26	44	26	24	20	24	6	32	26	32	26	10	10	
Surry Hills		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Newtown		169	167	12	86	64	140	12	12	1	35	31	63	37	69	44	37	28	30	12	28	14	39	14	16	10	
Infant	
Windoor		60	60	...	24	14	38	3	3	1	9	5	28	18	21	11	10	5	11	2	9	5	9	5	9	6	
W. Maitland		50	50	...	29	11	40	6	6	1	22	11	14	3	14	3	10	1	4	2	14	3	14	3	14	3	
Lane Cove		42	41	1	22	15	37	5	5	1	10	5	14	13	13	10	7	8	6	2	13	10	13	16	5	1	
Castlereagh		58	58	...	13	15	28	5	5	1	13	12	15	16	17	13	11	9	8	7	7	17	13	...	...	...
TOTAL	...	803	790	13	355	207	562	...	...	...	222	164	255	159	263	162	154	112	117	44	154	99	190	107	82	51
ROMAN CATHOLIC SCHOOLS, December 31, 1857.		193	157	36	139	...	139	8	...	1	106	87	...	76	...	52	...	45	...	76	...	76	...	43	...	...
Parramatta-st., Sydney	Roman Catholic.	132	101	31	...	119	119	6	...	1	48	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Girls		148	94	54	40	91	131	2	3	1	30	75	...	75	...	57	...	28	...	75	...	75	...	20	...	...
Kent-street, North		105	105	...	80	...	80	6	...	1	7	40	...	36	...	36	...	30	...	...	...	...	...	...	...	...
Girls		91	91	...	16	55	71	2	6	1	29	26	...	76	...	59	...	23	...	59	...	59	...	42	...	...
Church Hill		176	109	67	30	121	151	4	8	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Infant	
Kent-street, South		120	114	6	60	...	60	6	...	1	34	...	...	64	...	29	...	28	...	60	...	60	...	18	...	...
Infant		97	80	17	17	63	80	1	5	1	9	17	16	55	...	10	...	6	...	10	...	10	...	4	...	...
Macquarie-street		51	51	...	35	...	35	5	...	1	19	...	...	15	...	16	...	12	...	10	...	18	...	...	...	...
Infant		128	108	20	26	63	89	2	3	1	18	36	...	36	...	34	...	32	...	30	...	30	...	34	...	...
Surry Hills		234	232	2	133	...	133	4	...	1	100	...	134	...	150	...	80	...	120	...	134	...	134	...	80	...	
Infant		100	87	13	78	...	78	6	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Camperdown		176	166	10	68	47	115	7	...	1	47	42	52	35	52	25	24	10	52	35	52	35	52	35	20	16	
Redfern		111	103	8	33	41	74	4	4	1	20	38	12	20	11	20	8	10	7	12	4	10	3	14	...	...
Sussex-street		54	51	3	40	...	40	6	...	1	25	...	...	15	...	23	...	10	...	7	...	7	...	7	...	...
Girls	83	52	31	8	42	50	...	...	1	6	40	...	27	...	20	...	12	...	14	...	14	...	14	...	...	...
Castlereagh-street	151	113	38	27	96	123	2	6	1	16	40	11	56	6	56	6	26	...	30	6	56	6	56	6	56		
Waverley	42	42	...	14	15	29	6	6	1	12	10	7	13	6	9	7	10	1	6	9	6	9	6	9	6		
Balmain	64	64	...	17	23	40	4	4	1	12	22	5	6	14	22	10	18	2	4	3	6	3	6	7	10		
Parramatta	131	113	18	53	43	96	6	6	1	42	35	14	15	30	30	19	17	11	8	12	24	22	14	12	...		
Concord	45	39	6	15	20	35	4	4	1	5	9	8	6	11	9	6	4	3	3	3	6	3	6	3	3		
Petersham	65	63	2	22	15	37	3	3	1	15	6	13	13	14	13	9	12	4	1	8	9	8	8	8	...		
Irish Town	44	44	...	14	12	26	3	3	1	6	...	...	6	...	8	...	4	...	2	6	6	6	6	6	6	
Liverpool	40	39	1	16	19	35	4	4	1	3	9	6	4	8	7	4	7	5	4	2	4	2	4	2	4		
Campbelltown	93	82	11	33	37	70	3	3	1	16	14	20	20	36	34	20	15	20	18	20	18	20	18	20	18		
Menangle	81	81	...	32	35	67	4	4	1	26	27	12															

OF THE DENOMINATIONAL SCHOOL BOARD.

5

STATISTICS OF SCHOOLS, &c.—continued.

SCHOOL HOUSES.										REMARKS, AS FURNISHED BY THE LOCAL BOARDS.
DATE OF LAST EXAMINATION, 1857.	NO. OF CHILDREN FOR WHOM ACCOMMO- DATION IS PROVIDED.	TENURE OF SCHOOL HOUSE.	SCHOOL ROOM.		WHETHER IN GOOD REPAIR.	WHETHER FURNISHED WITH NECESSARY OUT-BUILDINGS.				
			HEIGHT OF SCHOOL ROOM.	LENGTH & BREADTH OF SCHOOL ROOM.						
							ft.	ft.		
17 December.	150	Govt. Grant.	No Return.	16 40 20	Good	Yes	There is a Teacher's residence.			
No Return	300	Free	Vacant.	10 43 by 18	Yes	Yes	There is a residence.			
18 December.	100	Rented	14 27 15	14 27 15	Yes	Yes	The Teacher rents the premises.			
23 December.	No	Return	9 29 19	9 29 19	No	Yes	Two rooms are supplied for the Teacher's use.			
15 December.	100	Free			Very bad	Yes				
18 December.	No	Return.								
18 December.	100	Free	16 40 20	16 40 20	Yes	Yes.				
21 May.	60	Rented	9 24 12	9 24 12	Yes	Yes.				
10 December.	150	Free	8 24 16	8 24 16	Very bad	No.	There is a residence.			
24 December.	50	In fee	14 48 34	14 48 34	Yes	Yes.				
23 December.	60	Govt. Grant.	10 26 15	10 26 15	Yes	No.	There is a residence.			
10 December.	60	Free	15 22 12	15 22 12	Yes	No.	There is a residence.			
18 December.	40	On sufferance	15 22 16	15 22 16	Yes	No.				
23 December.	100	Uncertain	7 30 12	7 30 12	Tolerable	No.				
1 October.	100	Free	14 36 15	14 36 15	Yes	Yes.				
None	No	Return	7 28 15	7 28 15	No	Yes	There is a residence.			
24 December.	45	Free	9 35 15	9 35 15	Yes	No.	There is a residence.			
17 December.	300	Free	9 24 42	9 24 42	Yes	Yes	There is a residence.			
No Return	300	Free	20 45 25	20 45 25	Yes	Yes.				
19 December.	200	Free	15 58 20	15 58 20	Yes	Yes.				
17 December.	153	Free	12 40 23	12 40 23	Yes	Yes	(have been satisfactory. The result of the examination is stated to be satisfactory.)			
3 December.	80	Free	10 28 14	10 28 14	Yes	Yes	The result of the examination seems to have been highly satis- [actory.]			
23 December.	120	Free	11 40 15	11 40 15	Yes	Yes.				
23 December.	80	Free	36 40 30	36 40 30	Yes	Yes	There is a residence.			
26 February.	50	Free	9 27 15	9 27 15	No	No.				
— December.		Govt. Grant.	16 70 30	16 70 30	Yes	Yes.				
8 December.	200	Free	12 50 21	12 50 21	Yes	Yes.	There is a residence for the Teacher.			
8 December.	150	Free	12 15 36	12 15 36	Yes	Yes.				
10 December.	100	Free	16 28 27	16 28 27	Bad	Yes	There is a residence.			
10 December.	100	Free	16 27 27	16 27 27	Yes	Yes	There is a residence.			
9 Decemb.	300	Free	12 100 36	12 100 36	Yes	Yes	There is a residence.			
9 Decemb.	100	Free	11 25 22	11 25 22	Yes	Yes	There is a residence.			
14 December.	100	Free	11 25 20	11 25 20	Yes	Yes	There is a residence.			
18 December.	100	Free	18 21 24	18 21 24	Yes	Yes	There is a residence.			
— December.	120	Free	18 26 19	18 26 19	Yes	Yes	There is a residence.			
15 December.	200	Free	No Return.	No Return.	Yes	Yes	There is a residence.			
15 December.	139	Free	10 22 38	10 22 38	Yes	Yes.	There is a residence.			
18 December.	104	No Return			Yes	Yes	There is a residence.			
17 December.	100	Rented	12 29 14	12 29 14	Yes	Yes	There is a residence.			
10 December.	80	Free	15 23 18	15 23 18	Yes	Yes	There is a residence.			
10 December.	100	Free	15 23 18	15 23 18	Yes	Yes	There is a residence.			
16 December.	150	Free	10 36 21	10 36 21	Yes	Yes	There is a residence.			
8 July.	70	Free	12 23 16	12 23 16	Yes	Yes	There is a residence.			
19 June.	109	Free	14 26 20	14 26 20	Yes	Yes	There is a residence.			
18 December.	300	Govt. Grant.	25 52 30	25 52 30	Yes	Yes	There is a residence.			
22 December.	80	Free	18 40 20	18 40 20	Yes	Yes.	There is a residence.			
22 December.	No	Return	9 31 17	9 31 17	Unfinished	Yes	There is a residence.			
No Return.	80	School held in the Church.								
22 December.	70	Free	10 27 15	10 27 15	Yes	Yes	The School House belongs to the Teacher.			
22 December.	96	Free	15 32 18	15 32 18	Yes	Yes	There is a residence.			
17 December.	75	Free	10 30 15	10 30 15	Yes	Yes	There is a residence.			
None	70	Free	12 22 16	12 22 16	Yes	Yes.				
3 June.	60	Free	12 50 18	12 50 18	Yes	No	There is a residence.			
22 December.		Rented	20 10 15	20 10 15	Yes	Yes	There is a residence.			
No Return	50	Rented	No Return.	No Return.	Yes	Yes.				
21 December.	200	Free	16 50 25	16 50 25	Yes	Yes	There is a residence.			
23 December.		Free	No Return.	No Return.	Yes	Yes	There is a residence.			
19 December.	100	Free	12 32 18	12 32 18	Yes	Yes	There is a residence.			
No Return	100	Free	8 40 16	8 40 16	No Return	Yes.	There is a residence.			
18 December.	150	Free	10 50 20	10 50 20	Tolerable	Yes	There is a residence.			
17 December.	150	Free	10 30 20	10 30 20	No	Yes	There is a residence.			
No Return		Free	9 20 14	9 20 14	No Return	No	There is a room for the Teacher.			
8 April.	200	The School is held in the Church					There is a Master's residence.			
18 December.	60	Free	8 30 14	8 30 14	Yes	Yes	There is a residence.			
10 December.	70	Lease	8 28 14	8 28 14	Yes	Yes	There is a residence.			
No Return.	90	Govt. Grant.	9 40 16	9 40 16	Yes	Yes	There is a residence.			
15 December.	50	Free	7 30 12	7 30 12	Yes	Yes	There is a residence.			
8 December.	100	Rented	10 36 16	10 36 16	Yes	Yes	There is a residence.			
17 December.	100	Free	12 42 18	12 42 18	Yes	Yes	There is a residence.			
23 June.	40	Rented	10 10 10	10 10 10	Yes	Yes	There is a residence.			
4 December.	100	Govt. Grant.	10 40 16	10 40 16	No	Yes	There is a residence.			
22 December.	70	Rented	7 28 18	7 28 18	Tolerable	No.	There is a residence.			
No Return.	70	Free	7 15 30	7 15 30	Tolerable	Yes	There is a residence.			
23 December.	41	Rented	8 20 16	8 20 16	Yes	Yes	There is a residence.			
23 December.	75	Rented	12 24 20	12 24 20	Yes	Yes	There is a residence.			
No Return.	60	Free	12 24 14	12 24 14	Tolerable	Yes	There is a Teacher's residence.			
26 June.	50	Free	9 21 14	9 21 14	Tolerable	Yes	There is a residence.			
23 December.	250	Free	14 45 20	14 45 20	Yes	Yes	There is a residence.			
18 December.	100	No Return	16 40 18	16 40 18	Yes	Yes	There is a residence.			
No Return.	80	Free	8 27 18	8 27 18	Yes	No	There is a residence.			
21 December.	80	Rented	8 22 14	8 22 14	Yes	Yes.	There is a residence.			
17 December.	40	Govt. Grant.	7 24 13	7 24 13	Middling	Yes	There is a residence.			
30 November.	80	Govt. Grant.	24 30 18	24 30 18	Tolerable	No.				
21 December.	100	Free	12 40 18	12 40 18	Yes	Yes	There is a residence.			
35 December.	70	Free	9 43 14	9 43 14	No Return	Yes	There is a residence.			
22 November.	100	Govt. Grant.	30 25 25	30 25 25	Yes	Yes	There is a residence.			
21 December.		The School is held in the Church				Yes.				
21 December.		Ditto				Yes.				
21 December.	60	Free	9 30 15	9 30 15	Yes	Yes.	There is a residence.			
No Return										
18 December.	40	Free	8 17 34	8 17 34	Yes	Yes	There is a residence.			
21 December.	50	Rented	8 30 15	8 30 15	Yes	No.	There is a residence.			
No Return	180	Free	12 50 25	12 50 25	Yes	Yes	There is a residence.			
22 December.	80	Free	8 27 14	8 27 14	Yes	No	There is a residence.			
12 October.	60	Free	6 24 15	6 24 15	Yes	Yes	There is a residence.			
22 December.	120	Rented	11 36 14	11 36 14	Yes	Yes	There is a residence.			

GENERAL STATEMENT.

	NUMBERS.						ATTAINMENTS.															
	No. of Children on the Books.	No. Paying Fees.	No. of Children Paupers.	AVERAGE No. IN ATTENDANCE DURING DECEMBER QUARTER, 1857.			READING.				WRITING.		ARITHMETIC.				GRAMMAR.		GEOGRAPHY.		HISTORY.	
				Boys.	Girls.	Total.	LEARNING TO READ.		READING WITH EASE.		Boys.	Girls.	IN FIRST RULES.		IN COMPOUND RULES.		Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
							Boys.	Girls.	Boys.	Girls.			Boys.	Girls.	Boys.	Girls.						
CHURCH OF ENGLAND SCHOOLS :—																						
SYDNEY DIOCESE	5,193	4,835	358	2,174	1,477	3,651	1,517	1,101	1,437	866	1,793	1,157	1,260	873	707	339	1,300	829	1,361	849	981	596
NEWCASTLE	2,143	2,023	120	795	681	1,476	618	556	468	418	629	501	491	415	299	202	411	347	505	412	355	261
TOTAL, CHURCH OF ENGLAND	7,336	6,858	478	2,969	2,158	5,127	2,135	1,657	1,905	1,284	2,422	1,658	1,751	1,288	1,006	541	1,711	1,176	1,866	1,261	1,336	857
PRESBYTERIAN SCHOOLS	1,266	1,237	29	592	404	996	330	259	391	252	425	262	273	190	219	110	293	190	296	186	179	110
WESLEYAN	803	790	13	355	207	562	222	164	255	159	263	162	154	112	117	44	154	99	190	107	82	51
ROMAN CATHOLIC	5,741	5,171	570	2,028	2,055	4,083	1,229	1,138	1,227	1,196	1,393	1,284	837	852	654	539	1,021	933	1,075	1,020	585	543
TOTAL.....	15,146	14,056	1,090	5,944	4,824	10,768	3,916	3,218	3,778	2,891	4,503	3,366	3,015	2,442	1,996	1,234	3,179	2,398	3,427	2,574	2,182	1,561
							7,134		6,669		7,869		5,457		3,230		5,577		6,001		3,743	

Denominational School Board Office,
Sydney, 21 July, 1858.

C. E. ROBINSON.

1858.

Legislative Assembly.
NEW SOUTH WALES.

MR. R. V. GALE.

(TEACHER OF THE PRESBYTERIAN SCHOOL, PITT STREET.)

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 Robert Vining Gale, teacher, of Redfern, in the Colony of
New South Wales,—

HUMBLY SHEWETH:—

That your Petitioner was employed as the recognised Government Teacher of the Presbyterian School, Pitt-street South, Sydney, from January, 1851, to August, 1857, a period of nearly seven years, during which time your Petitioner believes that he discharged his duties as Teacher to the entire satisfaction of all concerned.

That your Petitioner, on the 9th July, 1857, without any previous intimation that any change in the management of the School was contemplated, received a notice, dated 30th June, 1857, signed James Fullerton and William McClelland, stating that it was intended that the School should be conducted according to certain newly-framed resolutions, a copy of which was sent for the first time with the notice, and that your Petitioner's services as Teacher of that School would not be required after the last day of August, 1857.

That your Petitioner, wishing to obtain from the Local Board the cause of such a peremptory notice, immediately wrote to the Chairman, requesting an explanation of the charges preferred against him, if any, to warrant such a notice; and that your Petitioner received an answer stating that he (the Chairman) was not aware of any charges having been preferred against your Petitioner, and further adding, that if your Petitioner wished to conduct the School under the new regulations, he could make application.

That your Petitioner therefore considered, as the Local Board had dismissed him without any sufficient cause being assigned, it would not only be fruitless, but mean and contemptible, both in himself and to the profession generally, to make application under such circumstances, and could not but consider the offer more as an insult than otherwise.

That your Petitioner, in order to sustain his position and justify his character, appealed to the Denominational School Board to make such inquiries as seemed to them necessary, when, after a lapse of three months, your Petitioner received the following reply, viz.:—

“ The Board have applied for a copy of the Minutes of the Proceedings of the Local Board at the meeting at which the subject was decided upon by them, but have not yet succeeded in procuring this information; they are therefore unable to proceed with the subject.”

That during the delay, forcible possession had been taken of the School-room; and the Member of the Local Board (Mr. McClelland) who had signed the notice of dismissal had been appointed Teacher. Your Petitioner was therefore prevented from prosecuting the duties of the School, and thus was suddenly deprived of his situation and also his living.

As your Petitioner had been previously informed by the Chairman of the Local Board that it was his opinion it would be quite competent to conduct the School on other premises, and still receive the Government allowance, your Petitioner conducted the School on other premises, at considerable expense and inconvenience; but, as your Petitioner could not get his Monthly Abstract signed by a Member of the Local Board, no salary would be allowed him.

That your Petitioner laid his case before the Members of the United Association of Teachers, who, after giving it their consideration, requested permission to publish it in one of the Newspapers; and accordingly a great part of the Correspondence was inserted in the *Empire* of Friday, November 27th, 1857.

Your Petitioner having, in his opinion, taken all legitimate means in vindication of his character and position, without effect, has been reluctantly compelled to refer the matter to your Honorable House; and therefore prays that your Honorable House will take the matter into your consideration, and afford such relief to your Petitioner as the extreme hardship of the case may seem to require.

And your Petitioner, as in duty bound, will ever pray, &c.

ROBERT VINING GALE.

1858.

Legislative Assembly.

NEW SOUTH WALES.

INTRODUCTION OF TEACHERS UNDER IMMIGRATION REGULATIONS.
(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 30 July, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 July, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House :—

- “ 1. A Copy of all Correspondence that may have passed between
“ the Government and Mr. H. H. Browne, the Immigration
“ Agent, relative to the bringing out of Teachers for the Denomi-
“ national and National Boards of Education from the United
“ Kingdom.
- “ 2. A Copy of all Letters or Correspondence that may have
“ passed between Mr. H. H. Browne and his, or the Government
“ Agent in the United Kingdom, relative to the same subject.”

(*Mr. Faucett.*)

SCHEDULE.

No.	PAGE.
1. Secretary to the Denominational School Board to the Colonial Secretary, forwarding copy of a letter from the Venerable Archdeacon M'Encroe, proposing the introduction of School Teachers through the assistance of the Immigration Department, 19 November, 1856	3
2. Agent for Immigration to the Colonial Secretary, reporting on the proposal, 6 December, 1856	3
3. Colonial Secretary to the Secretary to the Land and Immigration Commissioners, recommending the proposal to the favorable consideration of the Commissioners, 12 December, 1856 ..	4
4. Under Secretary to the Secretary to the Denominational School Board, in reply to No. 1, 12 December, 1856	4
5. Secretary to the Denominational School Board to the Colonial Secretary, in continuation, 29 December, 1856	4
6. Colonial Secretary to the Secretary to the Land and Immigration Commissioners, in continuation, 10 January, 1857	5
7. Under Secretary to Secretary to the Denominational School Board, in continuation, 9 January, 1857	5
8. Secretary to Land and Immigration Commissioners to Colonial Secretary, in reply to No. 6, 5 May, 1857	6
9. Same to same, in reply to No. 3, 18 May, 1857	6
10. Colonial Secretary to Secretary to Land and Immigration Commissioners, in continuation, 5 September, 1857	7
11. Under Secretary to Secretary to Denominational School Board, in continuation, 5 September, 1857	7
12. Secretary to Land and Immigration Commissioners to Colonial Secretary, in reply to No. 10, 3 February, 1858	7
13. Under Secretary to Secretary to Denominational School Board, 25 May, 1858	8
14. Chairman of the National School Board to the Colonial Secretary, stating that the Board have resolved to apply for Teachers from the Mother Country, 10 June, 1854	8
15. Colonial Secretary to Chairman of the Board, in reply, 14 July, 1854	9
16. Colonial Secretary to Secretary to Land and Immigration Commissioners, relating to passages to the Colony being provided in the ships chartered by the Commissioners for the persons who may be selected as Teachers, 14 July, 1854	9

INTRODUCTION OF TEACHERS UNDER IMMIGRATION REGULATIONS.

No. 1.

THE SECRETARY TO THE DENOMINATIONAL SCHOOL BOARD to THE COLONIAL SECRETARY.

*Denominational School Board Office,
Sydney, 19 November, 1856.*

SIR,

I have the honor, by direction of the Denominational School Board, to forward the accompanying copy of a letter, dated 28th October, from the Venerable Archdeacon M'Encroe, relative to the introduction to this Colony of School Teachers, through the assistance of the Immigration Department. The Board strongly recommend that the suggestions conveyed in the Archdeacon's letter may be complied with; and I am directed to say that it is their intention to forward to the Government any applications of a similar nature which may be received from other religious bodies.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

CHAS. E. ROBINSON,
Secretary.

[Enclosure in No. 1.]

Sydney, 28 October, 1856.

SIR,

In consequence of the scarcity of well-trained teachers in the Colony, I have the honor, by direction of His Grace the Archbishop, to suggest to the Board the propriety of making application to the Government to provide a free passage for five or six teachers, together with their families, from England or Ireland, for Roman Catholic Schools, in connection with your Board.

It appears to me that there was an oversight, while providing passages at the expense of the land fund for some 80 or 90,000 emigrants to this Colony, in not making any provision whatever for bringing a few teachers to conduct the education of the children of this very large body of emigrants. I have no doubt, however, but the Government will see and rectify this mistake, by sanctioning an allowance for the passage money of a few Roman Catholic teachers, as above suggested, in accordance with the regulations for the selection of emigrants, lately published.

I have the honor to suggest that such teachers as may be recommended by the Most Reverend Archbishop Cullen, of Dublin, or the Very Reverend Bartholomew Woodcock, President of Allhallows's College, near Dublin, may be approved of by the Commissioners of Emigration at Home, for the free passage for themselves and families to Sydney. I am inclined to think that, as the Government have already sanctioned free passages for teachers in connection with the Board of National Education, that a similar consideration will be extended to a small number of teachers to be employed under your Board.

I have, &c.,

C. COWPER, Esq., M.L.A.,
Chairman of the Denominational School Board.

J. M'ENCROE.

No. 2.

THE AGENT FOR IMMIGRATION to THE COLONIAL SECRETARY.

*Government Immigration Office,
Sydney, 6 December, 1856.*

SIR,

I do myself the honor to return to you herewith the letter from the Secretary to the Denominational School Board, enclosing one from the Venerable Archdeacon M'Encroe, suggesting, by direction of His Grace Archbishop Polding, the propriety of granting free passages for five or six teachers, together with their families, from England or Ireland, (in ships chartered by the Commissioners for the conveyance of Emigrants) for the Denominational Schools, which was referred to me under your blank cover of the 25th ultimo,—and in reply to inform you, that I can have no objection to the plan proposed in Archdeacon M'Encroe's communication.

2. The greatest difficulty is frequently found by the Commissioners to obtain suitable persons to act in the capacity of schoolmasters on board emigrant ships; and I need hardly remark, that great benefits are derived by the emigrants on a long passage by having the assistance of an efficient schoolmaster on board.

3.

3. I would therefore beg to recommend that the Commissioners be instructed to grant free passages to a Roman Catholic schoolmaster in any of their vessels in which there may be a preponderance of emigrants belonging to that religion, and the same advantage might be extended to Protestant schoolmasters on board of vessels in which the larger portion of the emigrants are of that persuasion.

I have, &c.,

H. H. BROWNE.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 3.

THE COLONIAL SECRETARY to THE SECRETARY TO THE LAND AND IMMIGRATION COMMISSIONERS.

Colonial Secretary's Office,

Sydney, 12 December, 1856.

SIR,

I have the honor to transmit the enclosed copy of a letter from the Venerable Archdeacon M'Encroe, respecting the introduction to this Colony of School Teachers, in Emigrant ships, free of expense for passage, and to recommend that, should the Emigration Commissioners see no objection, a free passage be granted to a Roman Catholic schoolmaster in any of their vessels in which there may be a preponderance of emigrants belonging to that religion, and that the same advantage might be extended to Protestant schoolmasters on board of vessels in which the larger portion of the emigrants may be of that persuasion.

I have, &c.,

HY. WATSON PARKER.

S. WALCOTT, Esq.,

Secretary to the

Colonial Land and Emigration Commissioners,
London.

No. 4.

THE UNDER SECRETARY to THE SECRETARY TO THE DENOMINATIONAL SCHOOL BOARD.

Colonial Secretary's Office,

Sydney, 12 December, 1856

SIR,

With reference to your letter of the 19th ultimo, transmitting a copy of a communication from the Venerable Archdeacon M'Encroe, relative to the introduction to this Colony of School Teachers, through the assistance of the Immigration Department, I am directed to inform you that, the subject having been reported upon by the Immigration Agent, the suggestions therein contained have been recommended to the favorable consideration of Her Majesty's Colonial Land and Emigration Commissioners.

I have, &c.,

W. ELYARD.

CHAS. E. ROBINSON, Esq.,

Secretary to the

Denominational School Board.

No. 5.

THE SECRETARY TO THE DENOMINATIONAL SCHOOL BOARD to THE COLONIAL SECRETARY.

Denominational School Board Office,

29 December, 1856.

SIR,

I am directed to acknowledge the receipt of your letter of the 12th instant, informing the Denominational School Board, in reply to their communication of the 19th November, that the application of Archbishop Polding that passages to this Colony for certain Roman Catholic Schoolmasters be provided in Immigration Ships through the Immigration Department, had been recommended by the Local Government to the favorable consideration of the Land and Immigration Commissioners in London.

The

UNDER IMMIGRATION REGULATIONS.

5

The Board beg respectfully to express their regret that the answer to their communication should have been conveyed in such indefinite terms, and they hope that, with a view to encourage the efforts for improving the character of the schoolmasters of the Colony, the Government will be prepared to assure those who have to make the necessary arrangements that passages, as requested, will positively be granted by the Immigration Commissioners.

The Board also direct me to forward, for the consideration of the Government, an application from the Lord Bishop of Sydney, similar, in effect, to that made by Archbishop Polding; and they beg strongly to recommend that free passages in the immigration ships be granted to such schoolmasters as may be engaged for the Church of England Schools.

I have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY.

C. E. ROBINSON,

Secretary.

[Enclosure in No. 5.]

Sydney, 26 November, 1856.

Dear Sir,

Since my appointment to the office I have the honor to hold I have introduced into the Colony six (6) trained teachers—three of them married men—and one Inspector—the late W. B. Goodman, Esq.,—at a cost to my friends at home of not less than £360, besides free passages given by one firm—the “White Star.”

I beg leave, through you, to make application for a sum of money to be granted to the Denominational School Board for the purpose of defraying the cost of introducing qualified teachers into this Colony, and also that the Emigration Commissioners in England may be instructed to grant free passages to such teachers as may be recommended to them by my Commissioners.

I have, &c.,

F. SYDNEY.

The Chairman of the

Denominational School Board.

No. 6.

THE COLONIAL SECRETARY to THE SECRETARY TO THE LAND AND IMMIGRATION COMMISSIONERS.

Colonial Secretary's Office,

Sydney, 10 January, 1857.

SIR,

With reference to my letter of the 12th ultimo, respecting passages for schoolmasters on board immigrant ships, I am directed to transmit, for the information of the Colonial Land and Emigration Commissioners, a copy of a letter which has been addressed to the Secretary of the Denominational School Board in consequence of their wish to receive an assurance that passages would be provided and that instructions had been forwarded to that effect.

I have &c.,

S. WALCOTT, Esq.

HY. WATSON PARKER.

No. 7.

THE UNDER SECRETARY to THE SECRETARY TO THE DENOMINATIONAL SCHOOL BOARD.

Colonial Secretary's Office,

Sydney, 9 January, 1857.

SIR,

I am directed to acknowledge the receipt of your letter of the 29th ultimo, on the subject of the application made by Archbishop Polding, that passages to this Colony should be provided for Roman Catholic schoolmasters in emigration ships, and to inform you, that although the desire of this Government that such passages shall be granted was expressed to the Commissioners in the form of a recommendation, such recommendation is considered equivalent to the instructions which the Board wish to be sent to them.

2. I am directed to add, with reference to the last paragraph of your letter, relating to a similar application from the Bishop of Sydney, that the Commissioners have been already requested to extend the same advantage to Protestant schoolmasters on board of vessels in which the larger portion of the emigrants are of that persuasion.

I have, &c.

THE SECRETARY TO THE
DENOMINATIONAL SCHOOL BOARD.

W. ELYARD.

No. 8.

THE SECRETARY TO THE LAND AND IMMIGRATION COMMISSIONERS to THE COLONIAL
SECRETARY.

*Government Emigration Board,
8, Park-street, Westminster,
5 May, 1857.*

SIR,

I am directed by the Emigration Commissioners to acknowledge your letter of the 10th January last, transmitting for their information the copy of a letter addressed to the Secretary to the Denominational School Board, giving an assurance that passages should be provided for Roman Catholic schoolmasters in Government emigrant vessels.

In reply, I am to state, that whenever suitable candidates apply the Commissioners will be happy to give effect to the recommendation of the Colonial Government now conveyed to them.

I am, however, to mention, that they do not find that any similar recommendation has before reached this Office.

I have, &c.,

H. WATSON PARKER, ESQ.,
&c., &c., &c.

S. WALCOTT,
Secretary.

No. 9.

THE SECRETARY TO THE LAND AND IMMIGRATION COMMISSIONERS to THE COLONIAL
SECRETARY.

*Government Emigration Board,
8, Park-street, Westminster,
18 May, 1857.*

SIR,

I am directed by the Emigration Commissioners to acknowledge the receipt of your letter of the 12th of December last, which I am to state had not reached the Commissioners when their reply to your letter of the 10th of January, on the same subject, was forwarded to the Colony.

I am directed to state that the Emigration Commissioners would always have been prepared to appoint a Roman Catholic schoolmaster, or Roman Catholic clergyman, to a ship in which the bulk of the emigrants were of that persuasion, if any candidate for such an appointment had offered himself. They will do so in any future ship so situated, whenever a suitable candidate may apply. The same principle will also be observed by appointing a Protestant schoolmaster when a majority of the emigrants are Protestants.

In Archdeacon M'Enroe's letter a suggestion is made that the teachers' families, as well as the teachers themselves, should receive a free passage. I am, however, to mention, that for the families of the teachers above the class of common emigrants free passages have never yet been provided at the expense of Colonial funds. In Mr. Parker's letter transmitting Archdeacon M'Enroe's communication this point is not noticed, and the Commissioners propose, under the circumstances, to continue to abide by their existing practice, unless instructions to the contrary should be received from the Colonial Government.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

S. WALCOTT,
Secretary.

UNDER IMMIGRATION REGULATIONS.

7

No. 10.

THE COLONIAL SECRETARY to THE SECRETARY TO LAND AND IMMIGRATION
COMMISSIONERS.

*Colonial Secretary's Office,
Sydney, New South Wales,
5 September, 1857.*

SIR,

I have the honor to acknowledge the receipt of your letters of the 5th and 18th of May last, in reply to my communications of the 12th of December and 10th of January, respecting passages of schoolmasters being allowed in emigrant ships, and to request that you will have the goodness to state to the Commissioners that, as one of the objects of the arrangements was to introduce into the Colony properly qualified teachers, free passages should also be provided for the families of such as may be recommended in the manner pointed out in Archdeacon M'Encroe's letter, or by the Commissioners of the Bishop of Sydney.

I have, &c.,

HY. WATSON PARKER.

S. WALCOTT, ESQ.

No. 11.

THE UNDER SECRETARY to THE DENOMINATIONAL SCHOOL BOARD.

*Colonial Secretary's Office,
Sydney, 5 September, 1857.*

GENTLEMEN,

With reference to my letters of the 12th December and 10th January last, I am directed by the Colonial Secretary to inform you that communications have been received from the Colonial Land and Emigration Commissioners, stating that they would always have been prepared to appoint a Roman Catholic schoolmaster, or Roman Catholic clergyman, to a ship in which the bulk of the emigrants were of that persuasion, if any candidate for such an appointment had offered himself. They add that they will do so in any future ship so situated, whenever a suitable candidate may apply, and that the same principle will also be observed by appointing a Protestant schoolmaster when a majority of the emigrants are Protestants.

2. The Commissioners having, however, stated that for the families of the teachers above the class of common emigrants free passages have never been provided at the expense of Colonial funds, and that they propose continuing to act upon the existing practice, unless instructed to the contrary, I am directed further to inform you that the Colonial Secretary has apprised them that, as one of the objects of the arrangement is to introduce into the Colony properly qualified teachers, free passages should also be provided for the families of such as may be recommended in the manner pointed out in Archdeacon M'Encroe's letter, or by the Commissioners of the Bishop of Sydney.

I have, &c.,

W. ELYARD.

THE DENOMINATIONAL SCHOOL BOARD.

No. 12.

THE SECRETARY TO LAND AND IMMIGRATION COMMISSIONERS to THE COLONIAL
SECRETARY.

*Government Emigration Board,
Park-street, Westminster,
3 February, 1858.*

SIR,

I am directed by the Emigration Commissioners to acknowledge the receipt of your letter of the 5th of September last, stating that it was the wish of the Colonial Government to introduce into the Colony properly qualified teachers, and requesting that, with this view, passages for the families of teachers in the Government emigrant ships should

should be provided; if they, the teachers, were recommended in the manner pointed out by Archdeacon M'Encroe, or by the Commissioners of the Bishop of Sydney.

The Emigration Commissioners desire me, in reply, to state that they will be happy to give effect to the wish of the Colonial Government in this matter.

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney, New South Wales.

I have, &c.,
S. WALCOTT,
Secretary.

No. 13.

THE UNDER SECRETARY to THE SECRETARY TO DENOMINATIONAL SCHOOL BOARD.
*Colonial Secretary's Office,
Sydney, 25 May, 1858.*

SIR,

With reference to my letter of the 5th September last, on the subject of the passages of the families of schoolmasters in the Government immigrant ships, I am directed to annex the copy of a communication from the Secretary to the Emigration Commissioners in England, stating that passages for such families will be provided in the above vessels should the teachers be recommended in the manner pointed out by Archdeacon M'Encroe, or by the Commissioners of the Bishop of Sydney.

THE SECRETARY TO THE
DENOMINATIONAL SCHOOL BOARD.

I have &c.,
W. ELYARD.

No. 14

THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD to THE COLONIAL SECRETARY.
*National Education Office,
Sydney 10 June, 1854.*

SIR,

We do ourselves the honor to acquaint you that, in consequence of the difficulties we experience in procuring teachers for conducting the National Schools in the Colony, we have resolved to apply for teachers from the Mother Country.

2. For this purpose we propose to request the Lords the Committee of Council on Education in England, and the Honorable the Commissioners of National Education in Ireland, each Board to select eight married couples, (that is, sixteen in all,) who shall possess certificates, duly accredited by their respective secretaries, of having been placed upon examination not lower than on the second division of the second class. Their wives to be competent to instruct female children in plain and fancy needle-work.

3. To married couples, duly qualified as above, this Board purposes to offer a joint salary ranging from the rate of one hundred and eight to one hundred and forty-four pounds per annum, exclusive of the sums derivable from the children attending the schools, in the way of school fees, and of house rent.

4. It appears to us desirable that among the immigrants brought out in each ship to this Colony one or two schoolmasters and their families should be included, until the number above-mentioned is completed. The schoolmasters could be employed in the instruction of the immigrants during the voyage, and receive a free passage for themselves and their families as an equivalent for their services. We consider that no class of persons would be of more benefit to the Colony, and none therefore more deserving the consideration and support of the Government.

5. Under these circumstances we have the honor to request that His Excellency the Governor General will be pleased to forward the accompanying letters addressed to the Lords the Committee of Council on Education in England, and to the Honorable the Commissioners of National Education in Ireland, on the subject; we would also respectfully request His Excellency to strongly recommend the Emigration Commissioners in England to grant free passages to such teachers (and their families) as may be selected for conducting the National Schools of the Colony.

THE HONORABLE
THE COLONIAL SECRETARY.

We have, &c.,
J. H. PLUNKETT,
Chairman.

No. 15.

THE UNDER SECRETARY to THE CHAIRMAN OF THE NATIONAL SCHOOL BOARD.

*Colonial Secretary's Office,
Sydney, 14 July, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th ulto., in which you notify your intention of requesting the Lords of the Committee of Council on Education in England, and the Honorable the Committee of National Education in Ireland, each to select eight married couples for schoolmasters and mistresses, who will receive in this Colony a joint salary at the rate of from £108 to £144 per annum exclusive of sums derivable from the children &c., and you also suggested that free passages be granted to the parties selected in emigrant ships as an equivalent for their services on the voyage.

2. As there does not appear to the Governor General to be any objection to complying with your desire, a copy of your communication has been forwarded, together with the letters enclosed in it, to the Secretary of State, with a Despatch which His Excellency has addressed to His Grace on the subject; and the Emigration Commissioners in England have been requested to grant free passages to such teachers (and their families) as may be selected under your application for the National Schools of this Colony, on the condition proposed by you, if authorised to do so by the Duke of Newcastle.

I have &c.,

W. ELYARD.

THE CHAIRMAN OF THE
NATIONAL SCHOOL BOARD.

No. 16.

THE COLONIAL SECRETARY to THE SECRETARY TO LAND AND IMMIGRATION
COMMISSIONERS.

*New South Wales,
Colonial Secretary's Office,
Sydney, 14 July, 1854.*

SIR,

I do myself the honor to transmit the copy of a letter from the Board of National Education in Sydney, stating it to be their intention to procure, through the assistance of the Committee of Council on Education in England, and the Honorable the Commissioners of National Education in Ireland, sixteen married couples as teachers for conducting the National Schools in the Colony; and I am directed by His Excellency the Governor General to request that, should the Emigration Commissioners see no objection, they will, under the sanction of the Secretary of State, provide passages to the Colony in the ships chartered by them for those persons who may be selected.

2. It will be observed that it is proposed that the schoolmasters should be employed in the instruction of the immigrants during the voyage, receiving free passages for themselves and families as an equivalent for their services, to which arrangement His Excellency does not see any objection.

I have &c.,

C. D. RIDDELL.

S. WALCOTT, ESQ.,
Secretary to the
Colonial Land and Emigration Commissioners,
London.

1858.

Legislative Assembly.
NEW SOUTH WALES.

EDUCATIONAL GRANTS.

(PETITION FROM ST. JOHN'S, GLEBE.)

(Ordered by the Legislative Assembly to be Printed, 13 April, 1858.)

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Members of the United Church of England and Ireland, in the Parish of St. John, the Glebe, in the Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioners are deeply impressed with the importance of the Education of the children of the Colony, and are earnestly desirous of seeing it greatly extended and improved.

That your Petitioners have already given proof of this earnestness, by erecting, at a cost of more than £1,500, a School House for the accommodation of 200 children, which is attended by about 140 at the present time, while the numbers are steadily increasing.

That no assistance whatever towards this building has been contributed by the Government. That your Petitioners felt it to be a great hardship, when engaged in this erection, that they could obtain no such assistance, except by applying to the National Board, and submitting to conditions with which they could not have complied.

That your Petitioners are hindered in further educational efforts, which they are desirous of making, by the present educational arrangements of the Government and the want of funds at the disposal of the Denominational Board.

That your Petitioners cannot but deem it most inequitable that while the National School Board receives a vote of the Legislature of £20,000 to provide for the education of less than 5,000 children, (the number stated by the Commissioners in their Report for 1855 being 4,752,) the Denominational Board is allowed but £14,666 for the education of 14,489 children, the number officially reported in the same year as under instruction in the Schools of that Board.

That the natural tendency of this arrangement is to depress the Denominational Schools, and to damp the zeal of many of the most zealous friends of education, and to restrain their efforts in the cause.

That your Petitioners are of opinion that it would be but fair and reasonable to divide the sum annually voted by the Legislature for Primary Education between the National and Denominational Boards, in proportion to the number of children who can be shewn to be under instruction in their Schools, and that such an arrangement would give a great impulse to educational efforts in all parts of the Colony.

Your Petitioners, therefore, pray your Honorable House to take the premises into your consideration and to adopt such measures with reference thereto as shall tend to the advancement of the intellectual, moral, and religious welfare of the Colony.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 61 Signatures]

1858.

Legislative Assembly.

NEW SOUTH WALES.

EDUCATIONAL GRANTS.

(PETITION FROM INHABITANTS OF DUNMORE, DISTRICT OF MAITLAND.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Inhabitants of Dunmore, District of Maitland,—

HUMBLY SHEWETH :—

That your Petitioners are aware that a Petition has been presented to your Honorable House, praying that the Public Grant for Educational Purposes may be divided between the Denominational and National Boards of Education, in proportion to the number of Children which are at present attending the Schools of the respective Boards.

That your Petitioners consider such a proceeding would be most unjust, and fraught with ruinous consequences to the cause of Education in this Colony.

That your Petitioners, therefore, pray, that no change may be made in the mode of distributing State Grants for Educational Purposes until a general system be established.

And your Petitioners will humbly pray.

[Here follow 36 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

EDUCATIONAL GRANTS.

(PETITION FROM INHABITANTS OF THE TOWN AND NEIGHBOURHOOD OF CLARENCE TOWN.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Inhabitants of the Town and Neighbourhood of Clarence Town,—

HUMBLY SHEWETH :—

That your Petitioners are aware that a Petition has been presented to your Honorable House, praying that the Public Grant for Educational Purposes may be divided between the Denominational and National Boards of Education, in proportion to the number of children which are at present attending the Schools of the respective Boards.

That your Petitioners consider such a proceeding would be most unjust, and fraught with ruinous consequences to the cause of Education in this Colony.

That your Petitioners, therefore, pray, that no change may be made in the mode of distributing State Grants for Educational Purposes until a general system be established.

And your Petitioners will humbly pray.

[Here follow 67 Signatures.]

Legislative Assembly.
NEW SOUTH WALES.

EDUCATIONAL GRANTS.

(PETITION FROM MEMBERS OF CHURCH OF ENGLAND, ARALUEN.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.
The Petition of the Members of the United Church of England and Ireland, in the Gold
District of Araluen, New South Wales.

HUMBLY SHEWETH :—

That your Petitioners are most anxious that the Education of the children of the Colony should be as general and efficient as possible.

That more than 40 new Denominational Schools in connexion with the Church of England are, at the present time, urgently demanded in the various parts of the Dioceses of Sydney and Newcastle.

That the existing Denominational Schools are not in the efficient state in which they should, or might be, from want of funds to improve School Buildings, to provide School Apparatus, to support Pupil Teachers, and to encourage deserving Masters.

That all these advantages might be obtained for Denominational Schools as effectually as for National Schools, if public funds were available for Denominational Schools in the same proportion to the number of children educated as such funds are available for National Schools.

That the number of children in the schools of the Denominational Board was, according to the last Report for 1855, 14,489, while the children in the schools of the National Board were, according to their Report for 1855, 4,752; while the amount of the public grants available for National Schools for 1855 (£20,000) greatly exceeded the amount available for the Denominational Schools—£14,666.

That for the same year, 1855, the amount expended by the National Board in school buildings was £4,282, while extensive school buildings were then going on, which would require the additional outlay of £6,148, making altogether an amount of £10,430; the whole amount available for the Denominational Board, during the same year, for improving school buildings, was only £74.

That this amount of support given to Denominational Schools, so disproportionate to the number of children educated in them, places those schools in a most disadvantageous position, and inflicts a serious injury on three-fourths of the children educated in the primary schools of this Colony.

That your Petitioners would rejoice to see larger grants of public money appropriated to render all the primary schools of the Colony as efficient as possible, but, leaving such increase of the public grant for Educational purposes to the wisdom of Parliament, would earnestly desire that the present disproportionate appropriation of the Educational Grant may be at once rectified, by that grant, whatever may be its amount, being divided between the Denominational and National Boards of Education, in proportion to the number of children which are at present attending the schools of the respective Boards.

And your Petitioners will humbly pray.

[Here follow 10 Signatures.]

181
182

1858.

Legislative Assembly.

NEW SOUTH WALES.

DESTITUTE CHILDREN'S SOCIETY.

(LIST OF DIRECTORS.)

Ordered by the Legislative Assembly to be Printed, 5 May, 1858.

J. P. MACKENZIE, Esq., to W. ELYARD, Esq.

*Society for the Relief of Destitute Children,
Sydney, 7 April, 1858.*

SIR,

I do myself the honor to enclose the Rules of this Society, together with lists of the Board of Directors, in manuscript, and to beg your attention to section 4 of the Act 20 Victoria, No. 19.

I have, &c.,

J. P. MACKENZIE,

Secretary.

W. ELYARD, Esq.,
Under-Secretary.

NAMES of the Board of Directors of the Society for the Relief of Destitute Children.

Alexander, Jno.
Allen, Geo.
Beazley, Rev. J.
Bonar, Andrew
Burnell, H. C.
Cape, T. W.
Caldwell, Jno.
Cowlshaw, Thos.
Douglass, Dr.
Dougall, Rev. Jno.
Dowling, J. S.
Elliott, Gilbert
Hebblewhite, S.
Harris, S. H.

Hogg, Thos.
King, Rev. Geo.
M'Farlane, Dr.
Pearce, S. H.
Powell, James
Raphael, J. G.
Ross, Rev. Robt.
Sheridan, Rev. J. F.
Stephen, Sir Alfred, Knt.
Stephen, Rev. A. H.
M'Encroe, Venerable Archdeacon
M'Lerie, John
Milne, Rev. J. S.

I hereby certify these names to be a correct list.

7 April, 1858.

J. P. MACKENZIE,
Secretary.

J. M. MAY, Esq., to W. ELYARD, Esq.

*Society for the Relief of Destitute Children,
Randwick, 24 April, 1858.*

SIR,

Referring to your letter of the 14th instant, requesting to be informed whether any Rules had been made since the 1st March, 1857, I have been directed to inform you that no Rules have been made since that date.

I have, &c.,

J. M. MAY,

Secretary.

W. ELYARD, Esq.,
Under-Secretary.

1858.

Legislative Assembly.

NEW SOUTH WALES.

BENEVOLENT ASYLUM.

(RETURN OF CHILDREN RECEIVED FROM 1 JANUARY, 1850, TO 30 APRIL, 1858.)

Ordered by the Legislative Assembly to be Printed, 20 July, 1858.

RETURN to an *Order* made by the Honorable the Legislative Assembly, New South Wales, dated 30 April, 1858, That there be laid upon the Table of this House,—

“ A Return shewing the number of Infants that have been
 “ received into the Benevolent Asylum from the 1st January,
 “ 1850, to the 30th April, 1858, specifying the number received
 “ in each year, the date of admission, and the number of deaths
 “ in each year; also the number of Children that may have
 “ been removed during the same period.”

(*Mr. Robert Tooth.*)

BENEVOLENT ASYLUM.

A RETURN shewing the number of INFANTS received into the BENEVOLENT ASYLUM from
1 January, 1850, to 30 April, 1858 the date of Admission, and the date of Death or
Discharge.

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1850.			1850.		
1 January		22 Jan., 1852	8 August		24 Oct., 1850
8 "		8 April, 1851	9 "		18 March, 1851
"		10 Jan., 1850	13 "		18 Nov., 1850
"		" "	27 "	16 Sept., 1850.	
18 "		21 " "	3 September		3 Sept., "
"		8 " 1851	6 "	29 Sept., 1850.	5 Oct., "
"	24 April, 1850.		"		" "
29 "		3 May, 1850	"		" "
1 February		7 " "	"		" "
8 "		21 Feb., "	"		10 June, 1852
22 "		30 April, "	10 "		2 Oct., 1850
26 "		4 March "	4 October		23 Dec., "
26 "		25 " "	"		10 " "
6 March		20 Sept., "	5 "		2 Nov., "
"		25 June, "	7 "	1 June, 1851.	10 July, 1851
"		17 Feb., 1851	17 "		17 " "
"		10 July, "	26 "		26 Sept., "
8 "		4 Nov., "	31 "		12 Nov., 1850
"		30 April, 1850	"		6 " "
8 April		23 Feb., 1851	1 November		5 Dec., "
10 "		11 May, "	2 "		4 Nov., "
13 "		20 April, "	6 "		7 March, 1851
24 "		28 June, "	14 "		17 Jan., "
"		4 July, 1851	16 "		13 May, "
"		8 June, 1850	26 "	6 Dec., 1851.	" "
1 May		25 July, 1851	15 December		2 Jan., "
2 "		24 May, 1850	16 "		16 Aug., "
3 "		28 June, "	"		24 Feb., "
"		27 July, "	"		19 May, "
"		24 June, "	20 "		17 July, "
4 "		Qy. when?	27 "		19 Sept., "
"		22 Oct., 1851			
"		15 July, 1850	1851.		
"		8 May, "	11 January		20 Jan., "
7 "		2 Nov., "	13 "		22 March, "
"		" "	15 "		17 Jan., "
9 "		11 May, "	"		11 Feb., "
25 "		16 Aug., 1851	16 "		24 Jan., "
27 "		17 July, "	27 "		10 July, "
"		1 June, "	"		17 Feb., "
30 "		18 March, "	3 February	6 May, 1851.	" "
3 June		20 Aug., 1850	"		20 Feb., "
4 "		8 June, "	"		" "
"		" "	"		" "
"		" "	4 "		15 " "
5 "		8 Aug., "	7 "		18 " "
"		19 June, "	14 "		16 May, "
11 "		16 July, "	"		" "
"		" "	17 "		5 April, "
17 "		18 June, "	22 "		31 March, "
20 "		6 July, "	"		" "
21 "		5 Aug., "	24 "		17 July, "
5 July		20 " "	"		" "
"	5 Nov., 1850.		"		" "
28 June	23 Aug., "		"		11 June, 1852
9 July		31 May, "	4 March		5 Aug., "
"		1 Aug., "	5 "		11 June, "
"		14 Oct., "	"		24 Feb., "
13 "		11 Nov., "	"		19 March, "
"		30 Aug., "	10 "		" "
"		" "	12 "		17 July, "
"		" "	22 "		10 Nov., "
27 July		2 Nov., "	"		" "

BENEVOLENT ASYLUM.

3

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1851.			1851.		
25 March		5 Aug., 1852	30 September		13 Oct., 1851
"		14 July, "	"		"
"		5 August, "	1 October		11 June, 1852
26 "		3 October, "	"	27 Dec., 1851.	2 Oct., 1851
29 "		3 October, "	"	"	9 "
"		30 May, "	"	"	14 "
"		"	"	"	4 Dec., "
8 April		6 June, 1851	"	"	26 Nov., "
"		10 "	7 "	"	12 Oct., "
"		10 July "	16 "	"	8 Dec., "
"		"	"	"	"
15 "		28 April, "	20 "	"	3 Jan., 1852
17 "		8 Oct., "	"	20 Oct., 1851.	21 Dec., 1851
"		11 June, 1852	29 "	"	Qy. when?
22 "		30 July, 1851	4 November	"	15 Dec., 1851
"		21 June, "	7 "	"	2 April, 1852
2 May		6 May "	13 "	"	10 Dec., 1851
3 "		"	14 "	"	3 Jan., 1852
5 "		"	15 "	"	9 Dec., 1851
"		16 "	18 "	"	"
"		"	19 "	"	17 June, 1852
6 "		6 June, "	"	"	12 Jan., "
12 "		12 Dec., "	20 "	"	15 April, "
17 "		10 June, 1852	"	"	17 Feb., "
19 "		17 July, 1851	"	"	10 June, "
24 "		11 June, 1852	"	"	25 Jan., "
27 "		5 Aug., 1851	"	"	3 Dec. "
31 "		5 Sept., "	26 "	"	Qy. when?
6 June		22 May, "	"	"	31 Dec. 1851
9 "		17 July, "	27 "	"	19 June, 1852
10 "		14 Sept. "	1 December	"	"
"		"	8 "	"	11 March, "
18 "		1 Aug., "	9 "	"	"
"		"	"	"	15 "
20 "		28 Aug., "	10 "	18 Feb., 1852.	23 Feb., "
23 "		16 July, "	15 "	"	14 "
24 "		3 April, 1852	26 "	"	"
27 "		Qy. when?		"	"
3 July		21 Oct., 1851		"	"
4 "		9 Aug., "	1852.		"
15 "		7 "	6 January		12 Jan., 1852
16 "		14 July, "	"		"
"		4 Aug., "	9 "		10 Feb., "
"		24 Oct., "	"		"
"		11 June, 1852	13 "		16 "
18 "		18 Dec., 1851	24 "		26 Jan., "
21 "		26 Oct., "	27 "		19 March, "
23 "		5 Aug., "	"		10 "
31 "		12 "	28 "		5 May, "
2 August		10 June, 1852	2 February	Feb. 2, 1852.	1 March, "
"		"	16 "		"
4 "		5 Aug., 1851	"		"
6 "		26 Sept., "	"		"
9 "		16 Aug., "	16 "		27 Feb., "
15 "		22 Sept., "	"		"
19 "		11 Sept., "	"		"
23 "		6 Nov., "	26 "		26 Aug., "
28 "		8 Sept., "	"		"
1 September		10 "	"		"
5 "		18 Dec., "	2 March		2 March, "
9 "		7 Nov., "	"		"
10 "		Qy. when?	8 "		26 June
13 "		25 March, 1852	10 "		21 April, 1852
"		18 Sept., 1851	15 "		4 May
"		8 Oct., "	24 "		Qy. when?
"		16 "	30 "		27 April 1852
"		20 Jan., 1852	"		"
15 "		26 Sept., 1851	6 April		2 April
16 "		24 "	8 "		15 March, "
"		1 Nov., "	12 "		29 Sep. "
"		10 June, 1852	13 "		11 June
18 "		26 Nov., "	30 "		"
22 "		29 Sept., 1851			"
23 "		23 Oct., "			"
24 "		13 Dec., "			"
27 "		3 Feb., 1852			"
"		17 March "			"
"		"			"
"		"			"

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1852.			1852.		
1 May		1 June.	4 November ..		5 Nov.
"		"	"		22 Dec.
4 "		"	"		"
19 "		2 Dec., 1850	"		"
"		3 June	"		"
25 "		21 "	11 "	15 Nov., 1852.	"
"		"	19 "	"	22 June.
2 June		25 Aug.	27 "	"	20 Nov.
"		"	1 December ..	"	24 Dec.
11 "		2 July.	4 "	"	3 "
"		"	6 "	9 Nov., 1853.	8 "
"		"	9 "	"	" Qy.
15 "		17 Aug.	11 "	"	29 Dec.
16 "		15 Dec.	14 "	"	17 "
19 "		2 July.	16 "	7 Jan., 1853.	7 Jan., 1853
"		26 June.	30 "	26 Nov., 1853.	29 Dec.
23 "		14 Jan., 1853			22 "
"		29 June.			29 "
"		26 "			14 March, "
"		26 "			
29 "		28 July.	1853.		
30 "		30 Aug.	3 January		10 Jan.
"		17 "	13 "		25 "
"		30 "	"		14 "
"		17 "	"		"
1 July		19 Dec., 1853	"		11 June.
2 "		5 July.	15 "		15 "
6 "		11 Oct.	"		17 "
"		15 Dec.	"		1 March.
14 "		8 Nov.	21 "	2 Feb., 1853.	24 Feb.
15 "		2 Aug.	24 "	"	18 "
"		16 Feb., 1853	26 "	"	19 "
17 "		21 Oct.	"	"	17 "
19 "		24 Feb., 1853	"	"	19 "
21 "		16 Nov.	"	"	"
23 "		16 Dec.	5 February ..		23 June.
"		18 Aug.	8 "		2 May.
28 "		17 Dec.	16 "		9 Feb.
2 August		31 July.	17 "	1 Feb., 1854.	6 April.
"		9 Oct., 1854	"	"	22 June.
9 "		17 Sept.	18 "	"	11 "
12 "		17 Feb., 1853	"	"	"
14 "		18 Aug.	19 "	9 Jan., 1854.	"
20 "		13 Sept.	21 "	"	9 March.
"		15 "	25 "	"	"
"		12 Oct.	"	"	"
"		27 Aug.	"	"	"
"		11 May, 1853	"	"	"
23 "		25 Aug.	"	"	"
25 "		15 Sept.	26 "	"	23 "
27 "		26 Nov.	"	"	"
2 September ..		8 Sept.	1 March		1 "
"		"	"	"	"
"		"	"	"	"
"		13 "	"	"	"
6 "		19 Jan., 1853	5 "	"	9 "
"		"	"	"	"
13 "		20 Oct.	7 "	"	19 April.
15 "		6 April.	10 "	"	12 Dec.
16 "		21 March, 1853	16 "	"	22 Feb., 1854
"		17 June, "	"	"	30 March.
"		8 Dec.	18 "	"	22 "
13 October		20 Nov.	23 "	"	11 April.
14 "		5 "	31 "	"	27 May.
20 "		21 March.	1 "	"	22 April.
21 "		13 June.	31 "	15 April, 1853.	3 Aug.
22 "		21 Oct.	"	9 May, "	"
"		30 "	13 April	"	11 July.
"	2 Nov.	"	"	"	31 Aug.
29 "		10 Nov.,	"	"	18 April.
4 November ..		5 "	14 "	"	25 March.
"		"			

BENEVOLENT ASYLUM.

5

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1853.			1853.		
14 April		25 March.	11 July	15 July.	12 July.
"		"	"	"	"
"		9 May.	"	18 July.	27 "
"		16 April.	18 "	"	22 Aug.
"		27 March, 1855	"	"	2 March, 1854
15 "		15 April.	22 "	"	1 Aug.
"		18 "	"	"	2 May.
"		"	"	"	13 Feb., 1854
"		"	"	"	27 Mar., 1855
16 "		21 "	21 "	"	28 July, 1854
"		"	"	"	19 Dec.
18 "		19 "	3 August	"	31 Oct.
"		6 June.	15 "	"	16 Sep.
20 "		12 May.	"	"	"
"		1 July.	"	"	16 Aug.
21 "		4 "	16 "	"	"
"		"	18 "	7 March, 1854.	21 Feb., 1854.
"		"	1 September	8 Feb., 1854.	"
23 "		17 July.	"	7 November.	19 Dec.
"		24 May.	10 "	"	7 "
"		"	15 "	"	28 Sep.
26 "		2 "	23 "	"	22 Aug.
27 "		27 July.	"	"	2 Nov.
"	28 January.	"	1 October	"	"
"	"	23 May.	"	"	17 Oct.
30 "	"	11 "	"	"	9 March, 1854.
2 May	"	25 "	5 "	"	18 November.
"	"	28 Jan., 1854	"	"	18 Nov.
"	"	7 May.	"	"	9 March.
4 "	"	28 Jan.	"	"	26 Nov.
9 "	"	5 May.	7 "	"	19 Dec.
11 "	"	30 "	17 "	"	23 Nov.
"	"	15 June.	"	"	9 Dec.
"	"	21 "	21 "	19 May, 1854.	9 Nov.
"	"	"	"	"	2 "
"	"	9 March, 1854	22 "	9 Jan., 1854.	8 "
12 "	20 May.	18 May.	26 "	"	4 Jan., 1854
16 "	"	23 "	31 "	"	23 Nov.
"	"	27 July.	7 November	"	26 "
"	13 June.	"	9 "	"	1 March, 1854
17 "	"	27 July.	17 "	"	12 Dec.
"	"	17 June.	22 "	"	4 Jan., 1854
"	"	"	23 "	"	"
"	"	3 "	24 "	"	4 March.
19 "	"	20 May.	"	"	27 " 1855
26 "	"	21 April.	25 "	"	19 Dec.
"	"	"	"	"	8 "
21 "	"	19 Dec.	"	"	2 "
"	"	"	"	"	19 Oct., 1854
"	"	15 June.	"	"	12 Dec.
23 "	"	2 "	"	"	"
"	"	4 July.	12 "	"	18 Feb., 1854
25 "	"	27 May.	13 "	6 April, 1854.	" 1854
26 "	"	29 June.	20 "	"	3 March "
28 "	"	30 May.	22 "	"	17 Feb., "
30 "	"	"	30 "	"	5 Jan., "
"	"	"	"	"	"
"	"	"	"	"	"
"	"	"	"	"	"
"	"	17 Oct.,	12 "	"	"
"	"	28 Jan., 1854	13 "	"	"
1 June	"	11 June.	20 "	"	"
"	"	"	22 "	"	"
2 "	"	"	30 "	"	"
10 "	"	17 "	"	"	"
"	"	2 Dec.	1854.	"	"
11 "	"	24 Oct., 1854	6 January	"	28 Feb.
29 "	"	18 June.	11 "	"	3 "
"	"	2 July.	16 "	"	18 Jan.
"	"	4 "	19 "	"	24 April.
"	"	"	20 "	"	2 Feb.
"	"	13 "	23 "	"	23 Jan.
"	"	"	"	"	28 "
"	"	19 Oct., 1854	"	"	"
2 July	"	26 July.	"	"	"
4 "	11 November.	"	24 "	"	11 Feb.
7 "	"	17 Nov., 1854	28 "	"	27 Mar., 1855
"	7 Mar., 1854.	"	1 February	"	"
"	"	17 Nov.	"	"	"
"	"	"	"	"	17 " 1854

BENEVOLENT ASYLUM.

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1854.			1854.		
2 February.....	20 Feb.	29 June.....	.....	10 July, 1856
7 ".....	16 "	".....	.....	27 March, 1855
".....	"	3 July.....	5 July.	
8 ".....	20 "	5 ".....	.....	18 Aug., "
".....	3 April.	7 ".....	.....	7 July.
".....	22 Feb.	12 ".....	.....	22 Aug.
".....	14 March.	14 ".....	.....	26 "
".....	"	19 ".....	.....	19 July.
".....	"	".....	27 Sept.
9 ".....	15 Feb.	".....	.....	29 July.
10 ".....	"	".....	23 Aug.
13 ".....	22 "	21 ".....	.....	"
14 ".....	20 "	25 ".....	.....	4 "
16 ".....	13 March.	".....	.....	"
2 March.....	14 "	".....	.....	"
4 ".....	8 "	".....	.....	21 May, 1855
".....	19 April.	27 ".....	.....	19 Oct.
6 ".....	2 June.	4 August.....	.....	10 Aug.
".....	30 March.	".....	.....	19 March.
".....	1 May.	".....	.....	"
10 ".....	15 April.	9 ".....	.....	18 Sept.
11 ".....	12 June.	".....	.....	9 Aug.
".....	28 March.	10 ".....	.....	11 Oct.
".....	"	".....	3 Sept.
".....	"	".....	7 Dec.
".....	"	".....	21 May.
".....	13 April.	12 ".....	.....	9 Nov.
23 ".....	29 March.	15 ".....	.....	23 May, 1855
29 ".....	17 July.	23 ".....	.....	4 Sept.
".....	17 March, 1855	25 ".....	.....	24 Oct.
31 ".....	18 April.	".....	.....	25 "
".....	3 "	30 ".....	.....	11 Sept.
".....	5 "	".....	.....	"
1 April.....	3 "	6 September.....	.....	19 Oct.
".....	18 "	".....	.....	27 March.
".....	15 "	7 ".....	.....	27 Sept.
".....	"	8 ".....	.....	8 "
".....	"	".....	9 Nov.
7 ".....	27 March.	".....	.....	16 Aug.
10 ".....	10 April.	13 ".....	.....	24 Oct.
".....	"	20 ".....	.....	19 "
11 ".....	1 August.	21 ".....	.....	25 Sept.
12 ".....	20 July.	22 ".....	.....	3 Oct.
".....	2 "	23 ".....	.....	7 Dec.
".....	"	27 ".....	.....	11 Oct.
".....	"	".....	29 Sept.
15 ".....	13 Nov., 1855.	28 ".....	.....	19 Oct.
".....	17 April.	".....	.....	"
24 ".....	16 Aug.	".....	.....	"
".....	29 May.	29 ".....	.....	27 Nov.
".....	27 Oct.	10 October.....	7 Feb., 1855.	30 "
".....	18 May.	12 ".....	.....	17 Oct.
".....	5 "	14 ".....	.....	"
25 ".....	15 "	".....	.....	8 Feb.
28 ".....	10 "	19 ".....	.....	6 Nov.
4 May.....	3 "	23 ".....	.....	20 Sept., 1856
".....	10 "	".....	.....	27 Oct.
".....	"	29 ".....	.....	28 Dec.
".....	18 "	3 November.....	.....	15 Jan., 1855
13 ".....	18 Oct.	4 ".....	.....	17 Dec.
".....	"	6 ".....	.....	1 Feb.
18 ".....	19 May.	".....	.....	8 Jan., "
23 ".....	14 June.	".....	.....	14 Nov.
24 ".....	15 June.	".....	.....	"
29 ".....	12 July.	".....	.....	19 Feb.
31 ".....	28 June.	9 ".....	.....	23 April, "
".....	11 July.	10 ".....	.....	27 March.
2 June.....	27 March.	15 ".....	.....	"
3 ".....	16 Sept.	24 ".....	.....	24 Jan., "
".....	"	".....	"
".....	14 June.	28 ".....	.....	1 Dec.
12 ".....	27 "	".....	.....	"
19 ".....	29 "	".....	.....	"
21 ".....	3 July.	".....	.....	"
23 ".....	4 July.	".....	.....	4 "
".....	"	29 ".....	.....	6 "
29 ".....	18 Oct.	".....	.....	15 Jan.,

BENEVOLENT ASYLUM.

7

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1854.			1855.		
29 November	8 Jan., 1855	23 February....	.....	5 June.
"	" "	24 " .....	.....	28 March.
"	4 Dec. "	" .....	.....	28 Feb.
"	18 Aug., 1855	" .....	.....	7 April, 1857
30 "	25 April.	26 " .....	.....	18 " "
7 December	9 March, 1855	2 March .....	.....	27 June.
"	31 Jan.	6 " .....	.....	21 May.
"	2 July.	" .....	.....	8 March.
"	12 Dec.	.....	7 " .....	.....	17 " "
15 "	26 Feb., 1856.	5 Jan., 1855	" .....	.....	" "
"	" "	13 " .....	.....	21 " "
"	" "	15 " .....	.....	17 Dec.
18 "	19 Dec.	" .....	.....	3 April.
"	1 Jan., 1855.	18 May.	16 " .....	.....	23 March.
19 "	22 Feb.	19 " .....	.....	10 Oct.
"	" "	21 "	31 March.	21 April, 1856
"	" "	26 " .....	.....	" "
22 "	1 Feb.	27 " .....	.....	7 May.
"	13 June.	" .....	.....	" "
"	" "	29 " .....	.....	19 April.
23 "	29 Jan.	30 " .....	.....	4 April.
23 "	29 Oct., 1856	7 April .....	.....	21 July, 1856
30 "	3 Aug., "	9 " .....	.....	30 April.
"	8 Feb., 1855	11 " .....	.....	11 " "
1855.			11 " .....	.....	2 July.
1 January	13 Jan.	" .....	.....	11 " "
3 "	27 March.	12 " .....	.....	16 May.
5 "	" "	16 " .....	.....	16 Jan., 1856
"	" "	17 " .....	.....	1 Oct.
8 "	8 Jan.	18 " .....	.....	11 May.
12 "	13 Feb.	19 " .....	.....	2 July.
13 "	28 "	20 " .....	.....	30 April.
16 "	27 March.	" .....	.....	21 July.
23 "	17 "	21 " .....	.....	25 April.
24 "	28 May.	23 " .....	.....	30 May.
"	29 "	25 " .....	.....	13 Aug.
"	14 March.	" .....	.....	23 "
"	2 July.	27 " .....	.....	30 Sept.
27 "	24 April.	" "	28 " .....	.....	17 May.
1 February ..	30 April.	27 March.	" .....	.....	2 July.
"	26 Feb.	30 " .....	.....	11 May.
"	" "	7 May .....	.....	6 June.
"	" "	16 " .....	.....	31 May.
7 "	27 March.	18 " .....	.....	21 April, 1856
"	" "	19 " .....	.....	21 May.
8 "	17 Dec.	23 " .....	.....	17 "
9 "	28 Sept.	28 " .....	.....	23 May.
"	26 March, 1856	30 " .....	.....	11 June, 1857
"	23 April.	31 " .....	.....	21 May.
12 "	17 "	" .....	.....	2 June.
"	14 Feb.	4 June .....	.....	27 "
"	5 March.	" .....	.....	4 "
"	9 "	" .....	.....	24 Dec.
"	" "	"	2 July.
"	" "	"	" "
"	15 Feb.	18 " .....	.....	6 June.
14 "	21 "	21 " .....	.....	" "
15 "	17 March.	23 " .....	.....	10 July.
17 "	9 "	27 " .....	.....	11 "
19 "	2 "	" .....	.....	13 "
"	21 May.	21 July	11 October.	8 Oct.
"	" "	4 " .....	.....	9 Dec.
20 "	13 March.	6 " .....	.....	12 "
21 "	4 June.	" .....	.....	" "
"	3 March.	12 "	4 October.	26 July.
22 "	8 October.	15 "	13 " .....	.....	14 "
			16 " .....	.....	26 Feb., 1856
					14 Aug. "

BENEVOLENT ASYLUM.

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1855.			1855.		
16 July	30 July.	25 July.	7 November	26 December.	11 Feb.
21 "	"	"	9 "	"	16 May.
"	"	"	10 "	"	12 Nov.
23 "	"	14 Nov.	12 "	"	4 Feb.
1 August	"	17 Dec.	"	"	30 Nov.
4 "	"	21 Nov.	13 "	"	24 Feb.
7 "	"	"	17 "	"	7 "
8 "	October 5.	23 Jan., 1856	21 "	"	22 Nov.
9 "	"	20 Nov.	26 "	"	5 Dec.
14 "	"	10 "	5 December	"	28 Nov.
15 "	"	6 May.	"	"	13 Dec.
"	"	"	"	"	7 Jan., 1853
"	"	"	"	"	13 Dec.
"	"	"	"	"	24 "
"	Jan. 29, 1856.	"	6 "	"	16 May.
"	"	3 Sept.	11 "	"	22 Dec.
"	"	16 Nov.	"	"	20 Aug.
"	"	17 "	"	"	24 Dec., 1856
18 "	"	1 Oct.	12 "	"	30 May.
20 "	"	31 Aug.	"	"	"
22 "	"	13 Feb.	"	"	11 Feb.
25 "	"	20 Nov.	19 "	"	1 Jan., 1856
"	"	29 March.	20 "	"	25 March.
27 "	"	8 Oct.	"	"	10 July.
"	"	22 "	"	"	"
"	"	30 Jan.	"	"	"
28 "	"	"	"	"	"
"	"	10 May.	"	"	"
"	"	"	"	"	13 Oct.
"	21 December.	"	"	"	11 Jan., 1856
30 "	"	19 Nov.	21 "	"	23 "
"	"	21 April.	22 "	"	26 "
"	"	"	"	"	"
"	"	11 Oct.	"	"	"
3 September	"	20 Nov.	28 "	"	15 Feb.
"	"	"	29 "	"	1 January.
"	"	20 May.			
8 "	"	14 Sept.	1856.		
10 "	"	3 Oct.	3 January		7 Jan.
12 "	"	27 Feb.	"		"
"	"	7 April.	7 "		"
"	"	"	9 "		17 Sept.
"	"	16 Sept.	11 "		21 Dec., 1857
"	"	5 Nov.	"		10 December.
"	"	6 May.	"		16 Jan.
14 "	"	"	"		31 "
15 "	13 May, 1858.	21 April.	14 "		20 January.
"	"	"	16 "		16 Aug.
19 "	November 26.	"	17 "		9 Feb.
29 "	December 31.	"	"		"
1 October	"	1 Oct.	"		"
"	"	"	"		"
4 "	"	23 Oct., 1856	"		"
"	"	23 Jan., "	21 "		29 April
"	"	16 Nov.	"		18 February.
8 "	"	6 "	23 "		24 March.
9 "	"	23 Oct.	"		28 Jan.
"	"	"	"		"
15 "	"	16 Jan.	"		"
"	"	3 Nov.	"		"
16 "	"	5 Dec.	24 "		21 April.
17 "	"	1 Nov.	28 "		25 Feb.
22 "	"	17 Dec.	29 "		12 Sep.
"	"	15 Oct.	4 February		11 February.
24 "	"	17 Dec.	9 "		5 April
"	"	24 Nov.	"		24 March
25 "	"	25 Oct.	"		15 Feb.
"	"	"	"		25 "
"	"	8 Nov.	15 "		"
27 "	9 February.	"	18 "		19 May
"	"	12 "	20 "		30 "
"	"	16 Jan.	21 "		6 March
"	"	"	22 "		21 April
"	"	26 Nov.	"		"
30 "	"	"	23 "		26 Feb.
1 November	"	3 "	29 "		21 April
"	"	"	3 March		19 March
2 "	"	19 Dec.	5 "		12 March.
"	"	"	12 "		8 April
6 "	"	17 "	"		29 March
"	"	"	15 "		7 April
"	"	"	27 "		10 May
7 "	"	18 April.	31 "		"

BENEVOLENT ASYLUM.

9

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1856.					
2 April		21 April	12 September		20 Sept.
4 "		12 "	18 "		"
5 "	1 August.	22 "	22 "		13 Oct.
7 "		16 "	25 "		4 "
11 "		7 May	27 "	29 September.	"
15 "		12 June	30 "		8 May.
19 "		13 Sept.	1 October		24 Dec.
21 "		13 May	"		10 July.
"		4 June	3 "		4 Oct.
"		31 Dec.	4 "		21 "
23 "		13 May	9 "		20 Nov.
"		24 April	15 "		6 Dec.
"		2 July, 1857	22 "		23 Oct.
"		28 May "	"	9 December.	
2 May		10 July, 1857	25 "		31 Dec.
5 "		6 May	29 "		28 Oct.
7 "		3 June	30 "		30 "
"		"	3 November		17 June.
10 "		4 June.	"		5 Dec.
14 "		24 "	4 "		"
"		30 Oct.	8 "		10 Nov.
"		"	11 "	17 April,	6 Dec.
15 "	1 July.	19 July.	14 "		19 "
16 "		27 May.	15 "		22 "
17 "		9 June.	19 "		7 Jan., 1857.
23 "		30 "	21 "		13 "
28 "		6 "	24 "		17 "
29 "		24 Feb., 1856.	26 "		11 Dec.
30 "		23 June.	"		23 July, 1857.
2 June		23 Nov., 1857.	"		12 June, "
"		8 Sept., 1857.	28 "		19 Dec.
13 "		24 Jan., 1857.	"		2 "
16 "		8 July.	3 December		27 "
21 "		31 Dec.	4 "	17 March.	21 Jan., 1857.
25 "		30 June.	5 "		19 Oct.
26 "	9 July.	20 Aug.	17 "	21 April.	3 June, 1857.
28 "		3 Oct.	19 "		21 Oct.
2 July		22 July.	20 "	29 December.	
4 "		5 Sept.	"	12 Jan., 1857.	
8 "		13 Aug.	22 "	5 Jan.	
9 "		8 Sept.	23 "		1 Jan., 1857.
10 "		3 "	24 "	9 Jan., 1857.	2 " "
14 "		14 Aug.	"		
16 "		24 June.			
21 "		"	1857.		
25 "		27 Sept.	2 January		20 Jan.
28 "		25 July.	3 "		9 May.
"		15 Oct.	5 "		14 Feb.
1 August		6 Sept.	"		7 Oct.
2 "		13 Nov.	"		30 Jan.
7 "		25 Aug.	10 "		19 "
"		10 July, 1857.	14 "		17 "
"		8 Sept.	15 "		27 Feb.
"		26 Oct.	"		"
11 "		16 Aug.	16 "		16 March.
13 "		21 Feb., 1857.	"		"
16 "		"	17 "		30 May.
18 "		22 May.	19 "		11 Feb.
21 "		20 Sept.	"		25 "
"		28 Oct.	"	23 January.	23 Jan.
"		9 Dec.	22 "		11 "
"		8 July.	23 "		7 March.
23 "		3 Sept.	"		"
25 "		25 Feb.	"	24 January.	"
26 "		21 Oct.	28 "		3 June.
1 September		5 Sept.	"		13 July.
"		13 Oct.	5 February		16 Feb.
"		"	10 "		20 March.
10 "	15 September.	"	"		17 "
12 "		9 Dec.	"		25 "
"		20 Sept.	14 "		15 Oct.
"		"	"		12 Aug.

BENEVOLENT ASYLUM.

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1857.			1857.		
14 February...		20 March.	24 June	24 October.	2 Nov.
16 "		10 July.	"	"	30 Oct.
"		3 June.	29 "	"	31 July.
"		2 Sept.	"	"	27 "
"		3 March.	"	"	1 Aug.
23 "		11 "	30 "	"	3 "
25 "		5 "	1 July	"	6 "
4 March		15 June.	10 "	"	3 "
6 "		25 March.	13 "	"	9 Sept.
10 "		20 April.	18 "	"	10 Nov.
11 "		18 March.	23 "	"	2 November.
12 "		19 "	24 "	"	25 July.
"		20 "	27 "	"	17 Aug.
"		27 "	30 "	"	2 Feb., 1858.
"		24 "	"	"	12 Oct.
"		21 "	"	"	6 Aug.
13 "		8 April.	"	"	12 Oct.
18 "		21 March.	"	"	3 Sept.
"		8 April.	31 "	"	7 "
"		27 "	3 August	"	18 Aug.
"		8 "	6 "	"	26 "
"		28 March.	7 "	"	31 Oct.
20 "		17 April.	"	"	2 "
21 "		21 May.	8 "	"	27 Jan., 1858.
25 "		26 May, 1858.	12 "	"	14 Aug.
"		29 October.	13 "	"	12 Dec.
"		2 April.	21 "	"	"
26 "		4 July.	28 "	"	"
27 "		23 April.	"	"	29 August.
28 "		20 "	2 September	"	7 Sept.
30 "		19 Jan., 1858.	3 "	"	29 Sept.
31 "		9 April.	4 "	"	16 Nov.
3 April		15 "	5 "	"	"
7 "		6 "	7 "	"	16 Sept.
8 "		13 May.	9 "	"	19 Oct.
15 "		24 April.	"	"	19 Sept.
"		5 May.	"	"	2 Feb.
"		25 April.	"	"	14 Oct.
"		"	"	"	7 "
"		21 "	"	"	1 "
20 "		"	"	"	19 Nov.
21 "		30 July.	"	"	29 Oct.
27 "		7 May.	"	"	14 Nov.
29 "		27 "	"	"	28 Nov.
"		3 August.	"	"	23 "
2 May		14 May.	"	"	14 Oct.
5 "		11 "	10 "	"	27 Jan., 1858.
6 "		"	16 "	"	"
7 "		29 May.	17 "	"	1 April.
8 "		27 "	23 "	"	15 Jan., 1858.
9 "		15 "	"	"	30 Nov.
11 "		May 14.	26 "	"	"
13 "		"	28 "	"	"
14 "		2 July.	29 "	"	"
24 "		"	30 "	"	"
"		22 June.	"	"	"
26 "		29 May.	"	"	"
28 "		23 Oct.	"	"	"
30 "		1 June.	1 October	"	"
1 June		14 Oct.	2 "	"	"
"		1 July.	7 "	"	"
"		"	10 "	"	"
4 "		"	14 "	"	"
5 "		30 "	20 "	"	"
9 "		"	23 "	"	"
10 "		14 Oct.	24 "	"	"
"		"	26 "	"	"
"		1 April, 1858.	"	"	"
11 "		7 Aug.	"	"	"
12 "		1 Oct.	28 "	"	"
13 "		10 Sept.	"	"	"
15 "		1 April.	"	"	"
17 "		"	"	"	"
18 "		14 July.	"	"	"
23 "		18 July.	29 "	"	"
"		4 Sept.	"	"	"
"		4 "	"	"	"

BENEVOLENT ASYLUM.

11

DATE OF ADMISSION.	DIED.	DISCHARGED.	DATE OF ADMISSION.	DIED.	DISCHARGED.
1857.			1858.		
30 October		17 Dec.	3 February.....		12 Feb.
4 November		18 "	5 "		24 March.
5 "		8 April, 1858.	10 "	3 April.	
7 "		29 Dec.	12 "		1 "
10 "			15 "		2 "
11 "			16 "		
12 "		18 Jan., 1858.	"		24 "
13 "			19 "		16 "
17 "		18 Nov.	22 "		
"		16 Dec.	"		
18 "			25 "		27 Feb.
19 "	28 December.	25 Nov.	1 March		15 March.
21 "		26 Nov.	2 "		6 "
23 "		"	3 "		16 "
"			4 "		1 "
25 "		15 Dec.	9 "		
"		4 Jan., 1858.	"		
"		16 Dec.	"		5 April.
26 "		27 Nov.	10 "		
"		13 Jan., 1858.	11 "		5 "
3 December		23 "	12 "		12 "
8 "	11 December.	21 "	"		
10 "		5 "	"		
"		30 Dec.	"		
15 "		"	"		15 "
17 "		6 March, 1858.	17 "	30 March.	
18 "	19 December.		18 "		
19 "		14 Jan.	22 "		
"		27 "	23 "		8 "
21 "		6 Feb.	24 "		16 "
22 "		8 Jan.	26 "		
23 "			27 "		16 "
"			29 "		1 "
"		22 Jan.	"		
29 "	6 January.		"		
30 "			"		
1858.			31 "		
2 January		23 Jan.	1 April		20 "
4 "			3 "		6 "
11 "		1 April.	5 "	20 April.	
"		1 "	6 "	20 April.	
"			7 "		16 April.
"			9 "		
12 "			"	12 April.	
13 "		2 March.	12 "		
14 "	15 January.		14 "		
15 "	15 February.		15 "		
18 "		4 March.	17 "		
"		"	"		
"			"		
22 "		16 "	19 "		21 April.
23 "		27 Jan.	21 "		
"		"	22 "		
"			24 "		
27 "		27 Jan.	26 "		
"		24 Feb.	28 "		
30 "		29 March.	"		
1 February	24 February.		"		
"		25 "	29 "		

By

By the foregoing Return it appears that during the period from 1st January, 1850, to the 30th April, 1858, the Admissions, Deaths, and Discharges of Children under 12 years of age, from the Benevolent Asylum, Sydney, have been as follows:—

	ADMISSIONS.	DEATHS.	DISCHARGES.
For the Year 1850..	123	7	126
" " 1851	164	4	160
" " 1852.....	161	6	155
" " 1853.....	224	19	205
" " 1854..	227	11	205
" " 1855.....	273	18	246
" " 1856.....	192	20	156
" " 1857.....	259	15	195
To 30th April, 1858.....	102	8	25
Total	1,725	108	1,473

It also appears that during the above-named period there have been received 374 Infants under the age of 12 months, of whom 68 have died, 56 of that number having been nursed by their mothers.

J. JOHNSON,
Assistant Secretary.

S. W. MANSFIELD,
Master.

Sydney, 16 July, 1858.

1858.

Legislative Assembly.
NEW SOUTH WALES.

AUSTRALIAN MUSEUM.

(REPORT FROM TRUSTEES.)

Ordered by the Legislative Assembly to be Printed, 5 May, 1858.

**REPORT OF THE TRUSTEES OF THE AUSTRALIAN MUSEUM, FOR THE
YEAR ENDING 31 DECEMBER, 1857.**

TO HIS EXCELLENCY THE GOVERNOR GENERAL,
&c., &c., &c.

1. The Trustees of the Australian Museum have the honor to submit to your Excellency this their fourth Annual Report.

2. Owing to the liberality of the Legislature in granting the sum of two thousand pounds (£2,000,) towards the completion of the Museum, the Contract entered into at the close of last year to provide additional rooms for the accommodation of the officers of the Institution; to erect staircases to the gallery; to ventilate the building; to drain and flag the basement; and, in other respects, to improve and complete the present building,—was carried out as speedily as possible, at an expenditure of one thousand six hundred and fifty pounds (£1,650.)

3. The Collections of Specimens in the various branches of Natural History having been arranged, as far as was practicable at the moment, the Museum was thrown open for public inspection on the 24th May, 1857, and upwards of ten thousand persons availed themselves of the opportunity offered of visiting the Museum during the first week of its opening.

4. The Trustees have much pleasure in stating that during the past year the Collections have been still further enriched by numerous donations, not only from persons resident in the Colony, but also from individuals in various parts of the Globe. Amongst the most important of these may be recorded,—1st. A skull and other bones of a new fossil marsupial animal called *Zygomaturus trilobus*, which were discovered at the Darling Downs, and presented to the Museum by F. N. Isaacs, Esq., of Gowrie. 2ndly.: A valuable Collection of Crustaceæ, &c., from the Feejees and other of the Pacific Islands, presented by Dr. Rayner, and Assistant-Surgeon Macdonald, of H. M. S. "Herald"; and, 3rdly.: An important series of casts of fossil animals from the Museum of Natural History of Paris, for the possession of which the Trustees are indebted to the exertions of Sir William Macarthur.

5. The Trustees have also the honor to inform your Excellency, that plans and estimates for the proposed extension of the Museum building have been prepared by the Colonial Architect, and have met with the approval of the Board. These plans have been submitted to the Government, with a request that they will cause a sum of money to be placed on the Estimates to enable the Trustees to carry out, if not the whole, at least a portion of the proposed additions, which, owing to the very limited accommodation of the present building have become absolutely necessary.

6. The space as yet allotted for the display of the Natural History collections is already far too limited for their proper arrangement; whilst the casts from the antique statues, and many other works of Art, are still unavailable to the public from the want of a suitable gallery for their reception.

7. The Trustees would beg respectfully to call the attention of your Excellency to the importance of providing a Library for the reception of the scientific works and drawings belonging to the Museum.

8. The necessity for laying on water for the use of the Institution has also become most urgent.

9. In Appendix No. 1 will be found an account of the Expenditure by the Trustees of the sum voted by the Legislature towards the completion of the present wing of the building.

10. Appendix No. 2 contains the Expenditure of the Annual Endowment of One thousand pounds (£1,000) for the current expenses of the Museum.

11. Appendix No. 3 shews that the 4th By-Law of the Museum has been repealed, and contains a copy of the By-Law substituted in its stead.

12. The Board have the honor to submit this as their Report for the year 1857, and in testimony thereof have caused their Corporate Seal to be hereto affixed, this 23rd day of March, one thousand eight hundred and fifty-eight.

W. MACLEAY.

By order of the Trustees,

GEORGE FRENCH ANGAS,

(L. S.)

Secretary.

APPENDIX No. 1.

BUILDING EXPENSES of the Australian Museum during the year 1857.

1857.		£	s.	d.	1857.		£	s.	d.
Jan. 14	To Cash	1,500	0	0	Jan. 1	By balance from last year...	1,438	11	1
April 6	" Do.	1,000	0	0	" 3	" amount paid Mayne for shelves in cases, &c...	141	7	0
" 8	" Do.	1,000	0	0	Feb. 7	" Steel, for canvas fram- ing behind cases	18	15	0
					"	" Leedom, painting and varnishing	46	7	8
					"	" paid Abbott for contract for erecting staircases, additional rooms, &c...	1,650	0	0
					April 4	" paid Abbott for extras...	303	19	8
Dec 31	" Balance	196	2	7	June 6	" sundry works	47	6	0
		£ 3,696	2	7		" Interest charged at Bank	49	16	2
							£ 3,696	2	7

2 March, 1858.

APPENDIX No. 2.

CURRENT EXPENSES of the Australian Museum, during the year 1857.

1857.		£	s.	d.	1857.		£	s.	d.
Jan. 1	To Balance from last year..	62	8	3		By Amount of Salaries } during the year.....	795	12	0
" 15	" Cash. (Vote of 1856)..	250	0	0		" Requisites for Curator's } Department	112	15	3
June 6	" Do.	250	0	0		" Stationery, Printing, } Postage, &c.	22	2	0
" 24	" Do.	250	0	0		" Purchase of Books	7	6	6
July 16	" Do.	250	0	0		" Cleaning, &c., prepara- tory to opening the Museum	14	8	0
Oct. 23	" Do.	250	0	0		" Labour, (moving wood and statues, &c., &c.,) freight of cases and carriage	40	3	7
						" Painting	6	10	0
						" Ironmongery, &c.	11	10	2
						" Purchase of Specimens..	15	1	0
						" Keeping grounds in } order, repairs, &c....	43	1	10
						" Contingent Expenses....	27	7	9
					Jun. 18	" Paid Abbott sundry } joiner's work in cases }	37	18	11
						" Balance	178	11	3
		£ 1,312	8	3			£ 1,312	8	3

2 March, 1858.

APPENDIX No. 3.

The 4th By-Law of the Australian Museum has been repealed, and the following By-Law substituted, viz. :—

" No. 4.—The office of Elective Trustee shall be vacated by resignation, by absence from the Meetings of the Board without leave for *three* consecutive months, at any time after the month of January, one thousand eight hundred and fifty-eight, or by ejection, as hereinafter provided."

1858.

Legislative Assembly.

NEW SOUTH WALES.

BOTANIC GARDENS.

(REPORT FROM DIRECTOR FOR 1857.)

Ordered by the Legislative Assembly to be Printed, 14 July, 1858.

THE DIRECTOR OF THE BOTANIC GARDENS to THE HONORABLE THE SECRETARY FOR
LANDS AND PUBLIC WORKS, *reporting on the Department of the Botanic Gardens
and Domains.*

Botanic Gardens,

6 July, 1858.

SIR,

I have the honor to transmit, for the information of the Government, a brief report of this establishment, as well as of my proceedings during the past year. A portion of the Upper Garden heretofore occupied by vines has been cleared, and the soil sifted through a fine screen, with the object of getting rid of the greatest pest with which any garden can be infested, viz., a small sedge (*Cyperus Hydra*), but better known as the bulb or water grass. But, notwithstanding the time and labor bestowed on this work, the advantages sought for have been only partially obtained; the ground is, however, sufficiently clean to enable me to illustrate the very interesting family of Leguminosæ, the members of which are now scattered all over the Gardens.

2. Some slight alterations have also been effected in the walks on the western side of the Upper Garden, by trenching the ground, removing the ironstone gravel, or clay, which forms a subsoil, and supplying its place with good earth, obtained from various quarters.

3. In consequence of the Garden being still crowded in many parts with uninteresting plants, I steadily continue to clear away the useless trees, whether indigenous or exotic, which have been allowed hitherto to encumber the ground, as it is only by pursuing this course that the number of genera and species can be materially increased, and a proper botanical arrangement carried out.

4. One of the many difficulties experienced from time to time in endeavouring to increase and keep together the new and rare plants as they arrive has been the want of a secure enclosure suitable for a nursery and propagating ground; hitherto as these plants were received many of them were, from want of space in the frame-yard, necessarily planted out in the open ground, where, from various causes, some were entirely lost. His Excellency the Governor General, on being informed of this difficulty, most kindly authorized a portion of the Kitchen Garden attached to Government House to be fenced off and appropriated for the purpose referred to, and as this enclosure is contiguous to my residence, and the soil rich and of considerable depth, the new and valuable exotic plants which are constantly received in exchange for those of this Colony will now be secured from injury, and easily propagated for distribution.

5. During the past season many important additions have been made to the collection of plants in this Garden from various parts of the world: these consist of both ornamental and useful kinds, and I would particularly draw attention to two species of the latter character, viz., of the genus *Rhamnus*, *utilis* and *hirsutus*, both of which are said to yield the most valuable green dye. From the information which I have been able to obtain concerning these plants, they appear to have been long held in high estimation in China for dyeing purposes, and at one time formed an article of considerable export. A writer in a recent paper observes, with regard to the former of these, that "it is a shrub from 6 to 8 feet high. The dye is obtained by stripping off the bark and macerating it in water for several weeks, and treating it in a manner somewhat similar to the process of making indigo.

"It dyes silk of a beautiful light brilliant green, which presents the same color by candle or gas light as by day: this dye was highly valued in France, where it has been sold for £20 per lb. The French Government offered a premium of £150 for the discovery of a substitute, that might cost from 19s. to 21s. per lb., but without result. It appears to cost the manufacturers a good deal either in material or in labor, as it cannot be procured in China under 5 guineas per lb." From this account there is every reason to hope that by an improved method of extracting this valuable dye, which the discoveries of the present day would render probable, these plants may become a source of great value to this Colony. Another dye plant, lately received both from England and from Java, is a soft wooded free growing plant, belonging to the family of Scrophularinaceæ; but beyond the statement contained in my correspondence, viz., that it produces in India (where it is indigenous) one of the best known blue dyes, I am no further acquainted with its qualities. A small kind of palm (*Livistonia humilis*), from China, where the fibre is much used, has been introduced, but, unlike the Grass Cloth Plant, a native of the same country, to which reference was made of its luxuriant growth in my last general report, this grows but very slowly, and I fear will scarcely ever become, in this Colony, of more interest than its appearance may demand.

6. From these plants, of perhaps great ultimate value to the Colony, I would now draw attention to other plants more recently introduced, which will be of a certain and immediate benefit to the Colonists; of these the Zulu Kaffir Imphée, and a small kind of yam (*Dioscorea Batatas*) may be more particularly mentioned. The Imphée was obtained from the Cape of Good Hope, by W. Archer Esq., Deputy Registrar General at Melbourne, from whom I believe it was procured by the Honorable E. D. Thomson, Esq., and introduced by that gentleman into this Colony. It is a species of Sorghum or Millet, and, in my opinion, the strongest and best kind yet in cultivation here. In habit it is not unlike the now well known Sugar Millet, but presents to the eye even of a common observer a very distinct difference, being of a much more robust growth, and larger in all its parts, having more compact and somewhat erect panicles of flowers, and seeds of a glossy brown, instead of a glossy black color, which latter character will always serve to distinguish the Sugar Millet from all others. There can be no doubt but that this will form a very valuable possession to the stockholders in this Colony, as well as to those who may hereafter turn their attention to the manufacture of sugar. From my knowledge of the nature of this plant, I am enabled to state that it will produce two or three crops of seeds from the same stem in the same season, the stem still being perfectly green and fresh; and at no stage of its growth does the saccharine principle, which is largely contained in the stem, appear to be so great as when the second crop of seed is ripe. Either boiled or raw the seed is greedily eaten by horses, pigs, and fowls, and I may add that, whether for feeding purposes or for the extraction of the saccharine principle, the wider apart the plants are grown the greater will be the result. The *Dioscorea* is not of such recent introduction, but is scarcely yet known in New South Wales. By the residents in those parts of the Colony where the potatoe cannot be successfully cultivated, it will be much and justly appreciated.

7. With the view of rendering the Public Herbarium of indigenous plants as complete as possible, I obtained permission to visit the Blue Mountain District during the past summer season, at a time hitherto devoted to other purposes. From Hartley, to which place I at once proceeded, the country on both sides of the main road back to within a few miles of Lapstone Hill was partially investigated; and thence I proceeded across the line of range to the Curragong, and on to Bell's Line of Road as far as Mount Thomar, where I remained some days, and then returned to Sydney. During the progress of this very interesting journey I was enabled to obtain flowering specimens and seeds of many plants new to the collection, and also of some previously not known. By this means the Herbarium has been greatly enriched, the collection of plants is increased, and the exchanges with other countries effected with more satisfaction and liberality.

8. I cannot conclude this Report without expressing my thanks to those of my correspondents who continue to contribute plants and seeds to the Garden; a few of whom have neither received nor solicited anything in return, whilst others have received some equivalent in kind. Among the former I might venture to name Captain Loring, of H. M. S.

Iris," Captain Denham and the Officers of H. M. S. "Herald," Commandant Le Brys and Captain Richard Foy, of H. I. M. S. "La Bayonnaise" and "Herault," passing to and from Sydney

REPORT FROM THE DIRECTOR OF THE BOTANIC GARDENS. 3

Sydney and the parts of New Caledonia, and to M. Pancher, the Government Botanist on that island. Of the latter, Mr. Veitch, nurseryman, King's Road, London, demands more than usual thanks: this gentleman scarcely ever allows one of Messrs. Green's vessels to leave London without shipping for this establishment one or more cases of the choicest and most valuable plants in his collection, which is one of the most extensive and varied in England. My best thanks are also due to those commanders of vessels who have conveyed the cases to this Colony, and who have invariably done so with the greatest possible care, and without any charge whatever.

9. I may now briefly refer to the Domains, in which some improvements have been recently made. Towards Macquarie Fort, in the Outer Domain, a great part of the brushwood growing on the western side has been cleared away, and such trees only left as were at all ornamental; much more work of this description will be required to be done before the appearance of this part of the Domain can be much improved, and some desirable police arrangements carried out.

10. In the Inner Domain, on the side facing the Botanic Garden, a considerable space has been cleared of tea-tree scrub, and small portions of the ground in many places, here and elsewhere, fenced in, trenched, and planted with suitable trees. To replace those indigenous and other kind of trees which are now on the ground, but from the poor nature of the soil are fast dying off, I trust that means may be supplied to enable me to continue this work, which will be of so much future advantage to the public, both in the Inner and in the Outer Domain.

11. As usual, a detailed account of the Expenditure of the Department, as well as of the plants sent away and received during the past year, is herewith appended.

I have, &c.,

CHARLES MOORE,

Director.

TO THE HONORABLE THE

SECRETARY FOR LAND AND PUBLIC WORKS.

NOTE:—A small quantity of the seed of the Imphee Millet has been saved, and will be distributed according to priority of application.

EXPENDITURE OF THE BOTANIC GARDENS AND DOMAINS FOR THE YEAR 1857.

BOTANIC GARDENS—ESTABLISHMENT.

Salaries—Director and Overseer	...	...	...	...	550	0	0
Wages to Workmen	...	...	...	...	973	17	6
Travelling Expenses	...	...	...	...	62	0	0
Public Botanical Library	...	...	...	...	37	3	6
Stores, Tools, and Utensils	...	...	...	...	73	6	8
Repairs ditto, ditto	...	...	...	...	16	17	11
Forage	...	...	...	...	47	19	0
Postage	...	...	...	...	2	15	6
Incidental Expenses	...	...	...	...	71	0	10
						1,835	0 11

WORKS AND BUILDINGS.

Seats for Gardens	...	...	...	...	64	18	7
Plant frames and cases	...	...	...	...	45	6	6
Laying down Water Pipe to Lower Gardens	...	...	...	...	48	9	3
Repairs and Alterations to Plant Houses	...	...	...	...	51	12	0
						210	6 4

DOMAINS—ESTABLISHMENT.

Salaries—Overseer and Bailiff	...	...	...	...	258	0	0
Wages to Workmen	...	...	...	...	667	10	0
Forage	...	...	...	...	47	19	0
Stores, Tools, and Utensils	...	...	...	...	34	7	4
Fences for new Plantations	...	...	...	...	96	8	10
Incidental Expenses	...	...	...	...	10	11	3
						1,114	16 5
Gates and Fences, Botanic Gardens and Domains	...	...	...	...	...	180	11 3
						£3,340	14 11

APPENDIX.

List of Plants and Seeds received during the year 1857.

FROM DR. THOMAS BENNETT, CALIFORNIA.

A collection of 31 distinct species of seeds.

FROM THE BOTANIC GARDENS, BRISBANE.

2 <i>Livistonia humilis</i> .	1 <i>Hæmatoxylon Campeachianum</i> .
3 <i>Calamus</i> sp.?	1 <i>Banksia compar</i> .
1 <i>Nymphaea gigantea</i> .	1 <i>Mimusops kauki</i> .
1 <i>Ophioglossum pendulum</i> .	1 <i>Xanthoxylon Australe</i> .
1 <i>Acrostichum</i> sp.?	1 <i>Hartighsea</i> sp.
1 <i>Asplenium attenuatum</i> .	1 <i>Flindersia Australis</i> .
1 <i>Stenocarpus</i> sp.?	1 <i>Acacia sapindoides</i> .
3 <i>Southwellia quadrifida</i> .	1 <i>Ficus aspera</i> .
1 <i>Pavonia Greevesii</i> .	

FROM THE FRENCH GOVERNMENT, NEW CALEDONIA.

2 <i>Jasminum</i> sp.?	2 <i>Melicetus</i> sp.?
1 <i>Scaevola</i> sp.?	1 <i>Jasminum</i> sp.?
2 <i>Anonacæ</i> .	1 <i>Acacia myriadena</i> .
1 <i>Gardenia</i> sp.?	1 <i>Poupartia dulcis</i> .
1 " " <i>G. Tahitensis</i> ?	1 <i>Jasminum Sambac</i> , var. <i>Grand Duc de</i>
2 <i>Passiflora</i> sp.?	<i>Toscane</i> .
1 <i>Trichilia</i> ?	1 <i>Crinum</i> sp.?
2 <i>Pittosporum</i> sp.?	1 <i>Orchidacæ</i> .
1 <i>Dioscoreacæ</i> .	1 " "

FROM THE ROYAL EXOTIC NURSERY, LONDON.

1 <i>Abelia floribunda</i> .	1 <i>Ixora Lobbii</i> .
1 <i>Acrophyllum venosum</i> .	1 " <i>Javanica</i> .
1 <i>Azalea</i> sp.?	1 <i>Leschenaultia formosa</i> .
1 " <i>crispiflora</i> .	1 " <i>biloba major</i> .
1 <i>Azalea</i> , <i>Beauté de l'Europe</i> .	1 <i>Lapageria rosea</i> .
1 <i>Anæctochilus xanthophyllus</i> .	1 <i>Luculia gratissima</i> .
1 " <i>Lowi</i> .	1 <i>Leptodactylon Californicum</i> .
1 <i>Aristolochia sipho</i> .	1 <i>Rhopala magnifica</i> .
1 <i>Begonia alba coccinea</i> .	1 " <i>Coreovadensis</i> .
1 <i>Embothrium coccineum</i> .	1 " <i>Porteana</i> .
1 <i>Gesnera Donkleri</i> .	1 <i>Rogeria amona</i> .
1 <i>Ipomæa Horsfalliae</i> .	1 <i>Skimmia Japonica</i> .
1 <i>Illicium religiosum</i> .	1 <i>Sonerila Margaritacea</i> .
1 <i>Ixora floribunda</i> .	

FROM DONALD LARNACH, ESQ., LONDON.

1 <i>Bouvardia longifolia</i> .	1 <i>Pandanus variegatus</i> .
1 <i>Franciscea calycina</i> .	1 <i>Rhodostemma gardenioides</i> .
1 " <i>eximia</i> .	1 <i>Hoya bella</i> .
1 <i>Lydea amabilis</i> .	1 <i>Gesnera Donkleri</i> .
1 <i>Achimenes</i> , Sir S. Thomas.	1 <i>Plumbago rosea</i> .
1 " <i>Ambrose Verschaffelt</i> .	1 <i>Meyenia erecta</i> .
1 " <i>Ed. Bossiere</i> .	1 <i>Symplocos coccinea</i> .
1 " <i>Dr. Hoopf</i> .	1 <i>Thyracanthus rutilans</i> .
1 " <i>Charl. Wolforth</i> .	1 <i>Gardenia Whitfieldii</i> .
1 " <i>Cheltonie</i> .	1 <i>Eucharis Amazonica</i> .
1 <i>Gloxinia Van Humbolt</i> .	1 <i>Impatiens Jerdonæ</i> .
1 " <i>Princess of Prussia</i> .	1 <i>Exacum Zeylanicum</i> .
1 " <i>Blassio</i> .	1 <i>Russelia sarmentosa</i> .
1 " <i>lineata</i> .	1 <i>Lochneria magnifica</i> .
1 " <i>Roi des Belges</i> .	1 <i>Medinilla magnifica</i> .
1 " <i>Amelia</i> .	1 <i>Calyptrarea hamantha</i> .
1 <i>Æschynanthus splendidus</i> .	1 <i>Streptocarpus biflorus</i> .
1 <i>Justicia carnea superba</i> .	1 <i>Gesnera Miellezii</i> .
1 <i>Begonia Sandersii</i> .	1 <i>Ixora floribunda</i> .
1 <i>Eranthemum strictum</i> .	1 " <i>Javanica</i> .
1 " <i>albiflorum</i> .	1 " <i>salicifolia</i> .
1 <i>Magnolia Candolle</i> .	1 <i>Æchmea fulgens</i> .

FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

9 Varieties of <i>Gladiolus</i> .	4 Varieties of <i>Iris</i> .
7 " <i>Tritonia</i> .	3 " <i>Narcissus</i> .
<i>Tulip</i> .	<i>Choice bulbs</i> .
13 Varieties of <i>Sparaxis</i> .	5 Varieties of <i>Ixia</i> .
<i>Crocus</i> .	<i>Hyacinthus</i> .
9 Varieties of <i>Watsonia</i> .	2 " <i>Ornithogalum coarctatum</i>

FROM

FROM HIS EXCELLENCY COLONEL WYNYARD, NEW ZEALAND.

- | | |
|---------------------------|----------------------------|
| 12 Dammara Australis. | 2 Vitex littoralis. |
| 4 Podocarpus ferrugineus. | 2 Corynocarpus laevigatus. |
| 2 Dacrydium cupressinum. | 2 Metrosideros robusta. |
| 1 Hartigheea spectabilis. | 1 Coriaria sarmentosa. |
| 1 Laurus Tawai. | 1 Edwardsia microphylla. |

FROM G. VEITCH, JUN., NURSERYMAN, KING'S ROAD, LONDON.

Per SHIP "VIMEIRA."

- | | |
|----------------------------|---------------------------------|
| 2 Wellingtonia gigantea. | 2 Verbena Maonetti. |
| 2 Desfontanea spinosa. | 1 " Orb of Day. |
| 2 Colletia Bictonensis. | 1 " Purple King. |
| 2 Hypericum oblongifolium. | 1 " Géant des Batailles. |
| 2 Bouvardia longiflora. | 1 " Surprise. |
| 1 Eucharis Amazonica. | 1 " Wonderful. |
| 1 Sonerila Margaritacea. | 1 " Lord Raglan. |
| 1 Croton angustifolia. | 1 " Camille Verdavaine. |
| 1 Tradescantia variegata. | 1 " Defiance. |
| 1 Andromeda formosa. | 2 Sweet Orange (St. Michael's). |
| 1 Thujopsis borealis. | 1 Ixora Lobbii. |
| 1 Thuja Lobbii. | 1 " acuminata. |
| 1 Cupressus McNabiana. | |

Per SHIP "DUNCAN DUNBAR."

- | | |
|---------------------------------------|--------------------------------------|
| 2 Rose Gloire de Dijon. | 1 Cephalotaxus Fortunei, fem. |
| 2 " Géant des Batailles. | 2 Meyenia erecta. |
| 2 " la Reine. | 1 Sonerila Margaritacea. |
| 1 Camellia Stroryi. | 1 Aralia papyrifera. |
| 1 " Countess of Orkney. | 2 Verbena Maonetti. |
| 1 " Général Druot. | 2 Rhododendron, Lady Dorothy Nevill. |
| 1 " sacca nova. | 2 " Californicum. |
| 1 " Brozzoni. | 1 Pinus insignis. |
| 1 " Countess Samailoff. | 1 " Ambroides. |
| 1 Azalea Indica, (Eulalie Van Geerl). | 1 " filifolia. |
| 1 " striata formosissima. | 2 Thunbergia laurifolia. |
| 1 " crispiflora. | 1 Pinus resinosa. |
| 1 " Chelsoni. | 1 " Coulteri. |
| 1 " Juliana. | 1 " sinensis. |
| 1 " Duke of Devonshire. | 1 " Montezumæ. |
| 1 Eucharis Amazonica. | 1 " Strobilus. |
| 1 Ixora acuminata. | 2 Adhatoda cydoniæfolia. |
| 1 Singleton perpetual fig. | 1 Pinus humilis. |
| 1 Cephalotaxus Fortunei, mas. | 1 " Laricio. |

FROM G. THWAITES, ESQ., BOTANIC GARDEN, PARADENIA, CEYLON.

- | | |
|-------------------------------|------------------------------|
| 1 Flacourtia auctera. | 1 Cambogia gutta. |
| 1 Areca sp. ? (Dolaloo palm.) | 1 Wormia triquetra. |
| 1 Ecremanthus eximius. | 1 Hortonia floribunda. |
| 1 Diospyros ebenaster. | 1 Capparis bispinosa. |
| 1 Myrtus pimenta. | 1 Mangifera Indica. |
| 1 Atalantia monophylla. | 1 Sarcococca pruniformis. |
| 1 Strychnos (nux vomica.) | 1 Guatteria Corinti. |
| 1 Miliusa montana. | 1 Tabernaemontana dichotoma. |
| 1 Piptostylis sp. | 1 Jonesia Asoca. |
| 1 Pongamia sp. | 1 Ardisia Coromandeliana. |
| 1 Garcinia Zeylanica. | 1 Calophyllum tomentosum. |
| 1 Scaevola Dicksoni. | 1 Cinnamomum citriodorum. |
| 1 Goniothalamus Gardneri. | 1 Ardisia humilis. |
| 1 Casearia Zeylanica. | 1 Diospyros sp. |
| 1 Ficus religiosa. | 1 Theobroma (cacao). |
| 1 Swietenia chloroxylon. | 1 Strychnos sp. |
| 1 Apollonias sp. | 1 Ceropegia sp. |
| 1 Caryophyllus aromaticus. | 1 Culteria excelsa. |
| 1 Stemonoporus reticulatus. | 1 Nepenthes distillatoria. |
| 1 Dillenia speciosa. | 1 Ficus Benghalensis. |
| 1 Uvaria narum. | 1 Mesua Nagaba. |
| 1 Pteridophyllum decipiens. | 1 Inga bigemina. |
| 1 Crescentia Cujete. | 1 Calanthe veratrifolia. |
| 1 Lophira heptaphylla. | 1 Ixora acuminata. |
| 1 Memecylon sp. | 1 Phajus bicolor. |

Together with a collection of 18 distinct species of seeds.

FROM D. MOORE, ESQ., ROYAL BOTANIC GARDEN, DUBLIN.

- | | |
|------------------------------|-----------------------------|
| 1 Agave stricta. | 1 Rhododendron arboreum. |
| 1 Yucca crenulata. | 1 Dionsea muscipula. |
| 1 " alvifolia. | 1 Cynometra cauliflora. |
| 1 Nymphaea pygmaea | 1 Laurus Indica. |
| 1 Victoria Regia. | 1 Thunbergia laurifolia. |
| 1 Lilium giganteum. | 1 Delphinium grandiflorum. |
| 1 Phyllis capensis. | 1 Aconitum Napellus. |
| 1 Æschynanthus splendens. | 1 Cistus purpureus. |
| 1 Ceanothus divaricatus. | 1 Sarracenia purpurea. |
| 1 Cupressus, sp. from India. | 1 Cryptostegia grandiflora. |
| 1 " " | 1 Strelitzia augusta. |
| 1 Linum flavum. | 1 Gardenia Thunbergii. |
| 1 Anemone Hallerii. | 1 Lysimachia punctata. |
| 1 Crataegus eriocarpa. | 1 Astraea Virginica. |
| 1 Rhododendron hirsutum | |

FROM J. BRIDGFORD AND SON, NURSERYMEN, DUBLIN.

GOOSEBERRIES.		1 Scarlet beurre.
Ashton seedling.		1 Broom Park.
Miss Iver.		1 Susette de Bovais.
Husbandman.		1 Suffolk thorn.
Nobleman.		
Manchester.		APPLE.
Remembrancer.		1 Peach.
Ranger.		1 Kerry pippin.
Warrington.		1 Juneating.
Valentier.		1 Eve.
Nonsuch.		1 Leixlip.
Royal Sovereign.		1 Bellacein.
		1 Royal pearmain.
PLUMS.		1 Golden pippin.
White magnum bonum.		1 Ross nonpareil.
Green gage.		1 Ribston pippin.
Black morocco.		1 Scarlet nonpareil.
Red Orleans.		1 Court of Wick.
Coe's Golden drop.		
New Imperial.		PEONIES.
Imperatrice.		1 Globe dark crimson.
White Orleans.		1 Edulis, var. Potsii.
Queen Victoria.		1 Whytelli.
Incomparable.		1 Donica pleno.
D'Angen.		1 Sinensis, var. bicolor.
Kirk's plum.		
PEARS.		1 Escallonia macrantha.
Jargonelle.		1 Jasminum nudiflorum.
Beurre rance.		1 Pyracanthus.
Flacon incomparable.		1 Sweet briar.
Beurre d'Arenberg.		1 Cotonenster.
Beurre Bosc.		1 Double crimson Ribes.
Prince of Orange.		1 Single white Ribes (Albicans).
Ne plus Murenaïs.		Alpines in variety.
Charles d'Autriche.		Hydrangea.
		Common and Persian lilac.

FROM THE HONORABLE E. D. THOMSON, ESQ.

3 seeds, Zulu Kaffir, Imphee millet.

FROM THE FRENCH GOVERNMENT, NEW CALEDONIA.

1 Limonia sp.	2 Xymenia sp.
1 Dipodium, sp.	2 Terminalia sp.
1 Cordia dichotoma.	2 Agati grandiflora.
1 Melhania incarnata.	1 Cordyline sp.
1 Melodinus monogynus.	2 Oxera sp.

FROM HIS EXCELLENCY THE GOVERNOR GENERAL. Per H.M.S. "IRIS."

Two cases Norfolk Island Pines.

FROM DR. MUELLER, BOTANIC GARDEN, MELBOURNE.

1 Drosera Whitthackeni.	1 Aspidium cerianum.
1 Grevillea repens.	1 Tetratheca ciliata.
1 " Dallachiana.	1 Fagus Cunninghamii.
1 Bedfordia salicina.	1 Atherosperma moschatum.
1 Notoela ligustrina.	1 Hedycarya pseudo-morus.
1 Aspidium odoratum.	

Together with a Collection of Seeds.

FROM THE FRENCH GOVERNMENT, NEW CALEDONIA.

2 Eutassa Cookii.	5 Methania incarnata.
3 Dracophyllum sp.	5 Gardenia sp.
1 Oxera sp.	1 Drynaria Horsfieldii.
3 Geissois sp.	1 Rubiaceæ.
1 Nepenthes sp.	1 Dipodium sp.
5 Gardenia sp.	

FROM MESSRS. HENDERSON, NURSERYMEN, EDGWARE ROAD, LONDON.

1 Aphelandra aurantiaca.	Tropæolum Farrattii.
1 " Leopoldii.	" azureum.
1 " squarrosa citrina.	" brachyceras.
1 Begonia xanthina.	Cypripedium barbatum.
" Reichmahi.	" Venustum.
" splendida.	" insigne.
" Thwaitesii.	Verbena Attraction.
Gloxinia Roi des Belges.	" Prince of Blues.
" Bleiso.	" Sims Reeves.
" erecta, Princess of Prussia.	" Phæbus.
" Eleanor.	" Miss Trotter.
" Egerii.	" General Simpson.
" Wilsonii.	" Preeminent.
Achimenes Ambrose Verschaffelt.	" Blue Bonnet.
" Sir Irehom Thomas.	" Mrs. Stofferel.
" Edmond Bossier.	" Marietta.
" Cardinal Woolforth.	" Mederic.
" Dr. Stooff.	" Sorel Lyons.
" Chelsonii.	Tydaea amabilis.
Ixora alba.	Dipladenia acuminata.
" Griffithsii.	Gesnera Blassii.
" Javanica.	Exacum Zeylanicum.
" floribunda.	" macranthum.

Thunbergia

REPORT FROM THE DIRECTOR OF THE BOTANIC GARDENS.

7

Thunbergia laurifolia.	Epidendrum macrochilum.
Nagelia amabilis.	Aërides odorata.
Rhopala obovata.	Epidendrum cochleatum.
Tydea Ortygesii.	Miltonia candida.
" Baron de Pict.	Oncidium sp.
" Dr. Picouline.	Aërides fox brush.
" Guelkhautii.	Miltona spectabilis.
Amphicome Emodi.	Epidendrum Barkerii.
Centaurea argentea.	Vanda multiflora.
Desfontenia spinosa.	Oncidium hastilabrum.
Rhododendron jasminiflorum.	Sobralia decora.
Russelia sp.	Oncidium sp.
Petunia variegata.	Cattleya labiata.
Geranium General Pelissier.	Mormodes citrina.
Calceolaria Rival Sultan.	Dendrobium speciosum.
Dahlia white.	Cattleya sp.
Tropæolum brilliant.	" Leopoldii.
" Triomphe de Prade.	Epidendrum macrochilum.
" Triomphe de Gant.	Eulophia guianensis.
" Stoukerii.	Schomburgkia tubernea.
Dendrobium sp.	" sp.
Cattleya crispa superba.	Oncidium, sp.
Dendrobium densiflorum.	Sobralia, plerocarpa.
Lycaste cruenta.	Dendrobium Jenkinsii.
Cattleya intermedia.	Stanhopea saccata.
Epidendrum ciliare.	Acropera Loddigesii.
Vanda tricolor.	Stanhopea insignis.
Cattleya Russeliana.	" speciosa.
" Mossia.	" sp.
Aërides virens superba.	Dendrobium pulchellum.
Cattleya Skinnerii.	Lycaste macrophylla.
Epidendrum primulum.	Coclogyne speciosa.
Miltonia Clowesii.	Cyrtopodium Wilmorea.
Dendrobium nobile majus.	Cœlia macrostachya.
Oncidium, sessiliflorum.	Phajus alba.
Epidendrum Stumboldtii.	Dendrobium sp.
Lælia anceps.	

FROM MRS. JAMES CLARY, WIDE BAY.

Seeds and cones of Dammara robusta.

List of Plants and Seeds sent away during the Year 1857.

TO MR. HENDERSON, PINE APPLE PLACE, Per SHIP "LA HOGUE."

50 Araucaria excelsa.	6 Araucaria Cunninghamii.
20 " Bidwillii.	16 Dammara robusta.

TO MR. VEITCH, KING'S ROAD, CHELSEA, Per "VIMEIRA."

Collection of ferns.	8 Seaforthia elegans.
8 Corypha Australis.	12 Araucaria Bidwillii.

TO MR. HILL, BRISBANE.

1 Benthamia fragifera.	1 Griselinia littoralis.
1 Gardenia Beaumaniana.	1 Laurus Borbonia.
1 " Devoniana.	1 Artocarpus integrifolia.
1 Podocarpus Totarra.	1 Olea Wightleyana.
1 Berberis Darwinii.	1 Cinnamomum japonicum.
1 Mango sp.	1 Phygellus capensis.
1 Green dye plant.	1 Eugenia Michellii.
1 Witheringia superba.	1 Calosanthus indica.
1 Antidesma sp.	1 Botryodendron latifolium.
1 Rondeletia anomala.	1 Erythrina secundifolia.
Fuchsia 6 var.	

TO — BLIGH, ESQ., C.C.L., CLARENCE RIVER.

1 Green dye plant.	1 Osage orange.
1 Cinnamon plant.	1 Guava, black.
1 Cherimolia.	1 Guava, white.
1 Anona, Sour sop.	1 Madder.
1 Rose apple.	1 Hop plant.

Together with a collection of Seeds.

TO THE FRENCH GOVERNMENT, NEW CALEDONIA.

Jambosa vulgaris.	Passiflora edulis.
Anona Cherimolia.	Peaches.
Hovenia dulcis.	Mango sp.
Common orange.	Osage orange.
Psidium littorale.	Eugenia Michellii.
" nigrum.	Eugenia Ugni.
Eryobotria japonica.	

TO

TO NORFOLK ISLAND, *Per* HIS EXCELLENCY THE GOVERNOR GENERAL.

- | | |
|------------------------|---------------------|
| 4 Citrus vulgaris. | 1 Musa sapientum |
| 1 Eugenia Michellii. | 4 Hovenia dulcis. |
| 2 Zingiber officinale. | 2 Osage orange. |
| 2 Dimocarpus Litchii. | 4 Anona Cherimolia. |
| 4 Passiflora edulis. | |

TO MR. F. FERGUSON, NURSERYMAN, CAMDEN.

- | | |
|------------------------|-----------------------------|
| 1 Chirita sinensis. | 1 Eugenia sp. |
| 1 Ribes echinata. | 1 Pinus cœrulea. |
| 1 Eugenia apiculata. | 1 Cistus hirsutus. |
| 1 Rondeletia, sp. | 1 Rondeletia anomala. |
| 1 Gloxinia sp. | 1 Hoja sp. |
| 1 Clerodendron var. | Dammara var. |
| 1 Aphelandra cristata. | 1 Manettia glabra. |
| 1 Plumbago rosea. | 1 Franciscea latifolia. |
| 1 Torenia sp. | 1 Gardenia Beaumaniiana. |
| 1 Calosanthus indica. | 1 Sciodaphyllum latifolium. |
| 1 Echinanthus sp. | 1 Griselinia littoralis. |
| 1 Chironia floribunda. | 1 Olea Whitleyana. |
| 1 Melastoma sp. | 1 Cunninghamia sp. |
| 1 Cineraria sp. | 1 Roses var. |
| 1 Passiflora sp. | 1 Araucaria excelsa. |
| " Bedfordiana. | 1 Tabernaemontana sp. |
| 1 Laurus Borbonia. | 20 var. of Fuchsia. |
| 1 Gardenia Devoniana. | |

TO NEW ZEALAND, BY H.M.S. "IRIS."

- | | |
|------------------------|-----------------------------|
| 30 varieties of Roses. | 1 Yellow wood. |
| 4 " Geranium. | 2 Grevillea robusta. |
| 8 " Fuchsia. | 10 varieties of verbena. |
| 2 Arenaria excelsa. | 6 Petunia sp. |
| 2 " Bidwillii. | 1 Botryodendron latifolium. |
| 1 Ligustrum spicatum. | |

TO MR. MATHEWS, NURSERYMAN, OTAGO, NEW ZEALAND.

- | | |
|----------------------|------------------------|
| 2 Araucaria excelsa. | 1 Ribes echinatum. |
| 2 " Bidwillii. | 1 " sp. |
| 2 Pinus halepensis. | 30 varieties of Roses. |
| 2 " Benthamiana. | 10 " verbenæ. |
| 1 Cupressus pendula. | 8 " chrysanthemum. |
| 1 Juniperus lycia. | 8 " fuchsia. |
| 1 Hovenia dulcis. | 4 " geranium. |

TO CALCUTTA BOTANIC GARDENS, *per* CAPTAIN PARFIT.

- | | |
|-----------------------------|-----------------------------|
| 6 Araucaria excelsa. | 1 Citriobatus sp. |
| 6 " Bidwillii. | 1 Telopea speciosissima. |
| 2 " Cunninghamii. | 1 Tecoma latrobi. |
| 2 Dammara robusta. | 1 Pittosporum rhombifolium. |
| 2 Castanospermum Australe. | 1 Elæocarpus cyaneus. |
| 1 Aemona pendula. | 1 Croton phebaligoides. |
| 1 Borythites excelsa. | 1 Alyxia daphnoides. |
| 1 Melaleuca linarifolia. | 1 Plindersia Australis. |
| 2 Ceratopetalum apetalum. | 1 Pavonia Greevesii. |
| 1 Pittosporum tenuifolium. | 1 Tecoma jasminoides. |
| 1 Hakea rigida. | 1 Yellow wood. |
| 1 Podocarpus Totarra. | 1 Stenocarpus Cunninghamii. |
| 1 Monotoca elliptica. | 1 Alsophila Australis. |
| 1 Eriostemon nerifolia. | 1 Dicksonia antarctica. |
| 1 Baloghia lucida. | 1 Ficus aspera. |
| 1 Dacrydium ferrugineum. | 1 Moreton Bay lime. |
| 1 Botryodendron latifolium. | 1 Capparis reclinata. |
| 1 Grevillea serratifolia. | 1 Ficus sp. |
| 1 " robusta. | 1 Boronia serrulata. |
| 1 Callicoma serratifolia. | 1 Podocarpus pungens. |
| 1 Lomatia heterophylla. | 1 Seaforthia elegans. |
| 1 Banksia sp. | 1 Cryptocarya sp. |
| 1 Zamia sp. | 1 Zamia spiralis. |
| 1 Dacrydium taxifolium. | 1 Metrosideros tomentosa. |

TO MR. GILES, NURSERYMAN, ADELAIDE.

- | | |
|------------------------------|--------------------------------|
| 1 Chianthus puniceus. | 1 Verbena Napoleon. |
| 1 Grevillea robusta. | 1 Gloxinia grandis. |
| 1 Stenocarpus Cunninghamii. | 1 " Victoria regia. |
| 1 Frenela cupressiformis. | 1 " Mortii. |
| 1 Phlox Wheelerii. | 1 " Dr. Lindley. |
| 1 " paniculata var. grandis. | 1 Hibiscus sinensis var. pink. |
| 1 Corynocarpus lævigatus. | 1 Dammara robusta. |
| 1 Olea Whitleyana. | 1 " Australis. |
| 1 Podocarpus Totarra. | 1 Araucaria excelsa. |
| 1 Funkia japonica variegata. | 1 " Bidwillii. |
| 1 " japonica. | 1 Hibiscus Patersonii. |
| 1 Ardisia crenulata. | 1 Baloghia lucida. |
| 1 Alyxia daphnoides. | 1 Edwardsia microphylla. |

TO HIS EXCELLENCY SIR H. BARKLY, MELBOURNE.

- | | |
|-----------------------------|------------------------|
| 6 Araucaria excelsa. | 1 Yellow wood. |
| 2 " Bidwillii. | 1 Polyanthus tuberosa. |
| 1 Grevillea serratifolia. | 6 var. of Azalea. |
| 1 " robusta. | 6 var. of Camellia. |
| 1 Castanospermum Australis. | |

TO

REPORT FROM THE DIRECTOR OF THE BOTANIC GARDENS. 9

TO MR. F. FERGUSON, NURSERYMAN, CAMDEN.

160 *Araucaria excelsa*.TO CAPTAIN DENHAM H.M.S. "HERALD," FOR PLANTING ON THE NORTH COAST
TORRES' STRAITS.

4 <i>Musa sapientum</i> .	2 <i>Psidium nigrum</i> .
6 Grape vines.	4 <i>Hovenia dulcis</i> .
4 <i>Passiflora edulis</i> .	1 Common orange.
2 <i>Psidium pomiferum</i> .	3 <i>Anona Cherimolia</i> .

TO ARTHUR BROWN, ESQ., WIDE BAY.

12 var. of roses.	1 <i>Campanula grandis</i> .
1 <i>Russelia juncea</i> ,	1 <i>Wetheringia superba</i> .
1 <i>Wistaria sinensis</i>	1 <i>Anona Cherimolia</i> .
1 <i>Pittosporum nigrum</i> .	1 <i>Hovenia dulcis</i> .
1 <i>Lonicera laevigata</i> .	1 <i>Ligustrum spicatum</i> .
6 var. <i>Fuchsia</i> .	3 var. of <i>Cineraria</i> .
4 var. <i>Geranium</i> .	1 <i>Tacsonia manicata</i> .
1 <i>Justicia</i> sp.	2 var. of <i>Hibiscus</i> .
1 " <i>elegans</i> .	1 <i>Sciodaphyllum</i> sp.
1 " <i>Carnea</i> .	3 var. of <i>Tecoma</i> .
1 <i>Habrothamnus elegans</i> .	6 <i>Tradescantia discolor</i> .

TO CAPTAIN PARFIT, R.M.S. "EUROPEAN, FOR CEYLON.

8 <i>Araucaria Bidwillii</i> .	2 <i>Carissa ovata</i> .
8 " <i>excelsa</i> .	2 <i>Stenocarpus Cunninghamii</i> .
2 " <i>Cunninghamii</i> .	5 <i>Grevillea robusta</i> .
2 <i>Dammara robusta</i> .	1 " <i>longifolia</i> .
1 <i>Dacrydium</i> sp.	1 <i>Pittosporum nigrum</i> .
1 <i>Podocarpus pungens</i> .	8 <i>Castanospermum Australe</i> .

TO CAPTAIN PARFIT, R.M.S. "EUROPEAN," FOR INDIA.

8 <i>Araucaria Bidwillii</i> .	2 <i>Carissa ovata</i> .
8 " <i>excelsa</i> .	2 <i>Stenocarpus Cunninghamii</i> .
2 " <i>Cunninghamii</i> .	4 <i>Grevillea robusta</i> .
1 <i>Dammara robusta</i> .	1 " <i>longifolia</i> .
2 <i>Dacrydium</i> sp.	1 <i>Pittosporum nigrum</i> .
1 <i>Podocarpus pungens</i> .	7 <i>Castanospermum Australe</i> .

TO CAPTAIN PARFIT, R.M.S. "EUROPEAN," FOR WESTERN AUSTRALIA.

10 <i>Araucaria Bidwillii</i> .	1 <i>Carissa ovata</i> .
18 " <i>excelsa</i> .	1 <i>Stenocarpus Cunninghamii</i> .
8 " <i>Cunninghamii</i> .	4 <i>Grevillea robusta</i> .
3 <i>Dammara robusta</i> .	1 " <i>longifolia</i> .
1 <i>Dacrydium</i> sp.	8 <i>Castanospermum Australe</i> .

1858.

Legislative Assembly.
NEW SOUTH WALES.

EXPEDITION IN SEARCH OF DR. LEICHHARDT.

(REPORT OF PROCEEDINGS.)

Ordered by the Legislative Assembly to be Printed, 1 September, 1858.

*REPORT of the Proceedings of the Expedition in search of Dr. Leichhardt
and party.*

HAVING received instructions from the Honorable the Secretary for Land and Public Works to organize an expedition for the purpose of searching for traces of Dr. Leichhardt and party, who left New South Wales in 1848 with the intention of proceeding overland to Western Australia, I proceeded to Moreton Bay with such portions of the equipment as had been prepared in Sydney.

1857.
8th December.

1858.
11th January.

On reaching Ipswich forty horses were purchased, and having dispatched the stores to Mr. Royd's station, on the Dawson River, by drays, the party were collected at that place; but, owing to unforeseen delays in the transport of the stores, the equipment and organization of the expedition was not complete till the latter part of March.

The following list of the party, horses, stores, &c., will shew the principal arrangements.

The party consisted of nine persons, viz. :—

Commander	...	...	...	A. C. Gregory,
Assistant Commander	...	...	...	C. F. Gregory,
Assistant	...	...	...	S. Burgoyne,
Overscer	...	...	...	G. Phibbs,
Stockman, &c.	...	...	...	R. Bowman,
"	...	...	...	W. Selby,
"	...	...	...	T. Dunn,
"	...	...	...	W. von Wedel,
"	...	...	...	D. Worrell.

The stock consisted of horses alone, comprizing thirty-one pack and nine saddle horses, completely equipped.

Provisions comprised the dried meat of two bullocks and four sheep, weighing, as butcher's meat, 16 cwt., but when dried and the bones removed, reduced to 300 lbs.—in addition to this, 500 lbs. bacon, 1,600 lbs. flour, 100 lbs. rice, 350 lbs. sugar, 60 lbs. tea, 40 lbs. tobacco, and some minor articles.

The arms and ammunition were—one minie rifle, eight double-barrel guns, nine revolver pistols, 25 lbs. gunpowder, 150 lbs. shot and balls, percussion caps, &c.

For the conveyance of water two leather water-bags were provided, each holding five gallons, besides which each of the party was furnished with a water-bag of India rubber holding three pints.

The tents were made of calico, each suited for the accommodation of two persons, and the several articles of camp equipage were of the lightest construction consistent with the service required.

The instruments employed were an eight-inch sextant, box-sextant, prismatic compasses, pocket compasses, double axis compass, aneroid barometers, thermometers, and artificial horizon, &c.

Including forty sets of horseshoes, farrier's and carpenter's tools, together with sundry material for repairs, &c.; the total weight of the equipment was about 4,000lbs., exclusive of the saddles and harness, which gave an average load of 150lbs. as the net load carried by each pack-horse.

1838.
24th March.
27th March.

These arrangements being complete the expedition left "Juanda," and proceeded by the road to Mr. Cardew's station at "Euroomba," from which, under the guidance of Mr. Bolton—whose local knowledge was of material service—we made our way through the dense scrubs and broken country to the west, for about thirty miles, to the head of "Scott's Creek," a small tributary of the Dawson River.

29th March.

The general course was now W.N.W. through a country with rich grassy valleys and dense scrubs of "brigalow" acacia on the higher ground. Green grass was abundant at this time; but I fear that in seasons of drought few of the water-holes are permanent. The timber consists of iron-bark, box, and a few other species of eucalyptus—the brigalow acacia attaining the height of thirty feet. Soft brown sandstones of the coal measures are the prevailing rock, forming hills with table summits.

2nd April.

With some difficulty, owing to the dense scrubs, we crossed the basaltic ridge which divides the eastern waters flowing to the Dawson River from those trending to the west into the basin of the Maranoa River, a tributary of which—probably the Merivale River—was followed westward. The country became more sandy, timbered with iron-bark, cypress, &c. The whole was, however, well grassed, and suited for grazing if not too heavily stocked.

5th April.

Reaching the Maranoa River in about latitude $25^{\circ} 45'$, water was scarcely procurable in the sandy bed, and we had to dig wells to obtain a supply.

7th April.

Warned by the fact that Messrs. H. Gregory and Haly had been unable to penetrate the country to the west from scarcity of water, even three months earlier in the season, we followed up the Maranoa to "Mount Owen," and having found a sufficient supply of water and grass for a few days halt, I proceeded to reconnoitre the country to the west, and at length found a practicable route to the tributaries of the "Warrego" River, to which the party was advanced.

12th April.

A heavy shower of rain had filled the gullies in this locality, and green grass clothed the country, forming a striking contrast to the dry and waterless valley of the Maranoa.

15th April.

Fine openly timbered valleys well suited for pasture, alternated with ridges of scrub of brigalow acacia till we reached "Mount Playfair," a basaltic hill on the sandstone ridge which separates the Warrego Valley from that of the "Nive," a small branch of which was followed down to its junction with the main channel in latitude $25^{\circ} 6'$.

16th April.

The soil in the valley of the Nive is sandy, thinly grassed, and openly timbered with iron-bark, spotted gum, &c.; the back country rising into low sandstone ridges, covered with dense scrub of brigalow acacia. Some pools of permanent water containing small fish were passed, on the bank of which the remains of numerous native camps were seen.

17th April.

From the Nive River a N.N.W. course was pursued through a nearly level sandy country, covered with a scrub of acacia, eucalypti, bottle-tree, &c., which offered great impediments to our progress, till within six miles of the "Victoria River," when we suddenly emerged from the scrub on to open downs of rich clay soil; but the drought had been of such a long continuance that the whole of the vegetation had been destroyed and swept away by the wind, leaving the country to all appearance an absolute desert.

The bed of the Victoria was scarcely 10 yards wide, and perfectly dry, so that it was only after a prolonged search along its course that a small puddle of water was found in a hollow of the clay flat, and near it, fortunately for our horses, a little grass growing in widely scattered tufts.

Being now on the line of route which Dr. Leichhardt had stated his intention of following, the party was divided, so that both sides of the river were examined in all probable positions

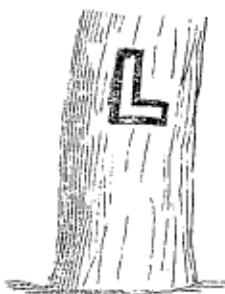
positions in which his camps might have been situated; but as the high floods appeared to have inundated the country for nearly a mile on each bank last year, all tracks of previous explorers were necessarily obliterated, and it was only by marked trees, or the bones of cattle, that we could hope to discover any trace.

During the first two days journey down the river only a few small pools of water were seen, and these not of a permanent character, while the rich vegetation on the open downs, which had excited the admiration of Sir T. Mitchell on his discovery of the country in a favorable season, had wholly passed away, leaving little but a bare surface of clay, the deep fissures in its surface giving evidence of long continued drought.

In latitude $24^{\circ} 37'$, longitude $146^{\circ} 18'$, a small sandy creek, of equal size with the 20th April. Victoria, joined from the east, and just below the first permanent pool of water was found. There was a slight improvement in the grass, but dense scrubs prevailed in the back country, and even approached the river at intervals.

While collecting the horses near this pool of water I detected a party of armed natives watching one of the stockmen, evidently, from their position in the scrub and general movements, inclined to hostilities, and I imagine that it was a knowledge that we were aware of their intentions which prevented my being able to establish any communication with them. I may here remark that this party, which numbered about eight, were the first natives seen during the journey.

Continuing our route along the river we discovered a "Moreton Bay Ash," (*Eucalyptus* sp.), about two feet diameter, marked with the letter L on the east side, cut through the bark, about four feet from the ground, and near it the stumps of some small trees which had been cut with a sharp axe, also a deep notch cut in the side of a sloping tree, apparently to support the ridge pole of a tent, or some similar purpose; all indicating that a camp had been established here by Leichhardt's party. The tree was near the bank of a small reach of water, which is noted on Sir T. Mitchell's map: this, together with its actual and relative position as regards other features of the country, prove it not to have been either one of Sir T. Mitchell's or Mr. Kennedy's camps, as neither encamped within several miles of the spot, besides which, the letter could not have been marked by either of them to designate the number of the camp, as the former had long passed his 50th camp, and the latter had not reached that number on the outward route, and numbered his camps from the farthest point attained on his return journey.



Notwithstanding a careful search, no traces of stock could be found. This is however easily accounted for, as the country had been inundated last season, though the current had not been sufficiently strong to remove some emu bones and mussel shells which lay round a native camping place within a few yards of the spot.

No other indications having been found, we continued the search down the river, examining every likely spot for marked trees, but without success.

The general aspect of the country was extremely level, and even the few distant ridges which were visible had but small elevation above the plain, the highest apparently not exceeding 200 or 300 feet. Timber was wholly confined to the bank of the river, and though open plains existed, acacia scrubs were the principal feature.

Water became very scarce in the channels of the river, and we were principally dependent on small puddles of rain-water from a recent thunder shower, but as we approached the northern bend some fine reaches of water were passed.

In latitude $26^{\circ} 2'$ we observed a small dry creek joining from the N. E. This I traced upwards for a few miles; but as its relative position with regard to the adjacent country, as well as the latitude, did not correspond with that of the Alice River on the chart, we continued our route: finding, however, that the general course of the river changed to S. W., I left the party at a small lagoon and rode up the river again, making a second search, more especially at the junction of the small dry creek, which proved to be identical with the Alice River, though more than five miles to the south, as the Victoria River never reaches the parallel of 24° .

Our position was now becoming very critical, as a long continuance of drought had not only dried up all the water, except in the deepest hollows in the channel of the main river,

1858
28th April.

river, but the smaller vegetation, and even the trees on the back country were annihilated, rendering the country almost impracticable from the quantity of fallen dead branches, and even in the bed of the river where the inundation derived from heavy rain near the sources of the river last year had somewhat refreshed the grass, it was scarcely possible to find subsistence for the horses. Under existing circumstances, it would have been certain destruction to attempt a north-west route from this point; and the only course that appeared open to us was to follow down the main river to the junction of the Thompson River, and ascend that watercourse so as to intersect Leichhardt's probable line of route, had he penetrated in that direction, favored by a better season. At the same time, it was probable that, like ourselves, he had been repulsed, and would then follow down the river, and search for a more favorable point from which to commence his north-west course, in order to round the desert interior on its northern side; and we therefore continued our search down towards the Thompson River.

29th April.

The country was perfectly flat on both sides of the river, and shewed traces of tremendous floods. The soil near the river was often deeply-cracked mud, water very scarce, and grass seldom seen. The back country was covered with scrubs of dead acacia, the soil a red sand or gravel; and such was the unpromising appearance, that I began to fear our horses would soon fail for want of food and water; but having camped at a water-hole during Sunday, to rest the party, heavy rain commenced, and though the greater portion of the water was absorbed by the dry soil, some of the channels of the river filled and commenced to flow. This relieved us from much difficulty as regarded the want of water, and enabled us to seek for grass in positions which were otherwise inaccessible.

2nd May.

3rd May.

Just as we were leaving our camp a party of seven natives made their appearance; but though they came up to us, and talked much, I could get no useful information from them. As the party moved on they followed us, and, thinking they were not observed, made an attempt to throw a spear at one of the men; but Mr. C. Gregory, wheeling his horse quickly and presenting a revolver at the intending aggressors, they ran away, and left us to pursue our journey in peace.

4th May.

6th May.

The abundance of water was not without its inconveniences, and had the rain continued the party would have been annihilated, as our camp was between the deep channels which intersected the plain; and in attempting to extricate ourselves from the plains subject to inundation, found ourselves so completely entangled among the numerous deep channels and boggy gullies, in some of which the horses narrowly escaped suffocation in the soft mud, that after having forded one branch of the river, carrying the whole equipment across on our own backs, constructing a bridge over a second for the transport of the stores, and dragging the horses through as we best could with ropes, after three days of severe toil we had scarcely accomplished a direct distance of five miles.

The dry weather which followed rapidly hardened the surface of the clay plains, and I attempted to steer due west to the Thompson, but found the country so destitute of feed, and covered with dense acacia scrub, that we were compelled to return to the plains on the bank of the river.

8th May

The valley of the river trending west was somewhat contracted, and did not exceed five or six miles in breadth; the plains were firmer, salt-bush and grass more abundant, and the horses recovered slightly from the effects of the barren country.

Keeping back from the right bank of the main channel, we passed some ridges of drift sand, and came on a fine lagoon nearly a mile in length. Here we surprised a party of natives, who decamped on our approach, leaving a net, fish, &c., which we of course left untouched, and camped at a spot lower down the lagoon.

9th May

The next day, being Sunday, we remained at our camp, and the party of natives, consisting of seven or eight men, three or four women, and some children, approached us, and remained the greater part of the day near the tents. They were very anxious to enter the camp, but this was not permitted.

By signs they expressed that they had observed we had not taken away any of their property the evening before, when they ran away and left their nets, and were therefore satisfied our intentions were friendly; but we could not procure any information relative to the objects of our journey or the character of the country before us.

At 4 p.m. they informed us they were going to sleep at the most distant part of the lagoon, and would return next morning at sunrise, and then departed.

After

After dark, however, the natives were detected attempting to crawl into the camp through the bushes, and though we called to them in an unmistakeable tone to retire, they would not withdraw. 1858.
9th May.

As the position they had taken up was such as to command our camp, and render it unsafe in the event of an attack, it was necessary to dislodge them. I therefore fired a pistol over them, but was answered by a shout of derision, which no doubt would have been soon followed by a shower of spears had we not compelled them to retreat by a discharge of small shot directed into the scrub, after which we were not further molested.

We were now approaching the junction of the Thompson River, but the country became worse as we advanced, and the last five miles of the plain were absolutely devoid of vegetation. Our hopes were, however, raised on finding that the late rain had caused the Thompson to flow, though the current was not strong; we had, however, to travel upwards of twelve miles up its course before any grass could be found for the horses. 10th May.

Continuing our route up the Thompson, nothing could be more desolate than the aspect of the country; except the few trees which grew on the immediate bank of the river there was scarcely a tree left alive, while the plains were quite bare of vegetation, except a few salsolaceous bushes. At the distance of five miles low ridges of red drift sand shewed the desert character of all around; even the lower surfaces of the clouds assumed a lurid tinge from the reflection of the bare surface of red sand. 11th May.

In latitude $24^{\circ} 40'$ low sandstone hills, or rather table land, approached both banks of the river, and the gullies which intersected them had supplied the water lower down, as the channel was dry above. We, however, succeeded in reaching latitude $23^{\circ} 47'$, when the absence of water and grass—the rain not having extended so far north, and the channels of the river separating into small gullies and spreading on the wide plains—precluded our progressing further to the north or west; and the only prospect of saving our horses was to return south as quickly as possible. 12th May.
15th May.

This was a more severe disappointment, as we had just reached the part of the country through which Leichhardt most probably travelled, if the season was sufficiently wet to render it practicable.

Thus compelled to abandon the principal object of the expedition, only two courses remained open—either to return to the head of the Victoria River and attempt a northern course by the valley of the "Belyando," or to follow down the river and ascertain whether it flowed into "Cooper's Creek" or the Darling. The latter course appeared most desirable, as it was just possible that Leichhardt, under similar circumstances, had been driven to the S. W.

In order to ascertain whether any large watercourses came from the west, the return route was along the right bank of the Thompson, but only one small creek and some considerable gullies joined on that side; nor was the country of a better character than on the left bank—consisting of barren plains, subject to inundation, low rocky ridges covered with dense scrub, and sandy ridges producing triodia.

We had nearly reached the Victoria River, when, in crossing a gully, Worrell's horse fell and hurt him so severely that we had to halt for some time before he could be placed on his horse again, and it was therefore fortunate that a small patch of dry grass was found on the bank of the river, which enabled us to halt the next day, which was Sunday. 22nd May.
23rd May.

Travelling down the right bank of the river the principal channels were full of water, but the clay plains between were quite dry, the rain which had caused the river to flow not having extended so far south; nothing could well be more desolate than the unbounded level of these vast plains, which, destitute of vegetation, extended to the horizon. Our horses were reduced to feeding on the decayed weeds, and even these were so scarce that they eagerly devoured the thatch of some old native huts.

We had nearly reached the furthest point attained by Mr. Kennedy when the horses shewed signs of failing strength, and the channels on the east side of the plain being dry, I conceived it prudent to cross to the western side again. 27th May.

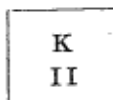
The dry mud was so deeply cracked that the horses were continually falling, and one horse was so completely exhausted that we had to abandon him.

6 EXPEDITION IN SEARCH OF DR. LEICHHARDT AND PARTY.

1858.
28th May.

Steering a westerly, and then a north course, we reached the small water-hole at Mr. Kennedy's second camp on the return route; there was just sufficient water to supply the party for one night, and a few scattered tufts of grass near it, but quite insufficient for the supply of so large a number of horses.

Close to the water-hole we found Mr. Kennedy's marked tree; it was a large box-tree, marked on the north side thus:—



The cuts of the axe and chisel were still quite clear, though twelve years had elapsed; but the slow growth and decay of trees in the interior may be attributed to the dryness of the climate.

29th May.

Steering north-west, after toiling nearly thirty miles across this fearful waste of dry mud, we at length reached a small patch of grass on a sandy hummock, but only just in time to save the horses, as many could scarcely keep on their legs, and we had to remove their loads to those which were less exhausted.

30th May.

Long before the next morning our hungry animals had consumed every blade of grass, and the small patch round the camp was reduced to the same barren appearance as the surrounding plain. We therefore started in search of food for them, and were fortunate in finding a second patch of grass, about three miles to the south, and halted for the remainder of the day, which was Sunday, thankful that Providence had enabled us to make it a day of rest.

31st May.

Lat. 26° 2'

The running channel of the river being still to the west of our position, we steered south-west, over barren clay plains, to some low ridges of drift sand, beyond which we found the channel full of water, with a slight current; but it terminated in a large reach of water which had not yet filled, and the channel lower down was dry.

Low ridges of red drift sand were now frequent on the plain, and appeared to be the higher points of the former sandy desert, the clay plains resulting from the deposition of mud in the hollows between which had in course of time filled it to one uniform level.

1st June.

The channels on the western side of the plain were very irregular, sometimes completely lost on the level surface, and again collecting into large hollows, with box trees on the banks, in which fine sheets of water still remained, some 100 yards wide and more than a mile in length. We therefore did not experience so much inconvenience with regard to the supply of this necessary element as from the absence of sufficient grass, and the all but impracticable nature of the mud plains.

4th June.

In latitude 27° low sandstone table land approached the west side of the river, and we attempted to travel along the slope between it and the mud plains, but found it so stony that the horses' hoofs were soon worn to the quick, as we had been compelled to remove their shoes to enable them to traverse the mud plains.

Had it not been for green bushes of *salsolae*, and some similar plants which had sprung up since the rain, this tract of country exactly resembled the stony desert described by Capt. Sturt as existing 200 miles to the westward. These remarkable features forming the declivities of the sandstone table land through which "Cooper's Creek" forces its way, and by confining the waters to a narrower space during floods, causes the fine deep reaches of water which characterize it.

8th June.

By following the western limits of the plains we reached latitude 27° 30', when the sandstone table land receded, and a boundless expanse of mud plain was before us; the lines of box trees which had hitherto marked the channels nearly ceased, *polygonum* and *atriplex* constituting the main feature of the vegetation.

9th June.

After toiling S.W. a day and a half over this level surface to latitude 27° 50', we approached some low ridges, at the foot of which there was a lagoon 100 yards wide, exhibiting signs of a current during flood to the N.W.; and as there was an evident westerly trend in all the smaller channels previously crossed, it was evident they would soon merge in Cooper's Creek.

Steering W.N.W. the several channels collected together, and soon formed a deep watercourse, with fine reaches of water.

The

The sandstone table land closed in on both sides; the soil of the intervening plain^{1858. 9th June.} was much firmer, but shewed by the vegetation that saline nature which so often attends the development of the upper sandstones in Australia. Grass was abundant, and it was surprising with what rapidity the horses recovered their strength.

Approaching the 141st meridian, which is the boundary of the province of South^{12th June.} Australia, stony ridges closed in on both banks of Cooper's Creek, forming almost a natural division, across which we followed a well-beaten native path; and here I observed the only instance which has come under my observation where the aborigines have taken the trouble to remove natural obstacles from their paths. The loose stones had been cleared from the track, and in some places piled in large heaps.

After passing the stony ridge the valley became wider, the hills receding suddenly, in^{14th June.} longitude 140° 30', both to the north and south; and the whole country to the west seemed to consist of a succession of low ridges of red sand and level plains of dry mud, subject to inundation.

Shortly before reaching the branch of Cooper's Creek named by Captain Sturt "Streletzki" Creek, we observed the tracks of two horses, one apparently a cart-horse, and the other a well bred animal, but as none of their tracks were within the last month, the rain had obliterated them to such an extent that they could not be traced up, as they had left the bank of the creek on the first fall of rain, as is the usual habit of horses whose wanderings are uncontrolled.

There can be little doubt that these horses belonged to Captain Sturt, who left one in an exhausted state near this locality, and also lost a second horse, whose tracks were followed many miles in the direction of this part of Cooper's Creek.

"Streletzki Creek," which separates nearly at a right angle from the main channel, appears to convey about one-third of the waters of Cooper's Creek nearly south, and, as we afterwards ascertained, connects it with Lake Torrens. We, however, continued to follow the channels which trended west for 30 miles, but large branches continually broke off to the south and west, and at length the whole was lost on the wide plains of dry mud between the sand ridges; and, as there was no prospect of either water or grass to the west, I steered south^{16th June.} and S. E. for fifty miles over a succession of ridges of red drift sand, ten to fifty feet high, running parallel to each other, and in a nearly N. and S. direction. Between these ridges we occasionally found shallow puddles of rain-water, or rather mud, as it was so thick with clay as to be scarcely fluid. Fortunately, a great quantity of green weeds had grown up since the rain, and the horses improved in condition, and did not require much water.

In latitude 28° 24' we again came on Streletzki Creek, and then followed it nearly^{21st June.} S. S. W. between sandy ridges to latitude 29° 25', when it turned to the west and entered^{25th} Lake Torrens. No permanent water was seen in the bed of the creek, though there are many deep hollows which when once filled retain water for several months, and this, combined with the existence of a fine reach of water in Cooper's Creek immediately above the point where Streletzki Creek branches off, renders it far the best line of route into the interior which has yet been discovered.

Passing between the eastern point of Lake Torrens and what has hitherto been considered the eastern arm, but now ascertained to be an independent lake, the space between (about $\frac{1}{2}$ a mile) was level sandy ground, covered with salicornia, without any apparent connecting channel. The course was continued S.S.W. towards Mount Hopeless, at the northern extreme of the high ranges of South Australia, which had been visible across the level country at a distance of 60 miles.

As we approached the range of hills tracks of cattle and horses were observed, and 8^{26th June.} miles beyond Mount Hopeless came to a cattle station which had been lately established by Mr. Baker.

As the nature of the country we had traversed was such as not to admit of any useful deviations from it if we returned to New South Wales by land, I deemed it advisable to proceed forthwith to Adelaide, and, disposing of the horses and equipment, return with the party by sea to Sydney.

We therefore proceeded by easy stages towards Adelaide, experiencing the greatest^{31st July.} hospitality at the stations on our route, while our reception in the city was of the most flattering nature.

His

His Excellency Sir Richard Macdonald kindly gave me the use of an extensive paddock for the horses, and provided quarters for the men during the period which necessarily elapsed before the sale of the equipment of the expedition was effected. I have also to express my acknowledgments of the kind assistance rendered by the Honorable the Commissioner of Crown Lands, to the Surveyor General, and the Superintendent of Telegraphs, for valuable data connected with the construction of the map of the route, as well as to many other gentlemen whose cordial co-operation greatly facilitated my arrangements.

It is extremely gratifying to record my appreciation of the untiring zeal and energy which distinguished every individual composing the expedition; and it is to the unvarying and cheerful alacrity with which each, and all, performed their respective duties, that, under Providence, the rapidity and success of the journey is to be mainly attributed.

With reference to the probable fate of Dr. Leichhardt, it is evident, from the existence of the marked camp, nearly 80 miles beyond those seen by Mr. Hely, that the account given to that gentleman by the natives of the murder of the party was untrue; and I am inclined to think only a revival of the report current during Leichhardt's first journey to Port Essington. Nor is it probable that they were destroyed until they had left the Victoria, as, if killed by the natives, the scattered bones of the horses and cattle would have been observed during our search.

I am therefore of opinion that they left the river at the junction of the Alice, and, favored by thunder showers, penetrated the level desert country to the N. W.: in which case, on the cessation of the rain, the party would not only be deprived of a supply of water for the onward journey, but unable to retreat, as the shallow deposits of rain-water would evaporate in a few days, and it is not likely that they would commence a retrograde movement until the strength of the party had been severely taxed in the attempt to advance.

The character of the country traversed, from the out-stations on the Dawson River to the head of the Warrego River, was generally that of a grassy forest, with ridges of dense brigalow scrub. A great portion is available for pastoral purposes, but not well watered; and the soil being sandy, the grass would soon be destroyed if too heavily stocked.

As we advanced into the interior it became more barren, and, except along the banks of the larger watercourses, destitute of timber, and the character of the vegetation indicated excessive droughts.

North of lat. 26° dense scrubs of acacia prevailed on the level country beyond the influence of the inundations, but to the southward, sandy and stony deserts, with low shrubby vegetation, were the characteristic feature.

West of longitude 147° , nearly to the boundary of South Australia, in 141° , the country is unfit for occupation, for, though in favorable seasons there might in some few localities be abundance of feed for stock, the uncertainty of rain and frequent recurrence of drought renders it untenable, the grasses and herbage being principally annuals, which not only die but are swept away by the hot summer winds, leaving the surface of the soil completely bare.

On Cooper's Creek, near the boundary, there is a small tract of second-rate country, which, being abundantly supplied with water, may eventually be occupied. The best part is, however, within the Province of South Australia.

Between Cooper's Creek and Lake Torrens about 120 miles of sandy country intervenes. This tract is destitute of surface water, but as it is probable that it could be obtained by sinking wells of moderate depth, I think it might be occupied to advantage during the cool season, and thus relieve the stations which are now established within Lake Torrens, though I fear that the summer heat would be too great to admit of permanent occupation.

The geological character of the country is remarkably uniform. Carboniferous sandstones and shales, containing occasional beds of coal, with superincumbent hills and ridges of basalt, extend from Darling Downs to the 146^{th} meridian, where these rocks are covered by horizontal sandstones with beds of chert and water-worn quartz pebbles. This latter formation extends as far as Mount Hopeless, where the slate ranges of South Australia rise abruptly from the plain.

The sandy deserts and mud plains are only superficial deposits, as the sandstones are often exposed where the upper formation is intersected by gullies.

The

The direction of the parallel ridges of drift sand appear to be the result of the prevailing winds, and not the action of water, it being sufficient to visit them on a windy day to be convinced that it is unnecessary to seek for a more remote and obscure cause than that which is in present operation.

It is, perhaps, with reference to the physical geography of Australia that the results of the expedition are most important; as, by connecting successively the explorations of Sir T. Mitchell, Mr. Kennedy, Capt. Sturt, and Mr. Eyre, the waters of the tropical interior of the eastern portion of the continent are proved to flow towards Spencer's Gulf, if not actually into it, the barometrical observations shewing that Lake Torrens, the lowest part of the interior, is decidedly above the sea level.

Although only about one-third of the waters of Cooper's Creek flow into Lake Torrens by the channel of Streletzki Creek, there is strong evidence that the remaining channels, after spreading their waters on the vast plains which occupy the country between them and Sturt's Stony Desert, finally drain to the south, augmented probably by the waters of "Eyre's Creek," the "Stony Desert," and perhaps some other watercourses of a similar character coming from the westward.

This peculiar structure of the interior renders it improbable that any considerable inland lakes should exist in connection with the known system of waters; for, as Lake Torrens is decidedly only an expanded continuation of Cooper's Creek, and therefore the culminating point of this vast system of drainage, if there was sufficient average fall of rain in the interior to balance the effects of evaporation from the surface of an extensive sheet of water, the "Torrens Basin," instead of being occupied by salt marshes, in which the existence of anything beyond shallow lagoons of salt water is yet problematical, would be maintained as a permanent lake.

Therefore, if the waters flowing from so large a tract of country are insufficient to meet the evaporation from the surface of Lake Torrens, there is even less probability of the waters of the western interior forming an inland lake of any magnitude, even should there be so anomalous a feature as a depression of the surface in which it could be collected, especially as our knowledge of its limits indicate a much drier climate and less favorable conformation of surface than in the eastern division of the continent.

The undulations of the surface of the country are nearly parallel to the meridian, gradually decreasing in height from the dividing range between the eastern and western waters till, instead of the waters of the rivers being confined to valleys, they occupy plains formed by a slight flattening of the curvature of the sphere. Thus the sides of the plain through which the river ran before it turned west to Cooper's Creek were 150 feet below the tangential level of the centre channels, and even the summit of the sandstone table land which rose beyond was below the visible horizon.

It is this peculiar conformation which causes the stream beds to spread so widely when following the course of the valleys from north to south, and it is only where they break through the intervening ridges that the water is confined sufficiently to form well defined channels.

The existence of these extensive valleys trending north and south over so large a tract of country render it by no means unlikely that they continue far beyond the limits of present explorations, and it is not unreasonable to infer that the great depression which has been traced nearly five hundred miles north from Spencer's Gulf through Lake Torrens to the stony desert of Sturt (or rather the mud plains contiguous to its western limit), may be continuous for an equal distance beyond to the low land at the head of the Gulf of Carpentaria; a theory also supported by the fact, that the rivers flowing into the Gulf either come from the east or west, apparently from higher land in those directions, while there is not a single watercourse from the south, or any indication of elevated country in that direction.

Captain Wickham having named an important river discovered by him in H. M. S. Beagle on the N.W. coast the "Victoria," several years prior to Sir T. Mitchell having attached that name to the upper portion of Cooper's Creek, which had also been previously discovered and named by Captain Sturt, I would suggest that the term River Cooper be adopted for the whole of the main channel from its sources, discovered by Sir T. Mitchell, to its termination in Lake Torrens; as, while it does not interfere with the rule that the name given by the first discoverer should be retained, will prevent the recurrence of the misapprehension

hension and inconvenience of having two important rivers with the same designation on the maps of Australia.

With regard to the number and habits of the aborigines, I could collect little information, as only a collective number of about one hundred men, a few women and children, were seen, in small scattered parties; but, judging from the number of encampments seen, at least a thousand must visit the banks of the river; and it is probable that the whole of the inhabitants for at least a hundred miles on each side are dependent on it for water during the dry season.

Neither sex wear any clothing. Their weapons and utensils are similar to those used on the eastern coast; nor was there any characteristic by which they could be observed to differ from the aborigines of other portions of Australia.

Fish, rats, grass seeds, and a few roots, constitute their chief food.

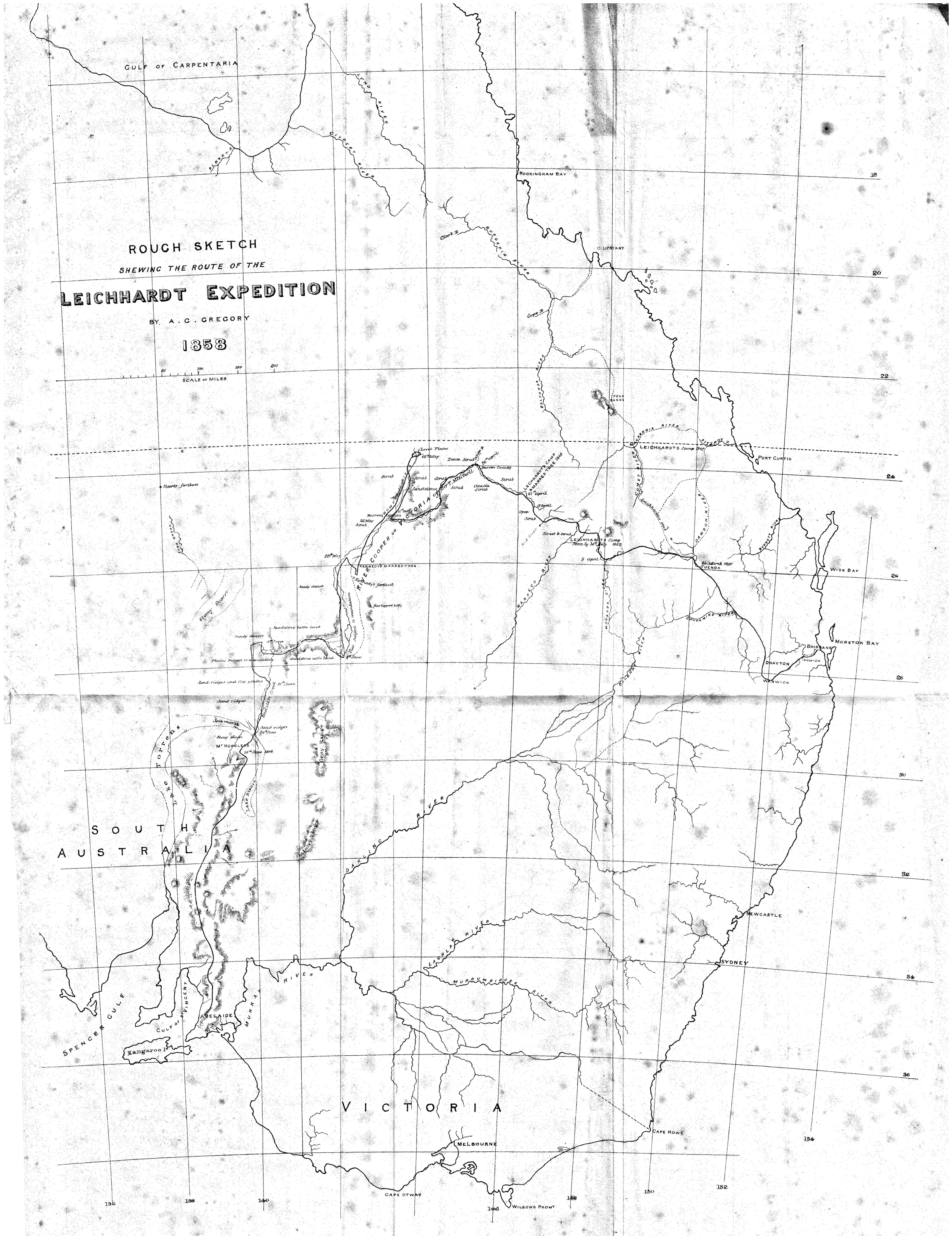
On the upper part of the river they bury their dead, piling wood on the grave; near the junction of the Thompson they suspend the bodies in nets, and afterwards remove the bones; while on Cooper's Creek the graves are mounds of earth three to four feet high, apparently without any excavation, and surmounted by a pile of dead wood. In the last-named locality the number of burial mounds which had been constructed about two years ago greatly exceeded the proportion of deaths which could have possibly occurred in any ordinary season of mortality, even assuming the densest population known in any other part of Australia; and it is not improbable that the seasons of drought which proved so destructive to the tree vegetation higher up the river may have been equally disastrous in its effects on the aboriginal inhabitants of this portion of the interior.

A. C. GREGORY.

Sydney, 27 August, 1858.

GULF OF CARPENTARIA

BY A. C. GREGORY



1858.

Legislative Assembly.

NEW SOUTH WALES.

EXPEDITION IN SEARCH OF DR. LEICHHARDT.

(COMMUNICATION FROM A. C. GREGORY, ESQ., UPON.)

Ordered by the Legislative Assembly to be Printed, 9 September, 1858.

A. C. GREGORY, ESQ., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Sydney, 27 August, 1858.

SIR,

I have the honor to inform you that on the arrival of the Leichhardt Expedition in Adelaide, I made arrangements for the sale of the horses and equipment of the party, and they were accordingly sold at public auction, on the 6th August—the horses realizing the gross sum of £1,169 5s., and the equipment £164 7s. 6d.; deducting the usual commission leaves the net sum of £1,171 19s., which will be duly paid into the Colonial Treasury.

The large amount which has been thus realized is owing to the few casualties among the horses, as, of the 40 originally purchased only one was abandoned on the journey, and one killed by falling over a steep bank in the police paddock in Adelaide.

The Government of South Australia having purchased several of the horses for the purpose of reinforcing Mr. Babbage's party, who were exploring the country to the west of Lake Torrens, were desirous that Mr. C. Gregory should proceed with them to Mr. Babbage's camp, as it would afford a good opportunity of communicating the details of the character of the country to the north-east of his proposed route.

I therefore gave leave to Mr. C. Gregory, Overseer Phibbs, and R. Bowman, to proceed on this service; and it was arranged that they were to be paid by the South Australian Government during the period they were thus detained—by which no expense would be incurred beyond what would have resulted had they returned direct to Sydney.

As the services of the rest of the exploring party were not further required, I discharged them on reaching Sydney; as some, however, were engaged at Moreton Bay, I consider that they are entitled to their passage back to the place of engagement at the expense of the Expedition.

As the documents relative to my accounts, and the proceedings of the Expedition prior to leaving the Settled Districts, were unavoidably left at Mr. Boyd's station, on the Dawson River, together with sundry stores for the supply of the party in returning through the settled country to Moreton Bay, as at that time I did not contemplate proceeding to South Australia, I purpose starting by the next steamer for Moreton Bay, and disposing of such stores as are not required for future service, return with the papers to Sydney, in order to prepare the maps of the route, and close the accounts of the Expedition.

THE HONORABLE
THE SECRETARY FOR
LANDS AND PUBLIC WORKS.

I have, &c.,
A. C. GREGORY.

A. C. GREGORY, ESQ., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Sydney, 27 August, 1858.

SIR,

I have the honor to transmit a Report* of the proceedings of the Expedition in search of Dr. Leichhardt, who started with a party to explore the country between Moreton Bay and Western Australia, in 1848.

As the detail maps of the country traversed will occupy some time in compilation, I append an outline sketch of the route of the Expedition.

Dr. Müller, Government Botanist in Victoria, having kindly consented to arrange and ascertain the names of the botanical specimens collected during the journey, I have left them with him in Melbourne, for a short period, for that purpose, and on their arrival in Sydney shall transmit them to such department as may be directed, together with the geological specimens, &c.

The meteorological observations I have not forwarded with this Report, being desirous of tabulating them with simultaneous observations at Moreton Bay and Adelaide, the whole of the data of which is not yet in my possession.

I have, &c.,

A. C. GREGORY.

THE HONORABLE

THE SECRETARY FOR

LANDS AND PUBLIC WORKS.

* *Vide* Report laid upon the Table on 1st September, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

LAYING OUT TOWNS AND VILLAGES.

(INSTRUCTIONS TO SURVEYORS.)

Ordered by the Legislative Assembly to be Printed, 12 May, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly, dated 27 April, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of that House :—

“ A Copy of the General Instructions (if any) given by
 “ the Government, or the Surveyor General, to the Sur-
 “ veyors employed in laying out Towns and Villages
 “ throughout the Colony.”

LAYING OUT TOWNS AND VILLAGES.

Surveyor General's Office,
Sydney, 185 .

It having been determined that a _____ shall be laid
out at _____ I have to request that you
will _____ proceed to the locality and make
the necessary preliminary survey.

2. Having selected the precise spot which may seem to you to be the best adapted for the _____ site, you will proceed with its survey, which should embrace every physical feature having elevation or depression sufficient to form an obstruction to carrying out a street, and also all existing tracks and improvements (if any) within the site.

3. You will also ascertain (with the Theodolite) the general level of one or more of the streets of the design hereafter alluded to.

4. You will plot your plan to a scale of 8 chains to one inch, and will represent the features thereon with the greatest practicable accuracy, carefully preserving the relative heights in your hill shading; and will note fully on the plan the character of the land throughout, and shew on it the levels alluded to in the previous paragraph.

5. You will then prepare a design for the _____, in which, so far as the ground will admit of the arrangement, streets 150 links in width should be provided, at distances of 5 chains 30 links apart, in the direction of the principal traffic, and cross streets, at right angles, at distances of 10 chains apart. These distances may be modified to suit the natural features within extremes of 400 and 600 links, and 6 and 12 chains respectively. The building allotments within the sections formed by the streets will be, where the regulated distances are preserved, of 2 chains frontage by 250 links depth, and with a back lane entrance, parallel with the longitudinal streets, of 30 links in width; and where the streets may be placed at other distances than the above, the allotments will be as nearly of that area and form as may be practicable.

6. Your design should be drawn on a separate skeleton tracing, which may be applied to the plan, and on which may be shewn the sites which you would recommend for public buildings, such as Court House, Markets, Churches, and Schools, &c.; and also open squares, reservations for public recreation, access to water, &c.

7. Beyond the proposed building allotments, the main road should be surveyed for a distance on either side of one or two miles, and portions should be designed fronting, or having access to it, increasing in area with their distance from the _____; and the design for allotments fronting the main road should be such, that, by the reservation in places where the natural surface is not calculated to resist the action of traffic, of those upon one side, until such period as the road may be artificially constructed; a sufficient space will be left for divergence from the track in use, as it may from time to time become much impaired.

8. Your Report should embrace a recommendation of boundaries for the Town Reserve, as distinguished from the Agricultural or General Reserve; full information as to the character of the land, and its suitability to building and agricultural purposes; the supply of water and reservations essential to the preservation of its purity and sufficiency; the liability of any portion of the reserve to inundation; the probable ultimate arrangements for sewerage, with their possible effect on the water supply; and a suggestion of suitable sites for a General Cemetery, and a Town Pasturage Reserve.

9. In conclusion, I have to urge upon your attention the important influence which the exercise of care and judgment on your part in the conduct of this duty may have on the comfort, convenience, and health of the future occupants of this _____; and to request that, therefore, you will give every care and consideration to the subject.

I have, &c.,

NOTE.—Copy of instructions for Survey for a Design of a Town enclosed. In special cases further particulars are added, in a Postscript. Designs are prepared at Head Quarters for approval; and the survey and measurement of lands in the Towns follow as demands arise.

GEO. BARNEY, S.G.
6 May, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

C R O W N L A N D S .

(AMENDED INSTRUCTIONS FOR MARKING ALLOTMENTS, &c.)

Ordered by the Legislative Assembly to be Printed, 17 August, 1858.

(Circular.)

Surveyor General's Office,

21 July, 1858.

SIR,

I have the honor to enclose herewith directions for marking boundary lines of allotments and portions of Land, which may be measured by surveyors of this Department; and I have to request that you will, in future Surveys, adhere strictly to these directions, which will supersede the instructions contained in the Circular Letter of 8th July, 1853.

2. I beg that you will inform me as soon as you have provided yourself with the branding iron to be used in marking Town Allotments, and with such tools as may be necessary to mark the numbers on trees.

I have the honor to be,

Sir,

Your obedient servant,

GEORGE BARNEY.

*Directions to be observed in marking Building and Suburban Allotments within Town
Boundaries :—*

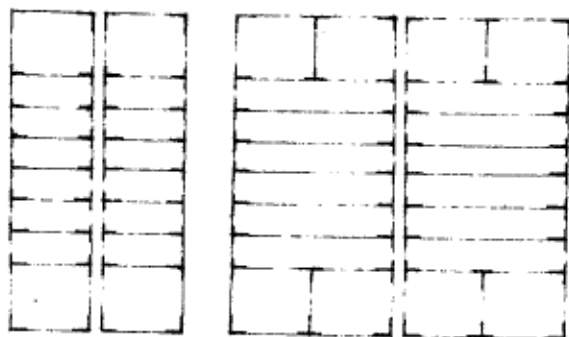
1. The building lines of streets, and the side lines of back entrances, are, where the land is not naturally clear, to be cleared to a width of not less than 4 feet, by the removal of all scrub and trees of a less diameter than 10 inches.



2. Should large trees stand in a building line, the usual horse-shoe Surveyor's mark is to be cut upon the opposite sides of the tree, in the direction of the building line, and the precise position of that line is to be indicated by a cut not less than 9 inches long, in each horse-shoe mark.



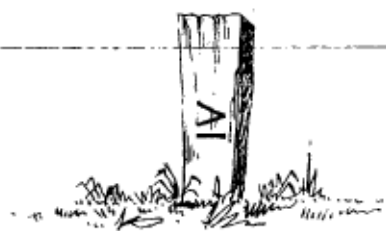
3. Should a tree stand at the intersection of two building lines, the horse-shoe marks, instead of being opposite, will of course be at right angles with each other, or in any other angle which the building lines may form, and the number of the section is to be cut or branded in the horse-shoe, as hereafter directed with reference to marks on stakes.



Town Sections Lockspitted

4. The corners of sections, and of allotments, are to be lockspitted to a depth of 6 inches, and for 18 inches from the corner, and should rocks occupy the position of corners, lines of equal length with the lockspits, and numbers, as hereafter directed, are to be cut with a pick.

5. At each section corner, excepting, of course, those which are marked by trees, a stake not less than 2 feet 6 inches long is to be driven 18 inches into the ground (where practicable), and on the flat surface of the stake the number of the section is to be branded in Roman figures of 4 inches in height.



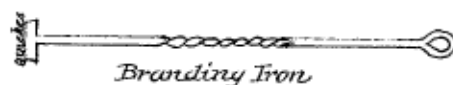
Stake at corner of Section

6. At each allotment corner, stakes, not less than 18 inches long, are to be driven one foot into the ground, and on those on the street frontages the numbers of allotments are to be branded in Roman figures of 2 inches in height.

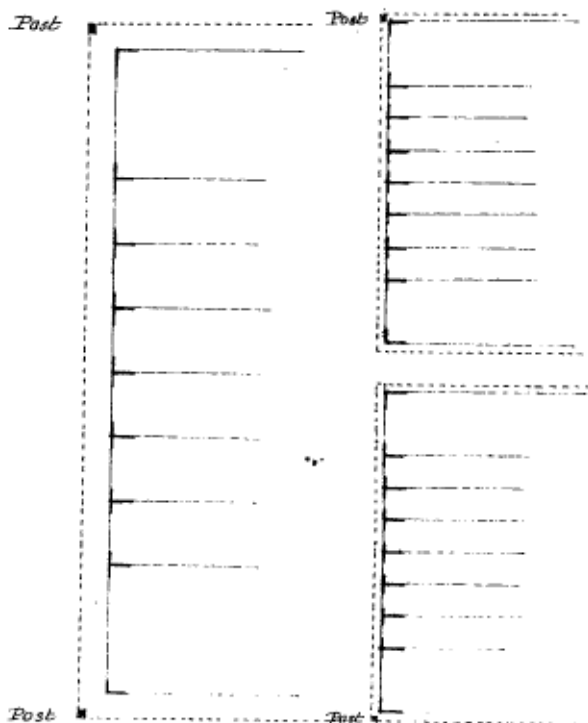


Stakes at Corners of Sections & Allotments

7. The branding of both section and allotment stakes is to be done with a single branding iron, having a face 2 inches in length by one quarter of an inch wide.



8. In marking the first surveys in any new Town, in addition to the above marking, which will obviously disappear with the occupation of the allotments, two strong posts, not less than 6 inches square and 6 feet in height, are to be set 2 feet in the ground, in the kerb line, (12 feet from the building line) of a principal street of the Town, at a distance of not less than 10 chains apart, and so placed that their outside faces will be precisely in the kerb lines of that street, and of two intersecting streets. These posts are to be cut flat on the top, and to have a large broad arrow cut on them, and they are intended to form a basis with which future surveys in the Town may be connected.



Alignment Posts

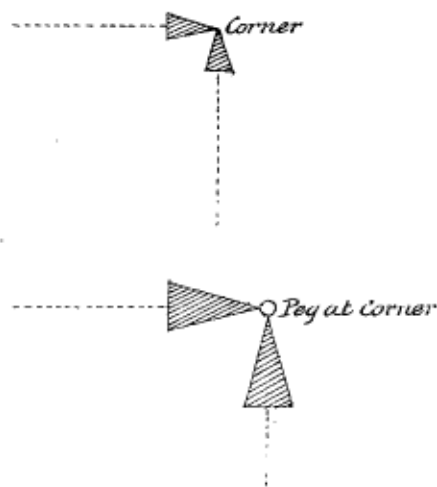
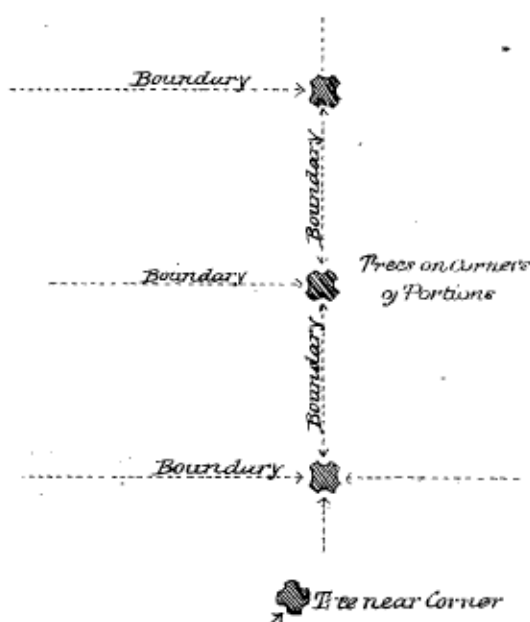
Directions to be observed in marking Boundaries of Land measured beyond the limits of Towns :—

1. All boundary lines, where the country is not naturally clear, are to be cleared to a width of not less than four feet, by the removal of all scrub and trees of a less diameter than 6 inches.

2. All trees upon boundary lines, or within two paces in thickly wooded country, and 4 paces in open forest country, are to be marked with the horse-shoe mark, (which is to be cut into the wood of the tree) on the opposite sides, in the direction of the boundary line; and those trees which are actually in the line, are to be marked, in addition, with smaller horse-shoe marks above the others.

3. The corners of portions are, where a tree may stand on the corner, to be marked by four horse-shoe marks, in the lines of the boundaries and their continuations; and broad arrows, not less than six inches long, are to be cut deep in the marks, on two sides where the boundaries of one portion only may meet the tree, on three sides where the boundaries of two portions may meet the tree, and on four sides where the boundaries of three or four portions may meet the tree. The horse-shoe marks are invariably to face the directions in which the boundary lines run.

4. Should there be no tree at a corner, the nearest large tree is to be marked with the horse-shoe mark on four sides, and a single broad arrow is to be cut in one of these marks, exactly facing the corner. At the corner, triangular trenches are to be cut with a spade or pick, a foot in depth, and not less than 3 feet in length, and at the apex of the triangle, which indicates the corner, a stake not less than 2 feet 6 inches long is to be driven eighteen inches into the ground. The general direction of the boundary will be indicated by the position of the triangle, which should be such that the angle at the apex, and of course the base of the triangle, will be bisected by the boundary line.

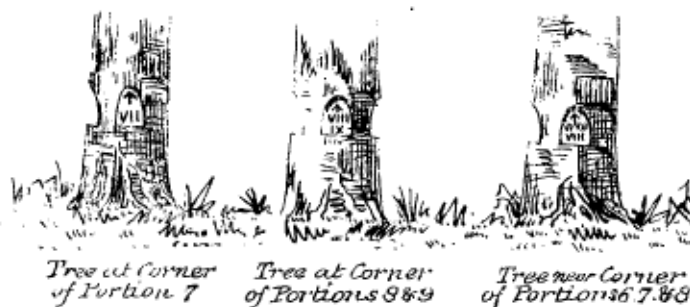
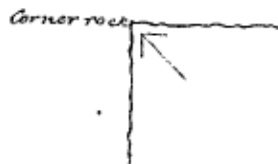


5. In very open forest country or plain, the boundaries are to be marked by deep lockspits or trenches, of 40 or 50 links in length, at distances of 5 chains apart, and with a picket or short stake in the centre of each; and the corners with triangular trenches as above directed, but with a larger stake cut flat on the top, and having a broad arrow cut on it.

6. Rocks which may be upon a boundary line are, in every instance, to be marked with a pick line; and where at a corner of a portion, with a broad arrow.

7. Where portions being measured form part of any regular series, for which numbers can be used, as portions of a Parish, the numbers of the portion or portions on or near the corners of which a tree may stand, are to be cut in the horse-shoe marks facing the boundary lines of the portions or facing the corner.

8. Where measurements are made in isolated localities where no parish boundaries have been proposed, and no perfect series of numbers can be adopted, or used in descriptions for deeds, it is still necessary to the recognition of the lands by purchasers, or by intending purchasers, that the boundary marks of different portions should be distinguished by numbers, which may be introduced in the Sale Proclamation of the lands. With this object, the corners of portions in each separate locality, or on any particular creek on which surveys may be made, are to be numbered in a series, which will extend to all measurements made in that locality in each year; and to these numbers the unit number of the year is to be prefixed, as per diagram, the numbers appearing, of course, at all the corners of the portions which they represent. It is of the greatest importance that no confusion should occur in this numbering, and surveyors will therefore exercise the greatest care and discretion in determining the boundaries for each series.



1858.

Legislative Assembly.

NEW SOUTH WALES.

MR. HENRY SANDERSON.

(PRAYING REDRESS.)

Ordered by the Legislative Assembly to be Printed, 31 August, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of Licensed Surveyor Henry Sanderson, late Assistant Surveyor,
Moreton Bay District,—

SHEWETH:—

That your Petitioner humbly submits his case for the consideration of your Parliament.

That your Petitioner was appointed a Surveyor of the Colony of New South Wales, at Cannon Row, in the City of Westminster, by the Imperial Government, on the 7th day of July, 1855.

That your Petitioner arrived in this Colony on or about the 20th November, 1855, as such appointed Surveyor.

That your Petitioner was sent to Moreton Bay and the Northern Districts, as an Assistant Surveyor, to explore the country and make surveys for railway purposes.

That your Petitioner filled that appointment to the best of his ability, until 1st May, 1857, when he was suspended by the Surveyor General on that date, and finally removed from the public service on or about the 31st July, 1857.

That your Petitioner, believing that he has been too severely punished, in being dismissed the public service and deprived of his salary, (the only means of supporting his family,) made application several times to your Honorable House's present Government, also to His Excellency the Governor General, by petition and otherwise, to be restored to employment in the public service.

That at the instance of His Excellency the Governor General, whom your Petitioner memorialized on the 22nd July last past, your Petitioner was reappointed to the public service as a Licensed Surveyor, on the 9th day of the present month.

That your Petitioner, on being gazetted, made respectful application to your Honorable House's Surveyor General for employment as a Licensed Surveyor.

That your Petitioner has received official notice from the Surveyor General that your Petitioner cannot have employment as a Licensed Surveyor.

That your Petitioner respectfully refers your Honorable House to a communication from the Surveyor General, of the 19th instant, addressed to your Petitioner, and which he can at any time produce in confirmation of that fact.

Your Petitioner, therefore, humbly prays that your Honorable House will order your Petitioner's case to be referred to your Honorable House's Select Committee to inquire into the "Management of the Survey Department" now sitting, in order that your humble Petitioner's case may be thoroughly investigated, and that your humble Petitioner may have redress.

And your Petitioner will ever pray, &c.

HENRY SANDERSON.

Sydney, 27 August, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

MR. WILLIAM W. DARKE.

(PRAYING REDRESS.)

Ordered by the Legislative Assembly to be Printed, 31 August, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of William Wedge Darke, Assistant Surveyor, in the Surveyor General's Department,—

HUMBLY SHEWETH:—

That your Petitioner is, and has been, a subordinate officer of the Survey Department from September, 1834, to the present time, a period of nearly twenty-four (24) years, during the greater part of which your Petitioner has not only been exposed, in the performance of his duties, to the greatest hardships, under exposure night and day, in all seasons and climates, frequently without food or any shelter, with a sacrifice of every consideration, not only of health but of domestic comfort and happiness, but has (as in duty bound) exercised under such circumstances the various branches of his profession in such a manner as to lead to many expressions of approval from his superior officers.

That twenty years since your Petitioner was offered an appointment in the Bank of Australasia, which he declined, at the request of the Acting Surveyor General, on receiving a promise of promotion both immediate and prospective.

That your Petitioner has nearly ever since been employed, either as a volunteer or by command, in the performance of duties which have either been declined, abandoned as impracticable, or erroneously performed by other officers.

That, in addition to the above-mentioned general promise, a distinct promise of promotion was made, under the authority of the Governor General, by the Colonial Secretary's letter of the 17th November, No. 47-446, provided your Petitioner, among other officers, performed his allotted share of the duty which the department was pledged to perform by the end of the following year, 1848; and that having not only performed his allotted share of the promised duty, but an equal amount of that which had been entrusted to others, your Petitioner has seen nearly every junior officer promoted above him, as well as strangers recently appointed to grades superior to his own.

That, in consequence of this latter distinct promise not having been carried into effect, your Petitioner has suffered not only loss and injury, but physically, from having had an unfair and very severe amount of exposure and hardship, as compared with other officers, and mentally, from a sense of cruel injustice and indignity—from seeing the rewards for which the prime of life, with home, social and parental duties and enjoyments, have been sacrificed; the promised rewards given to those his juniors whose duty your Petitioner has performed.

That, during the long period your Petitioner has served the Government as a Surveyor, not one of his surveys have ever been the subject of litigation or impeachment for inaccuracy.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to take the premises, and your Petitioner's case into your most gracious consideration, and that such redress may be afforded to your Petitioner as to your Honorable House may seem meet, and as the circumstances of your Petitioner's case may appear in justice to require.

And your Petitioner, as in duty bound, will ever pray, &c., &c.

WM. WEDGE DARKE.

1853.

Legislative Assembly.

NEW SOUTH WALES.

CROWN LANDS LEASES.

(DATE OF HELD UNDER ORDERS IN COUNCIL.)

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 4 December, 1857, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ 1. Copies of all Proceedings of the Executive Council between
“ the years 1848 and 1852, with regard to the date of the Leases
“ to be issued to the Pastoral Occupants of Waste Lands of the
“ Crown under the Orders in Council.

“ 2. Also, copy of the Commission of His Excellency Sir
“ Charles Fitz Roy, under whose Government the date of the
“ Pastoral Leases was fixed at 1st January, 1852.

“ 3. Also, copies of any Despatches from the Secretary of State
“ which may have been received by the Governor General upon
“ the same subject, especially of any Despatch confirming the
“ arrangements which were made by the Governor General and
“ Executive Council.”

SCHEDULE.

NO.	PAGE.
1. Minute of Proceedings of the Executive Council with respect to the issue of Leases of Crown Lands, 17 June, 1851	2
2. Do. .. do. .. do. .. 29 July, 1851	3
3. Do. .. do. .. do. .. 23 September, 1851	3
4. Copy of the Commission of His Excellency Sir Charles Fitz Roy, 31 December, 1850.. .. .	4

There are no Despatches from the Secretary of State upon the same subject.

CROWN LANDS LEASES.

No. 1.

PROCEEDINGS of the Executive Council with respect to the issue of Leases of Crown Lands.

Extract from MINUTE, No. 51-30, dated 17 June, 1851.

Present :—

HIS EXCELLENCY THE GOVERNOR GENERAL.
THE HONORABLE THE COMMANDER OF THE FORCES.
THE HONORABLE THE COLONIAL SECRETARY.
THE HONORABLE THE ATTORNEY GENERAL.
THE HONORABLE THE COLONIAL TREASURER.

HIS Excellency the Governor General lays before the Council a letter from the Chief Commissioner of Crown Lands, dated 23rd May, 1851, in which, with reference to the proposed issue of leases of Crown Lands in the Intermediate and Unsettled Districts, under Her Majesty's Order in Council of 9th March, 1847, he solicits instructions on the following points, viz :—

- (1.) At what period shall the duration of the leases commence—whether from the date of their actual issue, or from any prior date ?
- (2.) Shall a particular day be fixed for the annual payment of the rents to be reserved in the leases throughout the Colony, as a day is now fixed on or before which the fees for depasturing licenses must be paid ; or will it be more expedient to adopt some other arrangement ?

In respect to the first of these questions, the Chief Commissioner states that it is generally understood amongst the claimants of leases that their runs will be demised to them for the full term of 14 years or 8 years, computed from the issue of the leases ; and he is disposed to think that they are, to a certain extent, justified in that view of the subject, in the absence of any direct intimation to the contrary. The Chief Commissioner further states his opinion that it may be fairly argued that to curtail the privilege which the possession of leases for the full term authorised by the Order in Council would bestow upon the licensed occupants, would hardly be just on the part of the Government, when the delay in the issue of the leases forming the ground for such curtailment may in part, at least, be attributed to the Government itself.

The Council state their opinion that the licensed occupants of Crown Lands beyond the Settled Districts have practically been in the enjoyment of all the privileges which the leases are intended to confer from the date when it was notified to them that they were at liberty to exercise, before the issue of the leases, their pre-emptive right in respect of such portions of their runs as they might choose to purchase, and as that intimation was published on the 28th June, 1850, the leases might properly be made to bear date from the 1st July following.

Before, however, making any distinct recommendation to that effect, the Council advise that the following question, raised by the Attorney General, be referred to the Crown Law Officers, that is to say :—Whether the maximum terms of eight years and fourteen years respectively may legally be made to commence from the actual issue of the leases, or whether their duration must be computed from the period when the claimants were legally in a position to demand leases, that is to say, at the expiration of six months from the promulgation in the Colony of Her Majesty's Order in Council of 9th March, 1847, as provided by the 11th section of chapter II of that Order ?

The answer to the Chief Commissioner's second inquiry is implied in the foregoing recommendation, as the date of payment will be regulated by the date of the leases, which, according to the view above stated, will be a fixed period for all.

MICHAEL FITZPATRICK,
Clerk of the Council.

No. 2.

EXTRACT from MINUTE No. 51-37, dated 29 July, 1851.

Present:—

HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONORABLE THE COMMANDER OF THE FORCES.

THE HONORABLE THE COLONIAL SECRETARY.

THE HONORABLE THE COLONIAL TREASURER.

REFERRING to the proceedings on the 17th ultimo, with respect to the issue of leases of Crown Lands in the Intermediate and Unsettled Districts, under Her Majesty's Order in Council of 9th March, 1847, His Excellency the Governor General lays before the Council a letter from the Crown Law Officers, in which, in reply to the reference made to them, as advised by the Council on the above date, they state their opinion that it is competent to His Excellency the Governor General, if he shall so think fit, to make the maximum terms of eight and fourteen years respectively commence from the actual issue of the leases.

As, therefore, there is no legal necessity, as had been previously suggested, for computing the maximum terms of the leases from the date when the licensed occupants were first in a position to demand leases, the Council advise that, for the reasons assigned in their previous Minute, the maximum terms of eight years and fourteen years for leases of runs in the Intermediate and Unsettled Districts respectively, should be computed from the 1st July, 1850, in all cases where the right of leases accrued by virtue of previous authorized occupation, under the 11th section of cap. II. of the Order in Council of 9th March, 1847.

In those cases where the right of lease has been acquired by tender, under sections 12 and 13 of that Order, the term of the lease should be made to commence from the date of the acceptance of the tender.

MICHAEL FITZPATRICK,

Clerk of the Council.

No. 3.

EXTRACT from MINUTE No. 51-47, dated 23 September, 1851.

Present:—

HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONORABLE THE COMMANDER OF THE FORCES.

THE HONORABLE THE COLONIAL SECRETARY.

THE HONORABLE THE ATTORNEY GENERAL.

THE HONORABLE THE COLONIAL TREASURER.

REFERRING to the proceedings on the 29th July last, with respect to the issue of leases of Crown Lands in the Intermediate and Unsettled Districts, on which occasion the Council advised that the maximum terms of eight years and fourteen years respectively should be computed from the 1st July, 1850, in all cases where the right of lease accrued by reason of previous authorized occupation, under the 11th section of cap. II. of the Order in Council of 9th March, 1847, and that in those cases where the right of lease had been acquired by tender under sections 12 and 13 of that Order, the term of the lease should be made to commence from the date of the acceptance of the tender,—His Excellency the Governor General lays before the Council a letter from Messrs. M. H. Marsh, Alfred Denison, John Dobie, and Francis Taaffe, in which they solicit a re-consideration of the decision arrived at by the Council on this head.

In this letter it is urged, that in consequence of the delay in the issue of the leases, the licensed occupants of Crown Lands have not hitherto been in the enjoyment of all the advantages which would have accrued to them from the possession of such leases; and it is represented, moreover, that in the full conviction that the terms of the leases would be computed from the date of issue, many persons have disposed of their interest in pastoral runs, subject to that condition, and if that expectation be not now realised much litigation and inconvenience must ensue.

After a careful review of the various considerations affecting this question, the Council are disposed to recommend that, in regard to all leases to be issued, both for lands held under licensed occupation previously to the promulgation of Her Majesty's Order in Council,

Council, and for runs hitherto acquired by tender, the maximum terms of eight and fourteen years, as the case may be, should commence from a future certain day—say 1st January, 1852; but that with respect to all runs to be hereafter taken up by tenders, the duration of the leases should be computed from the date of the first payment of rent under the accepted tender, instead of the date of such acceptance, as previously advised.

MICHAEL FITZPATRICK,

Clerk of the Council.

No. 4.

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

To Our trusty and well-beloved Sir Charles Augustus Fitz Roy, Knight,—

GREETING :—

Whereas We did, by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twentieth day of February, one thousand eight hundred and forty-six, in the ninth year of Our Reign, constitute and appoint you to be, during Our pleasure, Captain-General and Governor-in-Chief in and over the Territory called New South Wales, and all Islands and Territories comprising, save and except as hereinafter excepted, all that portion of Our Territory of Australia, or New Holland, lying between the one hundred and twenty-ninth and one hundred and fifty-fourth degrees of east longitude, and between the twenty-sixth and fortieth degrees of south latitude, including all the Islands adjacent in the Pacific Ocean within the latitudes aforesaid, and of all Forts and Garrisons erected and established, or which should be erected and established within the said Territory of New South Wales, or within any of the said Islands, save and except that part of Our said Territory thereinbefore described, which was called and known by the name of the Province of South Australia: And whereas by other Letters Patent under the Great Seal of Our said United Kingdom, bearing date at Westminster, the third day of April, one thousand eight hundred and forty-eight, in the eleventh year of Our Reign, We did, in exercise of the power vested in Us by an Act made and passed in the sixth year of Our Reign, intituled "*An Act for the government of New South Wales and Van Diemen's Land*," declare and ordain that the Territory or Colony of New South Wales should, in addition to all the Territory-defined and comprised in our said recited Letters Patent, comprehend all Our Territory lying northward to the twenty-sixth degree of south latitude, with all the Islands adjacent in the Pacific Ocean, as by the said recited Letters Patent relation being thereunto had will more fully and at large appear: And whereas by an Act made and passed in the fourteenth year of Our Reign, intituled "*An Act for the better government of Her Majesty's Australian Colonies*," it is amongst other things enacted, that, after certain provisions as therein mentioned shall have been made by the Governor and Council of New South Wales for the establishment of a Legislative Council in the Territories now comprised within the District of Port Phillip, including the City of Melbourne, and bounded on the north and north-east by a straight line drawn from Cape Howe to the nearest source of the River Murray; and thence by the course of that river to the eastern boundary of the Colony of South Australia, the said Territories shall be separated from the Colony of New South Wales, and shall cease to return Members to the Legislative Council of such Colony, and shall be erected into and thenceforth form a separate Colony, to be known and designated as the Colony of Victoria: Now know you, that We have revoked and determined, and by these Presents do revoke and determine the said recited Letters Patent, and every clause, article, and thing therein contained; and further know you, that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said Sir Charles Augustus Fitz Roy, of Our especial grace, certain knowledge and mere motion, have thought fit to re-constitute and re-appoint, and by these Presents do constitute and re-appoint you, the said Sir Charles Augustus Fitz Roy, to be Our Captain-General and Governor-in-Chief in and over Our Territory called New South Wales, comprising, save and except as hereinafter excepted, all that portion of Our Territory of Australia or New Holland lying between the one hundred and twenty-ninth and one hundred and fifty-fourth degrees of east longitude, and northward of the fortieth degree of south latitude, including all the Islands adjacent in the Pacific Ocean within the latitudes aforesaid, and of all Forts and Garrisons erected and established, or which shall be erected or established, within the

the said Colony of New South Wales, or within any of the said Islands, save and except that part of Our Territory hereinbefore described, which is called and known by the name of the Province of South Australia; and also save and except the Territories hereinbefore described and called by the name of the Colony of Victoria; and We do hereby authorise, empower, require and command you, the said Sir Charles Augustus Fitz Roy, in due manner to do and execute all things that shall belong to your said command, and the trust We have reposed in you according to the several powers, provisions, and directions granted or appointed you by virtue of this present Commission, and of a certain Act made and passed in the sixth year of Our reign, intituled, "*An Act for the government of New South Wales and Van Diemen's Land*," as explained and amended by an Act made and passed in the eighth year of Our reign, intituled, "*An Act to explain and amend the Act for the government of New South Wales and Van Diemen's Land*," and by virtue of the said recited Act, intituled, "*An Act for the better government of Her Majesty's Australian Colonies*," and according to such instructions as are herewith given to you, or which may from time to time hereafter be given to you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such laws and ordinances as are or shall hereafter be in force in Our Territory of New South Wales and its Dependencies aforesaid; and whereas it hath been appointed by Parliament that there shall be within Our said Territory of New South Wales a Legislative Council to be constituted in the manner mentioned in the said recited Act of the fourteenth year of Our reign, with whose advice and consent you are empowered and authorised to make laws and ordinances for the peace, welfare and good government of Our said Territory and its Dependencies, We do, by virtue of the powers in us vested, hereby require and command that you do take especial care that in making and passing such Laws and Ordinances, the provisions, regulations, restrictions, and directions contained in the said Acts of Parliament, and also in the Instructions given to you herewith, or in such further Instructions as shall at any time hereafter be issued to you under Our Royal Sign Manual and Signet in that behalf, be strictly complied with: And whereas it is expedient that an Executive Council should be appointed to advise and assist you, the said Sir Charles Augustus Fitz Roy, in the administration of the Government of Our said Territory, We do, therefore, hereby require you to summon, as an Executive Council, such persons as may from time to time be named or designated by Us for that purpose by any Instruction or Instructions, or Warrant or Warrants, to be by Us issued under Our Sign Manual and Signet, and with the advice of our Privy Council, or as shall be provisionally appointed by you, all which Councillors shall hold their places in the said Council at Our pleasure: And We do hereby accordingly authorise and empower you, the said Sir Charles Augustus Fitz Roy, from time to time to appoint such and so many persons as may appear to you requisite to be Members of the said Executive Council, subject to the signification of Our pleasure thereupon: Provided, nevertheless, and We do hereby declare Our pleasure to be, that the total number of the Members for the time being of Our said Executive Council, resident within Our said Territory, shall not at any time by any such provisional appointments be raised to a greater number in the whole than four: And We do hereby authorise and empower you, the said Sir Charles Augustus Fitz Roy, to keep and use the Public Seal of Our said Territory for sealing all things whatsoever that shall pass the Public Seal of Our said Territory: And We do hereby give and grant to you, the said Sir Charles Augustus Fitz Roy, full power and authority, with the advice and consent of Our said Executive Council, to issue a Proclamation, or Proclamations, dividing Our said Territory into Districts, Counties, Hundreds, Towns, Townships, and Parishes, and to appoint the limits thereof respectively: And We do hereby give and grant to you, the said Sir Charles Augustus Fitz Roy, full power and authority, by and with the advice of Our said Executive Council, but subject, nevertheless, to such regulations and directions as are in that respect contained in an Act of Parliament made and passed in the sixth year of Our Reign, intituled, "*An Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies*," as amended by an Act of Parliament made and passed in the tenth year of Our Reign, entitled, "*An Act to amend an Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies, and to make further provision for the management thereof*," or as may be contained in any Instructions which may from time to time be addressed to you by Us for that purpose to make and execute in Our name and on Our behalf, under the Public Seal of our said Territory, grants of Waste Lands to Us belonging within the same to private persons for their own use and benefit, or to any persons,

bodies politic or corporate, in trust for the public uses of Our subjects there resident or any of them: And We do hereby authorise and empower you, the said Sir Charles Augustus Fitz Roy, to constitute and appoint Judges, and, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Territory, for the due and impartial administration of justice, and for putting the laws into execution, and to administer, or cause to be administered, unto them such oath or oaths as are usually given for the due execution and performance of their offices and places and for the clearing of truth in judicial matters: And We do hereby give and grant unto you, the said Sir Charles Augustus Fitz Roy, full power and authority, as you shall see occasion, in Our name and on Our behalf, to remit any fines, penalties, or forfeitures which may accrue or become payable to Us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture, exceeding the said sum of fifty pounds, until Our pleasure thereon shall be made known and signified to you: And We do hereby give and grant unto you, the said Sir Charles Augustus Fitz Roy, full power and authority, as you shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime in any Court or before any Judge, Justice, or Magistrate within Our said Territory, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Territory may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to you may seem fit: And We do hereby give and grant unto you, the said Sir Charles Augustus Fitz Roy, full power and authority, upon sufficient cause to you appearing, to suspend from the exercise of his office within Our said Territory any person exercising any office or place under or by virtue of any Commission or Warrant granted or which may be granted by Us or in Our name or under Our authority, which suspension shall continue and have effect only until Our pleasure therein shall be made known and signified to you: And We do hereby strictly require and enjoin you, in proceeding to any such suspension, to observe the directions in that behalf given to you by Our instructions under Our Signet and Sign Manual accompanying this Our Commission to you: And in the event of the death or absence of you, the said Sir Charles Augustus Fitz Roy, out of Our said Territory of New South Wales, We do hereby provide and declare Our pleasure to be, that all and every the powers and authorities herein granted to you shall be and the same are hereby vested in such person as may be appointed by Us by Warrant under Our Signet and Sign Manual to be the Lieutenant Governor of Our said Territory, or in the event of there being no person within Our said Territory commissioned and appointed by Us to be Lieutenant Governor thereof, then Our pleasure is, and we do hereby provide and declare, that in any such contingency all the powers and authorities herein granted to you shall be, and the same are hereby granted to the Senior Military Officer in command of Our Forces within Our said Territory for the time being, and such Lieutenant Governor, or such Senior Military Officer, as the case may be, shall exercise all and every the powers and authorities herein granted until Our further pleasure shall be signified therein: And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all others the inhabitants of Our said Territory of New South Wales to be obedient, aiding, and assisting you the said Sir Charles Augustus Fitz Roy, or in the event of your death or absence to such person as may, under the provisions of this Our Commission, assume and exercise the functions of Captain General and Governor-in-Chief of Our said Territory: And We do hereby declare, ordain, and appoint, that you, the said Sir Charles Augustus Fitz Roy, shall and may hold, execute, and enjoy the office and place of Our Captain General and Governor-in-Chief in and over Our said Territory and its dependencies, together with all and singular the powers and authorities hereby granted unto you for and during Our will and pleasure.

In witness whereof We have caused these Our Letters to be made patent. Witness Ourselves at Westminster, the thirty-first day of December, in the fourteenth year of Our Reign.

By Writ of Privy Seal,
CROWHURST.

1858.

Legislative Assembly.
NEW SOUTH WALES.

POLICE MAGISTRATES, OR COMMISSIONERS OF CROWN LANDS.

(RETIREMENT FROM OFFICE OF.)

Ordered by the Legislative Assembly to be Printed, 15 June, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly,
 dated 16 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 Correspondence that may have taken place
 “during the six months ended March 31, 1858, between the
 “Government and any gentlemen holding the situations of
 “Police Magistrates or Commissioners of Crown Lands, having
 “reference to removal from, or resignation of, office.”

SCHEDULE.

No.	MR. MORIARTY'S CASE.	PAGE.
1.	Mr. Commissioner Moriarty to Chief Commissioner of Crown Lands, for one month's leave of absence. 13 December, 1857	3
2.	Chief Commissioner of Crown Lands to Under-Secretary for Lands and Public Works, submitting the above. 24 December, 1857	3
3.	Chief Commissioner of Crown Lands to Mr. Commissioner Moriarty, respecting his application for leave. 4 January, 1858	3
4.	Same to same, on same subject. 25 January, 1858	4
5.	Mr. Commissioner Moriarty to Chief Commissioner of Crown Lands, on same subject. 26 January, 1858	4
6.	Same to same, respecting his removal from office. 26 January, 1858	4
7.	Chief Commissioner of Crown Lands to Under-Secretary for Lands and Public Works, submitting the above. 6 February, 1858	5
8.	Mr. Moriarty to Secretary for Lands and Public Works, for compensation for loss of office. 12 March, 1858	5
9.	Under-Secretary for Lands and Public Works to Mr. Moriarty, in reply. 12 April, 1858 ..	6

DEPARTMENTAL CORRESPONDENCE.

1.	Under-Secretary for Lands and Public Works to Chief Commissioner of Crown Lands, enclosing a copy of a Minute of the Executive Council, relative to reduction of the number of Commissioners of Crown Lands. 5 February, 1858	6
2.	Chief Commissioner of Crown Lands to Under-Secretary for Lands and Public Works, respecting the above. 25 February, 1858	7
3.	Under-Secretary for Lands and Public Works to Chief Commissioner of Crown Lands, on the same subject. 10 March, 1858	8
4.	Same to same, respecting the manner in which the late Commissioners' duties are to be performed. 23 March, 1858	8
5.	Under-Secretary for Lands and Public Works to Principal Under-Secretary, on the above subject. 23 March, 1858	9

POLICE MAGISTRATES, OR COMMISSIONERS OF CROWN LANDS.

MR. MORIARTY'S CASE.

No. 1.

MR. COMMISSIONER MORIARTY to CHIEF COMMISSIONER OF CROWN LANDS.

Bendemeer,

13 December, 1857.

SIR,

I have the honor to request that you will be pleased to recommend, for the favorable consideration of the Honorable the Secretary for Lands and Public Works, my application to be allowed one month's leave of absence after the close of the year, to enable me to visit Sydney on private affairs.

With the exception of the time spent in coming to take charge of this district in February last, I have not had leave of absence since the month of April, 1856, and I propose that my request should be conceded only conditionally on my making a satisfactory arrangement for the discharge of my duties during my absence.

A. ORPEN MORIARTY.

THE CHIEF COMMISSIONER
OF CROWN LANDS.

No. 2.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER-SECRETARY FOR LANDS AND PUBLIC WORKS.

Crown Lands Office,

Sydney, 24 December, 1857.

SIR,

I have the honor to submit herewith an application from Mr. Moriarty, dated 13th instant, for leave of absence for one month. I beg to observe, that the New England District is one of those recommended to be discontinued, and that consequently Mr. Moriarty will of necessity vacate his office as soon as a decision has been come to as regards the Commissioners.

Under these circumstances, it will be for the Secretary for Lands and Public Works to decide whether or not leave of absence should be granted.

GEO. BARNEY,

Chief Commissioner of Crown Lands.

THE UNDER-SECRETARY
FOR LANDS AND PUBLIC WORKS.

No. 3.

CHIEF COMMISSIONER OF CROWN LANDS to MR. COMMISSIONER MORIARTY.

Crown Lands Office,

Sydney, 4 January, 1858.

SIR,

Having submitted for the consideration of the Honorable the Secretary for Lands and Public Works your application of the 13th ultimo, for leave of absence for one month, it has been intimated to me that it is considered that the application had better stand over. The Honorable Secretary has no wish to refuse the leave, but pending a decision respecting the Crown Land Commissioners, who are likely to be discontinued, they had better remain at their posts, in his opinion.

GEO. BARNEY.

THE COMMISSIONER OF CROWN LANDS,
New England.

No. 4.

No. 4.

CHIEF COMMISSIONER OF CROWN LANDS to MR. COMMISSIONER MORIARTY.

*Crown Lands Office,
Sydney, 25 January, 1858.*

SIR,

In further reference to your application of the 13 December last, for leave of absence for one month, and to my reply thereto, dated 4th instant, I have now the honor to inform you that, on re-consideration of the matter, the Honorable the Secretary for Lands and Public Works has been pleased to comply with your application, and that it is now only necessary that you should name a substitute, and avail yourself of leave.

GEO. BARNEY,

Chief Commissioner of Crown Lands.

A. O. MORIARTY, Esq.,
Commissioner of Crown Lands,
New England.

No. 5.

MR. COMMISSIONER MORIARTY to CHIEF COMMISSIONER OF CROWN LANDS.

*Commissioner's Quarters,
Armidale, 26 January, 1858.*

SIR,

In reply to your letter of the 4th January, apprising me that it was considered that, as the holder of an office likely to be discontinued, I had better remain at my post, and that my application for one month's leave of absence had better stand over,—I have now the honor to inform you that it is of extreme importance to me to be able to visit Sydney, for however short a period, during the ensuing three weeks; and, without entering into the question referred to in my separate communication of this date, I should be glad to have the permission of the Honorable the Secretary for doing so. I shall, of course, be happy to return, and remain at my post for as long as the Government may require my services.

A. ORPEN MORIARTY.

I should not require to be in Sydney for more than a week.

THE CHIEF COMMISSIONER
OF CROWN LANDS.

No. 6.

MR. COMMISSIONER MORIARTY to CHIEF COMMISSIONER OF CROWN LANDS.

*Commissioner's Quarters,
Armidale, 26 January, 1858.*

SIR,

I do myself the honor to state to you, for the information of the Honorable the Secretary for Lands and Public Works, that having perceived that the Estimates of the late, as well as the present Government, contained no provision for the continuance of the office of Commissioner of Crown Lands for these Districts, I had been for some time previously in anticipation of receiving from you the intelligence conveyed to me by your letter of the 4th instant—that the abolition of my office had been decided upon. Under these circumstances it has seemed to me that in acceding to a request embodying, as I have reason to believe, the desire of the majority of the electors of this constituency that I should place my services at their disposal, I shall only be discharging my obvious duty to the public, whose servant I have been for many years; I therefore feel justified in respectfully requesting that the Government will be pleased to order the arrangement upon which they have decided to take effect at as early a date as may be convenient, and that I may receive the compensation promised to the ex-holders of abolished offices by the Resolutions passed on the subject by the Legislative Assembly.

Although, should I have the honor of being elected, I shall not, of course, continue to draw any emolument from my present office, I shall be happy to discharge its duties gratuitously, until it may suit the convenience of the Government to carry out the arrangement which was to have taken effect from the 31st ultimo.

A. ORPEN MORIARTY.

THE CHIEF COMMISSIONER
OF CROWN LANDS.

No. 7.

No. 7.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER-SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Crown Lands Office,
Sydney, 6 February, 1858.*

SIR,

I have the honor to enclose, for the information of the Secretary for Lands and Public Works, a letter from Mr. Commissioner Moriarty, dated 26th ultimo, received yesterday, requesting to be relieved from office.

2. Mr. Moriarty refers to a letter from me dated 4th ultimo, and states that he had been for some time previously in anticipation of receiving from me a letter informing him that the abolition of his office had been decided upon. Referring to my letter alluded to, I beg to submit a copy of it, from which it will be seen that it was simply a reply to his application for leave of absence, conveying the opinion of the Secretary for Lands and Public Works that, pending "a decision respecting the Commissioners who are to be reduced, they "had better remain at their posts, in his opinion." This is the only communication made by me on the subject of the probable abolition of his office.

3. I have now received instructions to inform Mr. Moriarty that he is to be removed to the Maranoa District, of which he will be informed this day.

4. As Mr. Moriarty was informed, under date 25th January, that leave of absence had been granted to him, his arrival in Sydney may be shortly expected, when he may be called upon for any desired explanation of the circumstances connected with his letter of the 26th.

GEO. BARNEY,
C. C. C. Lands.

THE UNDER-SECRETARY
FOR LANDS AND PUBLIC WORKS.

No. 8.

A. ORPEN MORIARTY, ESQ., to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Australian Club,
Sydney, 12 March, 1858.*

SIR,

Adverting to the correspondence which has passed on the subject of my retirement from the office of Commissioner of Crown Lands for the Districts of New England and Macleay, I have now the honor to submit to the Government, that as the abolition of that office has been decided upon to take effect from the 31st instant, and as I had, previously to accepting the requisition from the electors of the district, which I have now the honor of representing, been apprised officially that it was likely that my office would be abolished, and therefore placed my services at the disposal of my constituency, under the belief that they were required no longer in the position which I had previously held,—I am now justified in claiming at the hands of the Government that consideration of my past services to which I should have been entitled had I, in common with the other officers of the same department, whose offices are to be discontinued, retained office with its emoluments for two months longer.

The Government had, it is true, been pleased to make me the offer of being appointed to another position on the abolition of my own, and for this I beg to express to you my best thanks; but as circumstances have rendered my acceptance of another appointment under the Government impossible, and, were it not so, by accepting it I must have displaced another officer with corresponding claims for compensation for his removal,—I must observe that the fact of my individual services having been considered worthy of being retained by the Government cannot be regarded as a fair reason for subjecting me to a serious pecuniary loss in addition to that to which I have voluntarily subjected myself by resigning my salary for the past two months.

With regard to the mode of my retirement from office, I would submit, that although the Government have decided upon finally relieving me from the date of my letter resigning

6 POLICE MAGISTRATES, OR COMMISSIONERS OF CROWN LANDS.

the profits of my late office, it has been my wish to discharge its duties without emolument up to the date appointed by the Government for its abolition, and that, therefore, I am not chargeable with having, by my resignation, subjected the service of the public to any inconvenience.

I have, &c.,

THE HONORABLE

A. ORPEN MORIARTY.

THE SECRETARY FOR LANDS
AND PUBLIC WORKS.

No. 9.

UNDER-SECRETARY FOR LANDS AND PUBLIC WORKS to A. O. MORIARTY, ESQ., M. P.

*Department of Lands and Public Works,
Sydney, 12 April, 1858.*

SIR,

I am directed to inform you that your letter of the 12th ultimo, applying for compensation for loss of office as Commissioner of Crown Lands for the Districts of New England and Macleay, has been laid before the Executive Council, together with a Minute thereon of the Secretary for Lands and Public Works.

2. The Council having carefully considered your application, and the grounds upon which it is supported, have expressed their regret that they cannot feel justified in advising that it be complied with, inasmuch as at the time that you were officially apprised that the one office was to be abolished you were offered another similar appointment of equal value. Your retirement was therefore, in the opinion of the Council, your own act; and, under the circumstances, the Council do not consider that you are entitled to compensation by the rules and precedents of the service.

3. The Council, however, at the same time, desire to evince their full appreciation of your past services, to which high testimony is borne in the Minute of the Honorable the Secretary for Lands and Public Works; and they have accordingly caused it to be recorded in their proceedings that, in their opinion, you have, by the zeal and efficiency with which you have discharged the duties imposed upon you during a service of thirteen years, acquired a very strong claim upon the consideration of the Government of this Colony for re-employment, in the event of your being desirous at any future time to re-enter the public service.

I have, &c.,

A. O. MORIARTY, ESQ., M. P.,
Sydney.

M. FITZPATRICK.

DEPARTMENTAL CORRESPONDENCE.

No. 1.

UNDER-SECRETARY FOR LANDS AND PUBLIC WORKS to CHIEF COMMISSIONER OF
CROWN LANDS.

*Department of Lands and Public Works,
Sydney, 5 February, 1858.*

SIR,

I am directed by the Secretary for Lands and Public Works to enclose to you a copy of a Minute of the Executive Council with respect to the reduction in the number of Commissioners of Crown Lands, and to request that you will immediately make the necessary communication to the officers interested.

I have, &c.,

THE CHIEF COMMISSIONER
OF CROWN LANDS.

MICHL. FITZPATRICK.

Minute No. 58-6.—Confirmed, 1st February, 1858.

His Excellency the Governor General lays before the Council a Minute by the Honorable the Secretary for Lands and Public Works, recommending the abolition of the office of Commissioner of Crown Lands in six of the older pastoral districts, and the adoption of certain other arrangements and alterations by which the number of those officers will be still further reduced, and the services of eight Commissioners will be dispensed with.

2. Having carefully considered this Minute, the Council advise that the reductions and alterations therein recommended be approved and carried into effect on the 1st of April next.

3. By this arrangement the undermentioned Commissioners will be retained in the Districts set opposite their respective names, viz. :—

A. H. Halloran,	in the District of Burnett and Wide Bay.
S. Cole,	in the District of Lower Darling.
C. G. N. Lockhart,	in the United Districts of Murrumbidgee and Lachlan.
E. Beckham,	in the United Districts of Wellington and Bligh.
Thomas Perry,	in the District of Albert.
A. O. Moriarty,	in the District of Maranoa.
M. C. O'Connell,	in the District of Port Curtis.
W. H. Wiseman,	in the District of Leichhardt.

And the following Commissioners will be displaced from the districts mentioned in connexion with their respective names :—

R. Bligh,	from the District of Clarence.
H. H. Massie	„ Maneroo.
J. H. Scott Durbin	„ Liverpool Plains.
Arthur Manning	„ Darling Downs.
H. Whitty	„ Wellington.
Henry Boyle	„ Maranoa.
A. G. D. Huthwaite	„ Gwydir.
John Jardine	„ Bligh.

4. The Council further advise that these latter gentlemen be informed that their services will be dispensed with on the 31st March, and that their claims for re-employment or compensation will receive due attention.

5. The consideration of the best mode of satisfying those claims, and of providing for the transaction of the duties hitherto performed by those gentlemen, the Council defer until a future day.

EDWARD C. MEREWETHER,
Clerk of the Council.

*Executive Council Office,
Sydney, 3 February, 1858.
No. 58-57.*

No. 2.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER-SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Crown Lands Office,
Sydney, 25 February, 1858.*

SIR,

In carrying into effect the instructions conveyed by your letter of 5th instant, for the abolition of certain districts hitherto under the control of Commissioners of Crown Lands, it is evident that some measures must be taken with a view to conducting certain required duties hitherto performed by Commissioners.

1st. The more important duty of reporting upon such new tenders as may be brought forward, as well as the assessment of the capabilities of new runs and the valuation of land, I propose to cast upon the Survey Department.

2nd. That the Statistical Returns for Blue Book, &c., hitherto supplied by the Commissioners of Crown Lands, should be prepared by the Clerks of Petty Sessions, and by constabulary, as is done in the Settled Districts; in fact, abolishing all distinctions in this respect between the Settled and Unsettled Districts.

3rd. Referring to the issue of licenses for cutting timber, brickmaking, quarrying, and others of that nature,—that this should, I think, rest with the Clerks of Benches, and that the chief, or other constables, should be authorised to prosecute for any infringement of the timber regulations. This arrangement would, I am of opinion, be the means of realizing a considerable annual sum beyond that at present collected.

4th. Transfers of runs now required to be approved by the Crown Land Commissioners. I consider this, as I have already represented, unnecessary, as sufficient information as to the holders of licenses must be in possession of the department at head quarters. This course would effect a considerable saving of time, and is a matter of great moment to the parties concerned in the transfer; and this, I trust, will be provided for as soon after the assembling of Parliament as practicable. In like manner, I propose that the annual list of the holders of runs recommended for depasturing licenses should be prepared at head quarters.

5th. As the duties of the combined districts of Murrumbidgee and Lachlan, and Wellington and Bligh, will extend over a very large extent of country, and as the due performance

8 POLICE MAGISTRATES, OR COMMISSIONERS OF CROWN LANDS.

performance of the duties will no doubt occupy the whole time of the Commissioners, I am of opinion that they should be released from the duty of Police Magistrates. With reference also to the extent of the districts, and the great amount of travelling necessarily to be performed, I would strongly urge that an extra allowance of £100 per annum should be granted to cover travelling charges. For similar reasons, it appears to me that two orderlies for each Commissioner should be allowed.

6th. New head quarters must be established for the districts alluded to; and I have already instructed the Commissioners to report as to the best sites for such purposes. An expenditure will have to be incurred in buildings, fencing, &c.; in the meantime the usual sums of £75 per annum should be granted as a lodging allowance.

7th. It will, I apprehend, be necessary to appoint the Surveyors who will have the functions of Commissioners to exercise formally as Commissioners also.

GEO. BARNEY,

C. C. C. Lands.

THE UNDER-SECRETARY

FOR LANDS AND PUBLIC WORKS.

No. 3.

UNDER-SECRETARY FOR LANDS AND PUBLIC WORKS to CHIEF COMMISSIONER OF CROWN LANDS.

*Department of Lands and Public Works,
Sydney, 10 March, 1858.*

SIR,

Referring to my letter of the 5th ultimo, with respect to the abolition of the office of Commissioner of Crown Lands in certain pastoral districts, and the arrangement proposed in connexion therewith, I am now directed to inform you, that His Excellency the Governor General has laid before the Executive Council a Minute by the Secretary for Lands and Public Works, drawing attention to the necessity which has arisen, in consequence of the retirement of Mr. A. O. Moriarty from the public service, for the revision of that portion of the arrangements therein alluded to, which provided for the appointment of that gentleman to be the Crown Commissioner for the District of Maranoa, upon the abolition of the like office in the district of New England and Macleay.

The Council, I am to state, have advised that Mr. Boyle, who has been Commissioner for the Maranoa District during the last three years, and whose services could have been dispensed with under the above arrangements, should now be continued in his office.

I am therefore to request that you will immediately make the necessary communication to the officer interested.

I have, &c.,

MICHL. FITZPATRICK.

THE CHIEF COMMISSIONER

OF CROWN LANDS.

No. 4.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CHIEF COMMISSIONER OF CROWN LANDS.

*Department of Lands and Public Works,
Sydney, 23 March, 1858.*

SIR,

Referring to your letter of the 25th ultimo, No. 58-86, I am directed to inform you that the Secretary for Lands and Public Works has approved of the following arrangements with respect to districts (beyond the Settled Districts) in which the office of Commissioners for Crown Lands is to be abolished, for the performance of certain duties hitherto discharged by the Commissioners, namely:—

- (1.) The duties of reporting upon new tenders, and of assessing the capabilities of runs and the valuation of land, will in future devolve upon the Surveyor acting for the district, who (as under the present Orders in Council these assessments can only be made by the Commissioner of Crown Lands, or some person appointed by him,) will be appointed the Commissioner of Crown Lands for that district.

(2.)

- (2.) The Statistical Returns for the Blue Book, &c., hitherto supplied by the Commissioner, will be prepared by the Clerks of Petty Sessions, and by the constabulary, as within the Settled Districts.
- (3.) The issue of licenses for timber cutting, brickmaking, quarrying, and others of that nature, will rest with the Clerks of Benches, and the chief, or other constables, will be authorised to prosecute for any infringement of the timber regulations.
- (4.) Transfers of runs, which according to law, require to be approved by the Crown Land Commissioners, will be subject to the approval of the officer holding the appointments of Surveyor and Commissioner of Crown Lands for the district, until the time arrives when a Land Bill shall have come into operation, and the more convenient mode of effecting transfers wholly through the medium of your office (where sufficient information as to the holders of licenses is supposed to exist,) can be determined on.
- (5.) The preparation of the annual list of the holders of runs recommended for depasturing licenses will be prepared in your office.

2. In reference to the suggestions contained in your letter under reply,—that as the duties of the Commissioners of the combined Districts of Murrumbidgee and Lachlan, and Wellington and Bligh, will extend over a large tract of country, and as the due performance of the duty will probably occupy the whole time of the Commissioners, they should be released from the duties of Police Magistrate,—I am to inform you that it seems only necessary to instruct the Commissioners that it is now by no means a duty of primary importance that they should act as Police Magistrates, and that they need act in that capacity only in their spare time.

3. I am further to state, that Mr. Secretary Robertson cannot consent either to the allowance proposed by you for travelling expenses, or to the extra orderly, in either of the cases above-mentioned.

4. Mr. Secretary Robertson is, I am to add, of opinion that it is better to allow £75 per annum to the Commissioners for lodging allowance, than to enter upon buildings for Commissioners' Quarters, that would probably only be required for a short time.

5. In conclusion, I am to request that you will be good enough to furnish to this department the names of the Surveyors who, under the decision conveyed in the first sub-paragraph of this communication, will be likewise Commissioners of Crown Lands.

I have, &c.,

THE SURVEYOR GENERAL

MICHL. FITZPATRICK.

AND CHIEF COMMISSIONER OF CROWN LANDS.

No. 5.

UNDER-SECRETARY FOR LANDS, AND PUBLIC WORKS to THE PRINCIPAL UNDER SECRETARY.

*Department of Lands and Public Works,
Sydney, 23 March, 1858.*

SIR,

I am directed to request that you will have the goodness to move the Honorable the Principal Secretary to authorize the necessary steps to be taken, as far as his department is concerned, to give effect to the following arrangements, should he see no objection thereto, with a view to the performance, by the Clerks of Petty Sessions and the constabulary, of certain duties hitherto discharged by the Commissioners of certain districts, whose offices are to be abolished:—

1. The Statistical Returns for the Blue Book, hitherto supplied by the Commissioners, to be prepared by the Clerks of Petty Sessions and by the constabulary, as within the Settled Districts.

2. The issue of licenses for timber cutting, brickmaking, quarrying, and others of that nature, to rest with the Clerks of Benches, and the chief or other constables to prosecute for any infringement of the timber regulations.

I have, &c.,

THE PRINCIPAL UNDER SECRETARY.

MICHL. FITZPATRICK.

1858.

Legislative Assembly.
NEW SOUTH WALES.

MR. J. A. ROBERTSON, LATE COMMISSIONER OF CROWN LANDS.

(JUDGMENT ON APPEAL TO PRIVY COUNCIL IN THE MATTER OF
HIS REMOVAL FROM OFFICE.)

Ordered by the Legislative Assembly to be Printed, 26 October, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

No. 7.

Downing-street,
5 July, 1858.

SIR,

With reference to your Despatch, No. 28, of 3rd February last, and to the documents which accompanied it in the case of Mr. J. A. Robertson's appeal to the Privy Council against the decision of your Government removing him from the office of Commissioner of Crown Lands, I now transmit for your information the copy of a letter from the Council Office, with the printed copy of a Judgment of the Judicial Committee of the Privy Council upon the petition of yourself and your Executive Council to rescind the Order of Her Majesty in Council granting leave to Mr. Robertson to make the appeal in question.

I have, &c.,

E. B. LYTTON.

GOVERNOR

SIR WILLIAM DENISON, K. C. B.,
New South Wales.

Council Office, Whitehall,
23 June, 1858.

Sir,

I am directed by the Lord President of the Council to transmit to you, for the information of the Secretary of State for the Colonial Department, ten copies of a Judgment of the Judicial Committee of the Privy Council on the petition of the Governor and Council in New South Wales to rescind an Order in Council of Her Majesty granting leave to Mr. J. A. Robertson to appeal from an order removing him from the office of Commissioner of Crown Lands in that Colony.

It will be in your recollection that the right of appeal to the Queen in Council from orders removing public officers in the Colonies, under the Act 22nd Geo. III., cap. 75, has more than once been brought under the consideration of the Colonial Office and this Department.

A judicial construction having now been placed on the statute in the case of Mr. Robertson, it appears to the Lord President desirable that it should be made known to the Colonial authorities, who may be affected by it. If a larger number of copies of this Judgment is required, they can be at once supplied.

I have, &c.,

HENRY REEVE,
Reg. P. C.

H. Merivale, Esq.,
&c., &c., &c.

JUDGMENT of the Judicial Committee of the Privy Council on the Petition of the Governor and Council of New South Wales to rescind an Order of Her Majesty in Council granting leave to appeal to J. A. Robertson; delivered June 14, 1858.

Present:

LORD PRESIDENT.
JUDGE OF THE HIGH COURT OF ADMIRALTY.
LORD JUSTICE KNIGHT BRUCE.
CHANCELLOR OF THE DUCHY OF CORNWALL.
LORD JUSTICE TURNER.
SIR JOHN TAYLOR COLERIDGE.

Their Lordships, after deliberating, pronounced the following judgment:—

The question for the consideration of their Lordships is, whether the order which was made on the 10th July, 1857, *ex parte*, giving Mr. Robertson leave to appeal against his dismissal from the office which he held in New South Wales, shall or shall not be discharged.

An appearance has now been given on the part of the Governor and Council, and, for the reasons stated in these proceedings, they are contending that that order ought to be rescinded.

The facts of the case seem to be as follows:—

Mr. Robertson held an office called a "Commissioner of Crown Lands," in the Colony of New South Wales, which office was created under an Act of the Colonial Legislature of New South Wales, in the year 1833; and by the provisions of that Act "a Commissioner" is to continue in his office, as such, "during the pleasure of the said Governor."

We must presume that all the proceedings in New South Wales were intended to be in conformity with the powers conferred by that Statute, and it will be advisable to have reference to them, and to the appointment itself.

It has been contended that the appointment (which is to be found in folio 8, No. 8), confers a patent right on Mr. Robertson, and that it is important for their Lordships to bear in mind, in deciding this case, that he holds as a patentee.

The patent states, "We do give unto you, either alone or in conjunction with one or more other Commissioners of such Crown Lands, full power to do and perform, during your continuance in such office, by and under the direction of the Governor for the time being of the said Colony,"—and so on.

It appears, then, according to the statement made by the Lord Advocate, to have been enrolled in the office where other patents were enrolled.

Now, in the opinion of their Lordships, it is not a matter of great importance whether this office may be said to be held by patent or not; but the question is, what were the terms on which the office was held with reference to its continuance and duration.

We must of necessity presume that, in granting this patent, it was intended to act in strict conformity with the statute, and therefore, that this appointment which contained no express terms to the contrary, conferred the office on Mr. Robertson merely during the pleasure of the Governor.

Then, if this be an office held during the pleasure of the Crown, two questions immediately arise: first, whether it can be considered as comprised in the terms of the statute of the 22nd Geo. III, cap. 75, or, if not comprised within the terms of that statute, whether removal from such an office is an appealable grievance according to the practice of their Lordships in this Court.

Now, we are all of opinion that the office being held merely *durante bene placito*, it cannot be considered as coming within the terms of the Act of Parliament. That Act of Parliament has been read, and we think it is not necessary we should occupy time by repeating it. We think it applies only to offices held by patent, and to offices held for life or for a certain term.

Then, if this office be not within the terms of the statute 22 Geo. III, cap. 75, the next question is, whether the dismissal is an appealable grievance by itself.

Their Lordships are all of opinion that the practice of this Court is not to enter into the consideration of such a dismissal unless by the express command of Her Majesty. They do not enter into the consideration of such acts as are done by the Governor and Council of a Colony in the exercise of the power and authority committed to them, whereby they dismiss persons from holding situations in that Colony, they holding them not by any patent right, but simply and only during the pleasure of the Governor himself.

Therefore, upon that ground we are of opinion that the original petition cannot be sustained.

Then it has been contended before their Lordships that this is a great grievance, because the Governor and Council entered into a sort of judicial investigation of all those facts, and therefore the dismissal by the Governor and Council did, at the same time, raise such an implication of the conduct of Mr. Robertson, and such a declaration with reference to that conduct, as seriously to affect his prospects in life.

But their Lordships cannot help thinking that Mr. Robertson, though he may have reason to complain of the ultimate judgment, can have no reason to complain that he has been heard. It is impossible to put forward in the case, as a grievance, that instead of being dismissed without a hearing, he had an opportunity of justifying himself, if, in the judgment of the Governor and Council, he could do so.

For all these reasons, their Lordships are of opinion that we should advise Her Majesty that the leave to appeal should be rescinded; and, upon the whole, we do not think it necessary to accompany it with any recommendation as to costs.

1858.

Legislative Assembly.
NEW SOUTH WALES.

LAND MEASURED AND SOLD IN THE DISTRICT OF ORANGE.

(RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 3 August, 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 :—

- “ 1. A Return of all Lands measured in the Police District of Orange, from the 1st January, 1856, to the present time, distinguishing those portions that have been applied for to purchase from those measured at the discretion of the Surveyor.
- “ 2. A Return of all Lands sold at Orange during the same period, with the amount realised.
- “ 3. All Correspondence relative to the sale of Land between the Land Agent at Orange and the Surveyor General, since the 1st January, 1858.”

(*Mr. Cox.*)

SCHEDULE.

RETURNS.

No.		PAGE.
1.	Lands measured in the Police District of Orange, since 1st January, 1856	3
2.	Lands sold at Orange, from the 1st January, 1856, to 30th June, 1858, inclusive, and the amounts realised	3

CORRESPONDENCE.

1.	The Land Sales Agent, Orange, to Surveyor General, respecting unsaleable land at Orange, and urging the sale of suitable land. 11 February, 1858	4
2.	Surveyor General to Agent, respecting certain lands open to selection. 23 February, 1858..	4
3.	The Agent to Surveyor General, urging the sale of suitable land. 26 February, 1858 ..	4
4.	The Surveyor General to Agent, in reference to the latter's communication of the 11th February, 1858, (No. 1 in this Schedule). 23 March, 1858	5
5.	Same to same, forwarding lithograph copies for office use and for sale. 29 March, 1858 ..	5
6.	Same to same, calling for a Return of lands sold. 13 April, 1858	5

LAND MEASURED AND SOLD IN THE DISTRICT OF ORANGE.

RETURN OF LANDS MEASURED IN THE POLICE DISTRICT OF ORANGE, SINCE 1st JANUARY, 1856.

	PORTIONS OF FROM 100 TO 640 ACRES.	PORTIONS OF FROM 30 TO 100 ACRES.	PORTIONS UNDER 30 ACRES.	TOWN ALLOTMENTS.
Measured under application to purchase	14	62	13	86
Measured at the discretion of the Surveyor ..	2	77	..	..
	16	139	13	86

*Surveyor General's Office,
Sydney, 21 June, 1858.*

GEO. BARNEY,
Surveyor General.

RETURN OF ALL LANDS SOLD AT ORANGE, FROM THE 1st JANUARY, 1856, TO THE 30th JUNE, 1858, INCLUSIVE, AND AMOUNT REALISED THEREBY.

	LOTS.	EXTENT.	REALISED.
<i>From 1st January to 31st December, 1856 :—</i>		a. r. p.	£ s. d.
By Public Auction	113	3,159 1 8	4,188 8 11
By Selection	23	1,145 0 3	1,142 0 5
TOTALS	136	4,304 1 11	5,330 9 4
<i>From 1st January to 31st December, 1857 :—</i>			
By Public Auction	57	2,603 1 27	3,549 6 2
By Selection	22	1,380 2 7	1,375 10 11
TOTALS	79	3,983 3 34	4,924 18 1
<i>From 1st January to 30th June, 1858 :—</i>			
By Public Auction	58	1,478 0 33	2,065 11 0
By Selection	20	788 2 39	813 12 11
TOTALS	78	2,266 3 32	2,879 3 11
GRAND TOTALS	293	10,555 0 37	13,134 11 4

*Surveyor General's Office,
Sydney, 19 July, 1858.*

GEO. BARNEY,
Surveyor General.

4 LAND MEASURED AND SOLD IN THE DISTRICT OF ORANGE.

No. 1.

THE CROWN LANDS AGENT, ORANGE, to THE SURVEYOR GENERAL.

*Land Office, Orange,
11 February, 1858.*

SIR,

I have the honor to inform you that frequent application is made to me, by the persons interested, to ascertain when the various lots of land that have been measured for several months past, and situate in different parts of the District of Orange, will be brought forward for sale.

I may mention, that some inquiries have been made about Wellington; several lots on Molong Creek, near the lots offered for sale on the 7th December; several lots on Curragurra Creek, north-east of O. Bloxsome's 697 acres. Bathurst: Several lots to the south of Orange, near Gosling Creek. Several lots in the parishes of Shadforth and Huntley.

I take the opportunity to state, that the non-sale of the lots lately offered for sale at Orange is no criterion as to the demand for land for agricultural purposes; but the fact is, that very many of those lots are totally unfit for arable operations, and never should have been measured, inasmuch that the time spent in their measurement might, and ought, to have been devoted to measuring such portions as had been applied for, and that would no doubt have been sold as offered for sale.

I am, &c.,

W. J. EVANS,

THE SURVEYOR GENERAL.

Agent at Orange.

No. 2.

THE SURVEYOR GENERAL to THE AGENT.

*Surveyor General's Office,
Sydney, 23 February, 1858.*

SIR,

Referring to the list of lands open to selection in your district, I have to inform you that, in addition to those stated therein, the following lots should be added:—Lots 47 and 50 of the sale of 15th March, 1854; 24, 26, 29, and 31, of 8th May, 1854. The area of lot 7 of July, 1855, is 320 acres and 20 perches; of lot 20 of 5th March, 1856, 53 acres 2 roods 32 perches; of lot 8 of 29th June, 1857, 34 acres; and of lot 15 of 7th December, 1857, 65 acres.

I have, &c.,

GEO. BARNEY,

THE CROWN LANDS AGENT,

Orange.

Surveyor General.

No. 3.

THE AGENT, to THE SURVEYOR GENERAL.

*Land Office, Orange,
26 February, 1858.*

SIR,

I have the honor to state, for your information, that private land in the immediate neighbourhood of Orange is now being measured into small farms, and to be offered for sale here, and it appears to me, from the character of the soil and its proximity to the Township of Orange, that it is likely to swallow up the funds that have been waiting for investment in the purchase of Crown Lands, by persons of the humbler class, were suitable lots of the latter kind offered for sale by the Government. In the approaching sale to be held at Orange on the 22nd proximo, the lots from one to 17, inclusive, are the only ones at all likely to meet with purchasers, the remaining lots, 18 to 37 inclusive, having been already frequently offered for sale.

3. I avail myself of this communication to reiterate my statement, as given in my letter to you dated the 11th instant, since which time further applications have been made to me on the same subject.

I am, &c.,

W. J. EVANS,

THE SURVEYOR GENERAL.

Agent.

No. 4.

LAND MEASURED AND SOLD IN THE DISTRICT OF ORANGE. 5

No. 4.

THE SURVEYOR GENERAL to THE AGENT.

*Surveyor General's Office,
Sydney, 23 March, 1858.*

SIR,

With reference to your letter of the 11th instant, I have to inform you that the statements therein are correct, as the several lots were purchased, but omitted to be reported to me by the Colonial Treasurer. Lot 24, sale of 8th May, 1854, should have been 16th February, 1854, which it has been traced was purchased by James Dunn. The Deeds of Grant of all the above lots are now being prepared.

THE CROWN LANDS AGENT,
Orange.

I am, &c.,
GEO. BARNEY,
Surveyor General.

No. 5.

THE SURVEYOR GENERAL to THE AGENT.

*Surveyor General's Office,
Sydney, 29 March, 1858.*

SIR,

I beg to forward two lithograph copies of 27 portions, Sawpit Creek, for office use, together with 35 copies of the same for sale, at 1s. each.

THE CROWN LANDS AGENT,
Orange.

I am, &c.,
GEO. BARNEY,
Surveyor General.

No. 6.

THE SURVEYOR GENERAL to THE AGENT.

*Surveyor General's Office,
Sydney, 13 April, 1858.*

SIR,

At the expiration of the month allowed for the payment of the balance of the price of land sold at Orange, on the 22nd March ult, I have to request that you will be good enough to prepare a final report of the sale upon the enclosed form. The greatest care must be taken in its preparation; all the names must be in full; each total correctly given; forfeited deposits, if any, shown in the money column, and each lot given in detail, and in its proper column.

THE CROWN LANDS AGENT,
Orange.

I have, &c.
GEO. BARNEY,
Surveyor General.

1858.

Legislative Assembly.

NEW SOUTH WALES.

BATHURST TOWN AND SUBURBAN ALLOTMENTS.

(RETURN OF THE ANNUAL PROCEEDS OF.)

Ordered by the Legislative Assembly to be Printed, 9 June, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 30 April, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ A Return of the annual proceeds of the Sales of Bathurst
 “ Township and Suburban Allotments, from the first formation
 “ of the town to the present time, shewing also how many
 “ allotments, both Town and Suburban, now remain unsold.”

RETURN of the Annual Proceeds of the Sales of Bathurst Town and Suburban Allotments, from the foundation of the Town to 31st March, 1858, shewing also how many allotments, both Town and Suburban, now remain unsold.

YEAR.	PROCEEDS FROM THE SALE OF TOWN LOTS.	PROCEEDS FROM THE SALE OF SUBURBAN LOTS.	TOTAL.	REMARKS.	TOWN LOTS NOW REMAINING UNSOLD.	No.	SUBURBAN LOTS NOW REMAINING UNSOLD.	No.	REMARKS.
	£ s. d.	£ s. d.	£ s. d.						
1833	4 0 0	4 0 0	In this period Suburban Allotments were not shewn separately. They were included under the head of "Country Lands."	Town allotments, half an acre each, proclaimed for sale on the 30th June next	10	Suburban allotments of from 12 to 20 acres each, to be offered for the second time on 30th June next	6	In the eastern part of the Town Reserve near the Bridge over the Macquarie River, there is a space of about 60 acres, which may eventually be laid out in Town and Suburban allotments, but which is for the present reserved with the view of the appropriation of a site for a Railway Terminus, should the extension of Railways at any future time reach Bathurst.
1834	443 2 0	.....	433 2 0					
1835	659 6 8	.....	659 6 8					
1836	179 0 0	.....	179 0 0					
1837	161 10 8	.....	161 10 8					
1838	711 6 8	.....	711 6 8					
1839	706 0 0	.....	706 0 0					
1840	776 0 0	.....	776 0 0					
1841	653 18 0	.....	653 18 0					
1842	130 13 4	.....	130 13 4					
1843	215 0 0	Nil.	215 0 0	Town allotments that are measured, and which will shortly be proclaimed	Town allotments in the western part of the Town Reserve not yet measured	300	Suburban allotments of a similar area to the above not yet measured	70	There is also a space of about 1,000 acres, lying to the south-west of the Town, reserved for a Park for public recreation, and a portion of which it may prove expedient eventually to sell; the reservation having been made more with the view of providing for the ultimate selection of a sufficient and suitable Park Reserve, than as a final reservation for that purpose.
1844	161 0 8	90 0 3	251 0 11						
1845	699 6 8	582 6 8	1,281 13 4						
1846	732 4 1	172 0 0	904 4 1						
1847	791 2 4	161 16 0	952 18 4						
1848	576 5 0	211 15 0	788 0 0						
1849	234 0 0	161 8 5	395 8 5						
1850	282 0 0	66 4 6	348 4 6						
1851	603 6 3	1,089 11 11	1,692 18 2						
1852	1,379 9 4	792 6 6	2,171 15 10						
1853	3,038 15 0	3,411 15 8	6,450 10 8						
1854	6,154 9 0	3,901 9 1	10,055 18 1						
1855	945 13 9	528 2 9	1,473 16 6						
1856	2,483 15 7	254 15 6	2,738 11 1						
1857	2,805 17 6	813 4 0	3,619 1 6						
1858									
to 31 March.	1,198 0 0	Nil.	1,198 0 0						
Total..	26,725 2 6	12,236 16 3	38,961 18 9		Total number of Town Lots	370	Total number of Suburban Lots.....	76	Total number of Lots remaining unsold } 446

1858.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED ANNEXATION
OF
A PORTION OF NEW SOUTH WALES
TO
SOUTH AUSTRALIA.

Ordered by the Legislative Assembly to be Printed, 1 October, 1858.

SCHEDULE.

No.	Page.
1. Governor Sir R. G. MacDonnell to Mr. Labouchere. 11 March, 1858.	2
2. Lord Stanley to Governor Sir R. G. MacDonnell. May, 1858	3
3. Lord Stanley to Sir W. Denison, K.C.B. 28 May, 1858	3
4. Proceedings of the Executive Council on 6th September, 1858	4

PROPOSED ANNEXATION OF A PORTION OF NEW SOUTH WALES TO SOUTH AUSTRALIA.

No. 1.

GOVERNOR SIR R. G. MACDONNELL to MR. LABOUCHERE.

No. 227.

*Government House, Adelaide,
11 March, 1858.*

SIR,

Encl. 1 & 2.

I have the honor, with the advice of my Executive Council, to transmit herewith, for your favorable consideration, copies of Addresses from the Legislative Council and the Assembly of this Province, requesting me to take such measures as I may deem best calculated to obtain the addition to this Colony of the portion of New Holland lying between its western boundary and the eastern boundary of Western Australia, and between the 26th degree of south latitude and the southern coast.

2. This subject is one which I brought under consideration of my Executive Council more than fifteen months back, and which, I think, ought to be early settled before further lapse of time complicates it. I enclose a tracing of the southern portion of this continent, with the several boundaries of the four Colonies into which it is divided. You will perceive that the tract of country lying between this Colony and the eastern boundary of Western Australia may be regarded as wholly inaccessible from either Western Australia or New South Wales, of which latter it is, nevertheless, strictly speaking, a portion.

The only available harbours on the southern shore for nearly 800 miles west of Spencer's Gulf are harbours belonging to this Colony, viz.:—Fowler's Bay, Streaky Bay (an admirable harbour,) Venus Bay, &c., &c.—consequently, the only ports of shipment for produce, whether pastoral or agricultural, raised in the district, between this Province and Western Australia are ports within this Colony.

30 Nov., 1857.

4. Not only from Mr. Hack's discoveries, reported in my Despatch No. 203, but from subsequent information, there is strong reason to suppose that the country in question cannot long remain unsettled, as, though not of the best description, the greater portion of it is, no doubt, suitable for pastoral purposes. Already the protection of the police is extended as far as Streaky Bay, and from the enclosed map you will perceive how much country in the west portion of this Province has been surveyed—all included within the dotted lines, nearly 4,000 square miles, is now surveyed and open to occupation, except 600 miles, which have already been taken up.

5. Explorations, however, have been conducted far beyond Streaky Bay, and, on the whole, with satisfactory results. The Government schooner, the "Yatala," is also about to sail to the westward, with the Harbour Master on board, to complete the survey of the coast and harbours; so that I think there can be little doubt, when the present monetary crisis shall have passed, that all the available country to the westward will be more or less occupied by pastoral settlers.

6. The question, therefore, naturally occurs, on which of these Colonies is to devolve the duty of extending protection of life and property over the district which the Legislature here is desirous of annexing to this Colony? If there be any chance of such protection being given, either by Western Australia or by New South Wales, the case might present some difficulty. As it is, I regard it merely as a question of how Her Majesty's Government can most effectually assist the settlement of the continent by enabling capitalists to occupy available country, with a guarantee of adequate security for their property and business from the only Colony whence they can draw their supplies or ship their produce.

7. It further appears desirable, for obvious reasons, to extend the boundary of South Australia, without delay—if at all—with a view to effectually encouraging the spirit of further exploration and settlement. It is difficult to see what can be gained by delay,

though

ANNEXATION OF A PORTION OF NEW SOUTH WALES TO SOUTH AUSTRALIA. 3

though much may be lost. Should Her Majesty's Government, therefore, incline to give effect to the wishes of the Legislature, I presume the easiest mode of doing so would be by a short Imperial Act, as an Order in Council might not be applicable to a separation from New South Wales of any still unsettled portion of that Province.

I have, &c.,
RICHARD GRAVES MACDONNELL,
 Governor.

THE RIGHT HONORABLE
H. LABOUCHERE, M. P.
 &c., &c.

[Enclosure in No. 1.]

Session 1857.

Address No. 7.

To His Excellency **SIR RICHARD GRAVES MACDONNELL**, Knight Companion of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Her Majesty's Province of South Australia, &c., &c., &c.

May it please your Excellency,

The humble Address of the Legislative Council of South Australia,—

SHREWETH :—

That at a Meeting of the said Council, holden on the 1st day of December, 1857, it was Resolved,—

That an Address be presented to His Excellency the Governor-in-Chief, requesting him to take such measures as he may deem best calculated to obtain the addition to this Colony of that portion of New Holland lying between its western boundary and the eastern boundary of Western Australia, and between the 26th degree of south latitude and the southern coast.

Legislative Council Chambers,
 1 December, 1857.

J. H. FISHER,
 President.

[Enclosure 2 in No. 1.]

Session 1857.

Address No. 22.

To His Excellency **SIR RICHARD GRAVES MACDONNELL**, Knight Companion of the Most Honorable Order of the Bath, Captain-General, and Governor-in-Chief of Her Majesty's Province of South Australia, &c., &c., &c.

May it please your Excellency,

The humble Address of the House of Assembly of South Australia,—

SHREWETH :—

That at a Meeting of the said House, holden on the fourth day of December, 1857, it was resolved,—

That an Address be Presented to His Excellency the Governor-in-Chief, requesting him to take such measures as he may deem best calculated to obtain the addition to this Colony of that portion of the territory of New South Wales lying between its western boundary and the Eastern boundary of Western Australia, and between the 26th degree of south latitude and the southern coast.

GEO. W. D. BERESFORD,
 Clerk.

G. S. KINGSTON,
 Speaker.

No. 2.

LORD STANLEY to GOVERNOR SIR R. G. MACDONNELL.

Downing-street,
 May, 1858.

SIR,

I have to acknowledge your Despatch, No. 227, of the 11th of March last, transmitting Addresses from the Legislative Council and Assembly of South Australia to yourself, requesting you to take measures for the addition to that Colony of the tract bounded north by the parallel of lat. 26° south, and lying between South Australia and Western Australia.

You judged very properly in bringing this matter under the notice of your Executive Council, regarding it as one of considerable prospective importance, and to which the attention of Her Majesty's Government should be early directed. They are of opinion that the tract in question should form part of South Australia, being altogether unconnected, geographically, with New South Wales, and being likely to receive its population from South
 rather

4 ANNEXATION OF A PORTION OF NEW SOUTH WALES TO SOUTH AUSTRALIA.

rather than Western Australia. It would, however, require an Act of Parliament to effect this purpose, and I do not think that it ought to be executed without previous consultation with the Government of New South Wales, of which, as you correctly observe, the tract in question seems to be legally a portion.

I shall therefore lose no time in sending a copy of this correspondence to Sir William Denison, and hope to be prepared to introduce a measure into Parliament early next session.

I have, &c.,

STANLEY.

GOVERNOR

SIR R. G. MACDONNELL, C.B.,

&c., &c.

No. 3.

LORD STANLEY to GOVERNOR SIR W. DENISON.

(No. 36.)

Downing-street,

28 May, 1858.

SIR,

I transmit, for your information, copy of a correspondence between this department and the Governor of South Australia, respecting the contemplated annexation to the latter Colony of a portion of territory adjacent to it, but which (if belonging in strictness to either of the Australian Colonies) appears to be part of New South Wales, and shall be glad to receive any observations you may have to make, with the advice of your Executive Council.

I have, &c.,

STANLEY.

GOVERNOR

SIR W. DENISON, K. C. B.,

&c., &c.

No. 4.

PROCEEDINGS of the Executive Council on the 6th September, 1858, with respect to Annexation of a portion of New South Wales to South Australia.

Minute No. 58-36. Confirmed 16 September, 1858.

His Excellency the Governor General lays before the Council a Despatch from the Right Honorable the Secretary of State for the Colonies, enclosing a correspondence that has passed between the Colonial Office and the Governor of South Australia respecting the annexation to that Colony of a portion of country at present included within the boundaries of New South Wales, and expressing a wish to be favored with any observations which His Excellency, after consultation with his Executive Council, may desire to offer upon the subject.

2. His Excellency at the same time lays before the Council a map prepared by the Surveyor General to illustrate the position and extent of the portion of country referred to, which lies between the western boundary of South Australia and the eastern boundary of Western Australia.

3. Upon an examination of this map the Council are unable to perceive any serious objection to the annexation to South Australia of the portion of territory in question, which it appears is completely separated from the settled portions of New South Wales by the desert lying to the north and east of South Australia, and is, in fact, inaccessible by land from New South Wales; as, however, the question involves a modification of the boundaries of the Colony, they feel that they would not be justified in recommending that the measure be assented to, or indeed that any decisive action should be taken in the matter, until the Legislature have had an opportunity of expressing an opinion on the subject; and they accordingly advise that, with the view of eliciting this, copies of the Despatch of the Right Honorable the Secretary of State for the Colonies, with its enclosures, and also copies of this Minute, be forthwith laid before the Houses of Parliament.

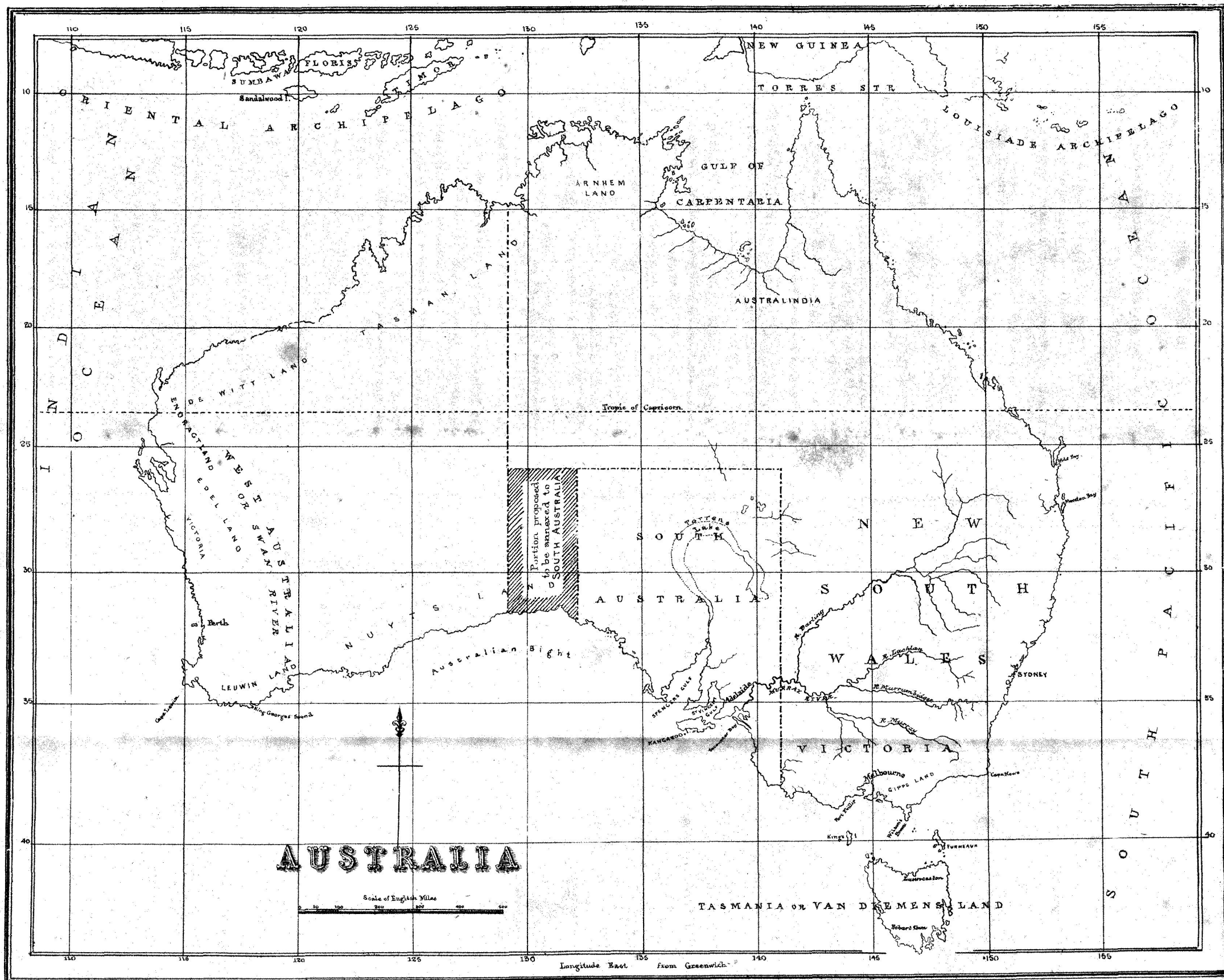
EDWARD C. MEREWETHER,

Clerk of the Council.

Executive Council Office,

Sydney, 18 September, 1858.

No. 58-542.



1858.

Legislative Assembly.

NEW SOUTH WALES.

MR. FRANCIS O'MEARA.
(CLAIM TO ALLOTMENT OF LAND.)*Ordered by the Legislative Assembly to be Printed, 31 March, 1858.*

To the Honorable the Members of the Legislative Assembly of New South Wales.
The humble Petition of Francis O'Meara, of Bathurst-street, in the City of
Sydney, in the said Colony of New South Wales,—

SHEWETH:—

That your Petitioner, in the year 1827 or 1828, was Conductor of the Police Force in this Colony, and in that capacity apprehended Thomas Mustin and Daniel Watkins, two desperate bushrangers, at their camp between Liverpool and Parramatta.

That the apprehension took place shortly after the said Thomas Mustin and Daniel Watkins made an attack on the house of Doctor Dulhunty, at Burwood, and when taken were armed.

That the said Thomas Mustin and Daniel Watkins were tried by the late Chief Justice Forbes—were found guilty of felony, and executed.

That your Petitioner was, for such apprehension, and for his zeal and ability generally as Constable, recommended to the then Governor, Sir Ralph Darling, by His Honor the late Chief Justice Forbes, His Honor the late Chief Justice Stephen, Captain Rossi, Superintendent of the Police Force in Sydney aforesaid, and several Magistrates for the said Colony, for reward for his services as such Constable as aforesaid.

That the said Captain Rossi applied to Alexander Macleay, Esq., the then Colonial Secretary, on your Petitioner's behalf, and was informed that allotment number 73, on the Map of the Township of Parramatta, and situate at the corner of Windsor Road and Board-street, would be granted to your Petitioner as a reward for his said services.

That your Petitioner, in the month of July last, searched the books and chart of Parramatta in the Surveyor General's Office, and found that his name was entered for a grant of the said allotment in the Township of Parramatta aforesaid, but your Petitioner's name has since been erased from the said chart.

That the said allotment is still vacant.

That some time after the application made by the said Captain Rossi, your Petitioner applied to the Surveyor General, and was informed that the grant could not be made to him, as the Governor had left the Colony without having signed the said Deed of Grant.

That on the arrival of Sir Richard Bourke, who succeeded the said Sir Ralph Darling as Governor of the said Colony, your Petitioner again applied for a grant of the said Allotment of Land, but was refused on the same grounds, namely, that the said Sir Ralph Darling had left the Colony without signing the said Deed of Grant.

That

That, in the month of July last, your Petitioner applied, by letter, to the Secretary of Lands and Works on the subject of the grant of said Allotment of Land, and calling his attention to the circumstances under which the same was promised him, and requesting that he would cause a grant from the Crown to him of the said allotment to be prepared, or inform him what steps to take for the purpose of getting such grant.

That your Petitioner, in reply to such last mentioned letter, on the 23rd of the said month of July received a communication from the Office of Land and Public Works to the effect that your Petitioner's letter had been referred to the Surveyor General, and that when the necessary information had been obtained a further communication would be made to your Petitioner.

That, on the 19th day of November last, your Petitioner received a further communication from the Department of Land and Public Works, referring to the last mentioned letter of your Petitioner of the 23rd of July, on the subject of the Deed of Grant of the said Allotment of Land, and also stating that, from the correspondence that had taken place in respect thereof, it appeared that on the 18th day of January, 1836, your Petitioner was apprised by the then Colonial Secretary that he possessed no claim to the land in question, and that, under the circumstances of the case, the Secretary for Lands and Public Works could see no reason to alter that decision.

That your Petitioner never has been apprised that he had no claim to the said Allotment of Land, as stated in the said last mentioned letter, but that your Petitioner was informed that the Governor, Sir Ralph Darling, had left the Colony without signing a Deed of Grant of the said land.

That your Petitioner served eighteen years in the Police Force, ten of which both as Conductor both in Sydney and the Interior, and has received no compensation whatever for such long service, except the promise of a grant of said Allotment of Land.

That your Petitioner is now fifty-eight years of age, and has a family of nine children to support.

Your Petitioner therefore humbly prays your Honorable House to take into consideration the promise made to him by His Excellency Governor Sir Ralph Darling of a grant of the said Allotment of Land situate in the Township of Parramatta, and that your Petitioner may have a grant thereof made to him of the said land.

And your Petitioner will ever pray.

FRAS. O'MEARA.

*Bathurst-street, West,
Sydney, 30 March, 1858.*

1858.

Legislative Assembly.

NEW SOUTH WALES.

E. J. H. KNAPP, SURVEYOR.
(CLAIM TO GRANT OF LAND.)

Ordered by the Legislative Assembly to be Printed, 4 June, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of Edward James Howes Knapp, of the City of Sydney, in the Colony of New South Wales, Surveyor,—

HUMBLY SHEWETH, AS FOLLOWS:—

1. Your Petitioner arrived in this Colony, by the ship "Sesostrix," in March, one thousand eight hundred and twenty-six; Dr. Dulhunty being the Surgeon Superintendent of that ship.
2. Your Petitioner was induced to emigrate here upon the express assurance given to him at the Colonial Office, Downing-street, London, that Dr. Dulhunty was the bearer of a letter from R. W. Hay, Esq., the then Under-Secretary, to Lord Bathurst, (who was the then Secretary of State for the Colonies), and which letter was addressed to His Excellency Governor Darling, authorizing the then usual grant of Land to your Petitioner.
3. The letter from Mr. R. W. Hay, in favor of your Petitioner, was either mislaid or suppressed by Dr. Dulhunty, and was only discovered in the year one thousand eight hundred and thirty-seven, and some years after Dr. Dulhunty's death, by a son of his, by whom it was forwarded to your Petitioner. Your Petitioner at once transmitted it to the Colonial Secretary of this Colony, with a letter.
4. Dr. Dulhunty, upon a similar letter, in his lifetime applied for, and obtained, a maximum grant of two thousand five hundred and sixty acres.
5. The letter above referred to having been thus mislaid, or suppressed, by Dr. Dulhunty, your Petitioner, six months after his arrival here, was appointed an assistant in the Surveyor General's Department of this Colony, and your Petitioner continued in such department about four years; and your Petitioner has also since that period, and until the year one thousand eight hundred and fifty-six, been constantly employed by the Colonial Government as a licensed and contract surveyor.
6. The late Sir Thomas Mitchell, who arrived in the Colony shortly after your Petitioner, obtained, upon a similar letter, a maximum grant of land of two thousand five hundred and sixty acres; Messrs. Dangar, Hoddle, Finch, Richards, and White, also surveyors, all arrived with similar letters, and shortly before your Petitioner. They each of them obtained grants of land, and each of these gentlemen were, like your Petitioner, attached to the Survey Department.
7. Your Petitioner was precluded from making an earlier application than in the year one thousand eight hundred and thirty-seven for the promised grant, by reason of the

loss or suppression of the said letter as aforesaid. But when your Petitioner applied by letter, dated February sixth, one thousand eight hundred and thirty-seven, your Petitioner was informed, that so long a period had elapsed since your Petitioner's arrival that the application of your Petitioner could not be entertained.

8. Your Petitioner humbly submits that his case is one of extreme hardship, inasmuch as your Petitioner had not the possession of, or any control over, Mr. R. W. Hay's letter, until after Dr. Dulhunty's death; and could not, therefore, before one thousand eight hundred and thirty-seven, have preferred his application.

9. Your Petitioner has served the Government, as a surveyor, for nearly thirty years; and not one of your Petitioner's surveys have ever been the subject of litigation, or impeached for inaccuracy.

10. Your Petitioner further humbly submits, that your Petitioner did this Colony some humble service, in the year one thousand eight hundred and thirty, by his exertions in assisting the capture of the notorious band of bushrangers who were executed in Bathurst in that year. Your Petitioner, at the request of George Rankin, Esq., J. P., and of the late J. Walker, Esq., J. P., in their capacities as magistrates, was induced to join a party in pursuit of them. Your Petitioner, with this party, continued in pursuit of them for one month; and your Petitioner and the said party at last succeeded in capturing and bringing to justice the whole gang. The above-named magistrates thanked your Petitioner for his conduct on the occasion, and wrote him the letter dated twelfth January, one thousand eight hundred and thirty-eight, recommending such his conduct to the consideration of the Colonial Government.

11. If these facts should fail to influence your Honorable House; if the carelessness or cruelty of Dr. Dulhunty should still be permitted to prejudice and punish your Petitioner,—your Petitioner would nevertheless further humbly submit to your Honorable House, that as the duties of a Sovereign and subject are mutual and reciprocal, and as upon the great legal principle that the Sovereign is incapable of doing wrong, the law pronounces that in the Sovereign there can be no negligence or laches, (hence the maxim, *nullum tempus occurrit regi*,—no delay in resorting to a remedy can bar the Sovereign his right,) so your Petitioner humbly submits that your Petitioner's delay, or laches (if any,) which he denies, in resorting to a remedy should not bar your Petitioner from obtaining from the Crown redress for your Petitioner's wrong.

12. Your Petitioner, lastly, most humbly submits, that if the statute of limitations be held a bar in his case, that it should run only from the time of the discovery by him in the year one thousand eight hundred and thirty-seven, of the letter of the twentieth of November, one thousand eight hundred and twenty-five; and as a plea to the statute, your Petitioner would humbly submit that he made his application on the sixth of February, one thousand eight hundred and thirty-seven, and that the application was refused on the twenty-second April, one thousand eight hundred and thirty-seven, and your Petitioner could now only, therefore, under a constitutional and responsible Government, venture most humbly to appeal from the decision thus pronounced by an irresponsible Government to your Honorable and constitutionally created House, and that there has consequently been no delay or laches.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to take the premises and your Petitioner's case into your most gracious consideration, and that such redress may be afforded to your Petitioner as to your Honorable House shall seem meet, and as the circumstances of your Petitioner's case may appear to require.

And your Petitioner, as in duty bound, will ever pray, &c., &c.

EDWARD J. H. KNAPP.

Sydney, 18 May, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

MR. WILLIAM SIMS BELL.

(PRAYING REDRESS.)

Ordered by the Legislative Assembly to be Printed, 31 August, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of William Sims Bell, of Liverpool Plains, in the Territory of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioner's father, Mr. Archibald Bell, deceased, in the year 1809 obtained from Colonel Patterson, then Lieutenant-Governor of this Colony, a grant of forty and one-half (40½) rods of land in Macquarie-street, on which the present Parliament Buildings are erected.

That this grant was given to your Petitioner's father as an equivalent for a prior grant of land in George-street, from Governor Bligh,—this latter land being required by the Government for a site for the Military Barracks, and was, in consideration of the grant from Colonel Patterson, relinquished to the Government by your Petitioner's father.

That Major Goulburn, Colonial Secretary of New South Wales, requested your Petitioner's father to allow him to examine the grant from Colonel Patterson, which was accordingly delivered to him, but was not returned.

That the said grant is duly registered in the records of the Colonial Secretary's Office, and in the margin of such record the following memorandum is written, signed with the initials of Major Goulburn, viz.:—"Destroyed, the Fifth September, 1825. F. G."

That your Petitioner's father did not receive any other compensation for the land relinquished by him to the Government for the purposes before-mentioned than the forty and a half rods in Macquarie-street, of which he was so deprived.

That your Petitioner as heir-at-law of the said Archibald Bell, deceased, has made several applications to the Government for a compensation for such land, similar to that granted to other persons under somewhat analogous circumstances, but without success.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to take his case into favorable consideration, and adopt such measures as may do your Petitioner equity and justice.

And your Petitioner will ever pray, &c.

WM. S. BELL.

1858.

Legislative Assembly.

NEW SOUTH WALES.

TIMBER OF NEW SOUTH WALES.

(ITS ELASTICITY AND STRENGTH.)

Ordered by the Legislative Assembly to be Printed, 3 August, 1858.

THE DEPUTY MASTER OF THE MINT to THE SECRETARY FOR LAND AND PUBLIC WORKS.

*Royal Mint,**Sydney, 27 April, 1858.*

SIR,

I have the honor to forward a Report of results obtained from experiments on the elasticity and strength of timber of New South Wales, procured through the Chief Commissioner for Railways, and tested at the Sydney Branch of the Royal Mint in the month of March, 1858.

I have been endeavouring for some time to obtain specimens of Colonial timber in order to extend these experimental inquiries. As yet, however, I have not succeeded in obtaining more than a very limited number.

I enclose a list of those I have selected from the catalogue of New South Wales woods exhibited lately in Paris. The whole of the woods contained in this list appear, from the description of their qualities given in the catalogue, to be more or less suitable for building purposes.

Should the Government consider an inquiry into their strength and elasticity desirable, I would suggest that Government surveyors, or other officers in their respective districts, be instructed to procure of each kind four specimens, not less than four feet six inches long and two and a-quarter inches square, and forward them to me for trial,—of which I would make a Report to the Government.

I have, &c.,

E. W. WARD,

Deputy Master.

THE SECRETARY

FOR LAND AND PUBLIC WORKS.

REPORT of results obtained from Experiments on the Elasticity and Strength of Timber of New South Wales, procured through the Chief Commissioner for Railways, and tested at the Sydney Branch of the Royal Mint in the month of March, 1858.

The specimens tried were fresh cut, taken from trees in the neighbourhood of Belford, which lies 18 miles from Maitland and 10 miles from Singleton, on the Great Northern Road.

The experiments were conducted as follows:—The distance between the supports was 4 feet, the beam rested on iron trestle-heads firmly fixed, and prevented from collapsing by stays—the ends left free; the weights were applied in the centre, and increased by $\frac{1}{2}$ cwts. at a time, at intervals of half-an-hour, till the elasticity was evidently destroyed, when the interval between each addition was prolonged to an hour. At the end of each interval the beam was relieved of its weight.

This was effected by means of a screw-jack, which raised the scale on which the weights rested; thus the beam was always relieved from pressure, and subjected to it, without jerk.

The specific gravities were obtained with great care, by means of a delicate balance in the Mint.

The timber was obtained by Captain Martindale, R.E., Chief Commissioner of Railways, through Mr. Collett, an officer of his department.

The experiments were conducted in the Sydney Branch of the Royal Mint, under the superintendence of Mr. Trickett, Superintendent of the Coining Department of the Mint.

In order that a comparison may be instituted between the woods of this Colony and others, I append the values of E. and S. of some well known, ascertained at Woolwich dockyard by P. Barlow, Esquire, F.R.S.

	E.	S.
Teak	603600	2462
English Oak	362800	1672
Canadian ditto	536200	1766
Ash	411200	2026
Beech	338400	1556
Pitch Pine	306400	1632

It may be as well to explain the use of the results exhibited in these tables to those not conversant with their practical bearing.

Problem 1.—To determine the strength of a rectangular beam of timber when it is supported at the ends and loaded in the middle, multiply value of S. in the table by 4 times the depth in inches, and by the area of the section in inches, and divide the product by the distance between the supports in inches. The quotient will be the greatest weight the beam will bear in lbs. One-fourth the weight found by the rule should be the greatest weight upon a beam in practice.

Example 1.—Required the weight a beam of iron-bark 1 foot square would sustain in the middle, its length being 20 feet.

The tabular value of S being 2288, the depth 12 inches, the area 144 inches, the length 240 inches, consequently $\frac{2288 \times 4 \times 12 \times 144}{240} = 65,644$ lbs., and the beam may be loaded in practice with $\frac{65644}{4} = 16,411$ lbs., without injuring its texture.

From the equation $S = \frac{l.w.}{4ad^2}$ where

l = length
 a = breadth
 d = depth } in inches, and w the breaking

weight in lbs., any three of the four quantities l, a, d, w , being given, the other may be determined.

Example 2.—Let it be required to determine the size of a girder of iron-bark for a warehouse where the distance between the points of support is 20 feet, and the greatest possible stress in the middle, including the weight of the floor, is 30 tons = 67,200. Let us assume that the greatest depth that we can obtain this timber is 20 inches, then, in practice,

$$a \text{ must} = \frac{4lw}{4Sd^2} = \frac{4 \times 240 \times 67200}{4 \times 2288 \times 20 \times 20} = 17.62 \text{ inches.}$$

Thus, two girders of 20 inches depth, and nine inches breadth, resting on the same sustaining piece, would be sufficient to support the weight of 30 tons.

If the 30 tons are to be uniformly distributed over the surface of the floor, one girder of 20" × 9" wide would be sufficient.

Problem 2.—To determine the strength of a rectangular piece of timber, fixed at one end and loaded at the other. Multiply the value of S by the area and depth of the section, in inches, and divide that product by the leverage in length, without support, in inches,—the quotient will be the weight required.

In this case the formula is,—

$$S = \frac{l.w.}{ad^2}$$

In practice the load ought not to exceed one-fourth of the weight found by this rule.

If the weight be distributed uniformly over the piece, the distance of the centre of gravity from the point of support must be taken for the length or leverage of the piece.

Example 1.—For iron-bark the breaking weight of a piece having a leverage of 5 feet, area 6" × 4", and depth 6", would be

$$\frac{2288 \times 6 \times 4 \times 6}{60} = 5491.2; \text{ and } \frac{5491.2}{4} = 1,373 \text{ lbs.}$$

the load it would bear without injury.

Example 2.—A balcony, to bear one ton, is to be supported by two cantilevers; the projection of the balcony to be 4 feet.

Assuming the cantilevers to be iron-bark, that the weight will be uniformly distributed over the whole length, and that the depth of the cantilevers shall be 4 inches; the distance of the centre of gravity from the wall will be two feet, and S being = 2288 as before, it will be found by the formula that the breadth of each cantilever must be 2.35 inches to bear the weight required without injury.

The

The value of E in the table is essential for the determination of the dimensions of a beam capable of supporting a given weight, with a given degree of deflection, when fixed at one end or when supported at both ends.

When the beam is supported at one end, the rule is as follows:—Divide the weight in lbs. by $\frac{E}{1728}$ and by the breadth and deflection, both in inches, the cube root of the quotient, multiplied by the length in feet, will be depth required in inches. The formula being,—

$$E = \frac{l^3 w}{a d^3 \delta}$$

l , a , and d representing the same as before, w the greatest weight, the deflection while elasticity remained perfect.

Any one of the quantities, the others being given, may be found by the reversion of the formula. If the beam be loaded uniformly throughout

$$E = \frac{3}{8} \frac{l^3 w}{a d^3 \delta}$$

When the beam is supported at both ends, multiply the weight to be supported in lbs. by the cube of the length in feet; divide the product by 16 times $\frac{E}{1728}$ multiplied into the given deflection in inches, and the quotient is the breadth multiplied by the cube of the depth in inches.

The formula for this is,—

$$E = \frac{l^3 w}{16 a d^3 \delta}$$

if the beam be uniformly loaded throughout the formula is,—

$$E = \frac{3}{8} \frac{l^3 w}{16 a d^3 \delta}$$

It is unnecessary to extend the explanation of the use of these values by working out examples. Any one desirous of further information on the subject may obtain it by consulting "Barlow on Materials and on Construction," from which these rules have been taken.

E. W. WARD,

Captain, Royal Engineers.

RESULTS of Experiments on the Elasticity and Strength of Timber of New South Wales procured through the Chief Commissioner for Railways, and tested at the Sydney Branch of the Royal Mint in the month of March, 1858.

Number of Experiments.	Names of the Woods and Dimensions.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E . From the Formula. $\frac{l^3 w}{16 a d^3 \delta}$	Value of S . From the Formula. $\frac{l w}{4 a d^2}$
			Weight in lbs.	Deflection in inches.				
1 2 3 4	IRON-BARK. 4 feet between supports and $1\frac{3}{4}$ " square.	1205	952	1.85	952	1.85	417,400	2,268
			784	1.40	1120	2.90		
		1218	616	1.05	952	2.10		
			616	.95	1064	2.35		
	Mean results	1211	742	1.31	1022	2.30		
1 2 3 4	STRINGY-BARK. 4 feet between supports and $1\frac{3}{4}$ " square.	935	560	1.20	784	2.85	343,900	1,818
			560	1.30	784	2.60		
		939	560	1.15	840	2.25		
			560	1.15	840	2.30		
	Mean results	937	560	1.20	812	2.50		
1 2 3 4	Box. 4 feet between bearings and $1\frac{3}{4}$ " square	1232	672	0.90	1008	1.80	538,800	2,445
			672	.90	1064	1.85		
		1228	672	.90	1176	2.50		
			616	.90	1120	1.85		
	Mean results ...	1230	653	.90	1092	2.0		
1 2 3 4	SPOTTED GUM. 4 feet between bearings and $1\frac{3}{4}$ " square	981	560	.95	840	1.9	485,500	2,006
			560	.90	896	1.8		
		1051	560	.90	896	2.05		
			560	.75	952	2.10		
	Mean results	1035	560	.85	896	1.96		

* For the sake of simplifying the calculations the value of E is not carried on exact beyond the nearest fourth figure.

LIST

*LIST of Woods growing in New South Wales, which appear to be suitable for Building and Engineering purposes, and of which four specimens of each, 4' 6" long. by $2\frac{1}{4} \times 2\frac{1}{4}$ are required for the purpose of testing their strength, durability, &c.

No. IN CATALOGUE.	BOTANICAL NAME.	LOCAL NAME.	REMARKS.
5	<i>Stenocarpus Salignus</i> ..	Beef wood, silky oak.	
17	<i>Acmena (?) Kingiana</i> ..	Hickory.	
21		White maple, myrtle.	
31		White maple, ash, blue ash.	
32	<i>Podocarpus elata</i>	Pine, white pine	{ Obtained within lat. 35° 24', and in Northern District.
33	<i>Ceratopetalum Apetalum</i> .	{ Light wood, leather jacket, coach wood.	
37	<i>Tristania neriifolia</i>	Water gum	Common at Illawarra.
71	<i>Callistemon salignum</i> ..	Broad leaved tea tree.	
72	<i>Melaleuca Styphelioides</i> .	Prickly leaved tea tree.	
74	<i>Melaleuca Styphelioides</i> .	" "	
82	<i>Melia Australis</i>	White cedar.	
83	<i>Eucalyptus</i> sp.....	Iron bark.	
85	<i>Eucalyptus pillularis</i> ..	Mountain ash, white or willow top.	
88	<i>Eucalyptus Media</i>	Black-butt.	
89	<i>Eucalyptus</i> sp.	Woolly-butt.	
90	<i>Eucalyptus</i> sp.	Iron-bark	Barremma.
91	<i>Eucalyptus</i> sp.	Blue gum	Brisbane Water.
92	<i>Eucalyptus</i> sp.	Blue gum of Camden,	
93	<i>Eucalyptus</i> sp.	Swamp mahogany.	
94	<i>Eucalyptus</i> sp.	Rough barked gum.	
95	<i>Eucalyptus</i> sp.	Spotted gum, mottled gum.	
96	<i>Eucalyptus</i> sp.	Stringy-bark.	
98	<i>Syncarpia</i> sp.	Turpentine tree.	
102	<i>Eucalyptus</i> sp.	Box of Illawarra.	
108	<i>Eucalyptus</i> sp.	Flooded gum of Camden.	
123	<i>Eucalyptus</i> sp.	Narrow leaved iron-bark.	
124	<i>Eucalyptus</i> sp.	Stringy-bark of Camden.	
125	<i>Angophora</i> sp.....	Apple tree of Camden.	
126	<i>Casuarina</i> sp.	Forest swamp oak.	
130	<i>Tristania laurina</i>	Water gum of River Nepean.	
131	<i>Casuarina suberosa</i>	{ Forest oak, beech wood, shingle oak.	
134	<i>Casuarina</i> sp.	River or white oak.	
135	<i>Eucalyptus</i> sp.	Bastard box.	
136	<i>Eucalyptus</i> sp.	Swamp mahogany, Camden.	
137	<i>Eucalyptus</i> sp.	{ Rough leaved, rough barked, iron bark.	
190	<i>Cedrela Australis</i>	Cedar.	
195	<i>Celastrus</i> sp. ....	.....	Illawarra and Brisbane Water.
200	<i>Elæocarpus</i> sp.	Mountain ash.	
203	<i>Acacia</i> sp.	Green wattle.	Illawarra.
224	<i>Endriandra Glauca</i>	Teak wood	
227	<i>Tristania</i> sp.	Hickory	{ Common in cedar brushes at Brisbane Water.
228	<i>Cryptocarya</i> sp.	Flindosa	
237	<i>Tristania</i> sp.	Water gum	
238	" "	Rose wood.	
240	<i>Eucalyptus</i> sp.	Red flowered iron-bark.	
241	<i>Eucalyptus</i> sp.	Mahogany.	
243	<i>Eucalyptus</i> sp. ....	.....	From Appin.
245	<i>Eucalyptus</i> sp.	Grey gum	Neighbourhood of Windsor.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ALLUVIAL LANDS OF THE HUNTER.

REPORT FROM THE SELECT COMMITTEE

ON THE

ALLUVIAL LANDS OF THE HUNTER;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

18 November, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

—o—
1858.

CONTENTS.

	Page
Extracts from the Votes and Proceedings.....	3
Report	5
Proceedings of the Committee	6
List of Witnesses	9
List of Appendix	9
Minutes of Evidence 1857.....	1
Ditto 1858.....	1

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 24. FRIDAY, 30 OCTOBER, 1857.

17. Alluvial Lands of the Hunter:—Mr. Hay moved, pursuant to notice,—
- (1.) That a Select Committee be appointed to inquire into and report upon the best means of improving the Alluvial Lands of the Hunter by a system of Drainage, and the legal provisions under which such a system may be carried out.
 - (2.) That such Committee consist of Mr. Flood, Mr. Arnold, Mr. Jones, Mr. Piddington, Mr. Scott, Mr. Robertson, Mr. F. T. Rusden, Mr. Weekes, and Mr. Gordon.
- Question—(1.) That a Select Committee be appointed to inquire into and report upon the best means of improving the Alluvial Lands of the Hunter by a system of Drainage, and the legal provisions under which such a system may be carried out—put and passed.
- Question—(2.) That such Committee consist of Mr. Flood, Mr. Arnold, Mr. Jones, Mr. Piddington, Mr. Scott, Mr. Robertson, Mr. F. T. Rusden, Mr. Weekes, and Mr. Gordon—put and passed.

[Further Proceedings stopped by Prorogation.]

1858.

VOTES No. 13. FRIDAY, 16 APRIL, 1858.

16. Alluvial Lands of the Hunter:—Mr. Scott moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to inquire into and report upon the best means of improving the Alluvial Lands of the Hunter, by a system of Drainage, and the legal provisions under which such a system may be carried out; and that all proceedings of the Select Committee of last Session be referred to this Committee.
 - (2.) That such Committee consist of Mr. Hay, Mr. Flood, Mr. Arnold, Mr. Jones, Mr. Piddington, Mr. Robertson, Mr. White, Mr. Weekes, Mr. Gordon, and the Mover.
- Question put and passed.
-

VOTES No. 14. TUESDAY, 20 APRIL, 1858.

16. Floods and Drainage:—Hunter River:—Mr. Scott moved, pursuant to notice, That the Report on Drainage by Mr. Surveyor Adams, and the Hunter River Flood Map, ordered to be printed on the 9th December, 1857, be referred to the Select Committee appointed to inquire into and report upon the "Alluvial Lands of the Hunter."
- Question put and passed.
-

VOTES No. 122. THURSDAY, 18 NOVEMBER, 1858.

1. Alluvial Lands of the Hunter:—Mr. Jones, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 16th April last to inquire into, and report upon, the best means of improving the Alluvial Lands of the Hunter by a system of Drainage, and the legal provisions under which such a system may be carried out,—with Minutes of the Proceedings of the Committee, and Appendix.
- Ordered to be printed.
-

1858.

ALLUVIAL LANDS OF THE HUNTER.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 16th April last, "to inquire into and report upon the best means of improving the Alluvial Lands of the Hunter by a system of Drainage, and the legal provisions under which such a system may be carried out;" and to whom were referred at the same time, "all Proceedings of the Select Committee of last Session;" and on the 20th April last, "the Report on Drainage by Mr. Surveyor Adams, and the Hunter River Flood Map, ordered to be Printed on the 9th December, 1857,"—have agreed to the following Report:—

In the course of their inquiry into the important matters referred for their consideration, your Committee have taken the evidence of the several gentlemen in the Hunter River District whose names are shewn in the margin.

Your Committee originally purposed to recommend for the consideration of your Honorable House certain provisions under which a system of Drainage of the Alluvial Lands might, by the joint action of the neighbouring proprietors and occupants, have been effectually carried out, but being of opinion that the present advanced period of the Session would render the completion of a measure embodying such provisions altogether impracticable, they deem it advisable to submit the evidence taken during this and the previous Session to your Honorable House, as data for the guidance of the new Parliament in legislating upon this important subject.

R. JONES,
Chairman.

Legislative Assembly Chamber,
Sydney, 18 November, 1858.

In 1857.
J. Chambers, Esq.
E. C. Close, Esq., sen.
E. C. Close, Esq., jun., J.P.
W. Scott, Esq., J.P.
J. A. Smith, Esq., J.P.
A. Lang, Esq., J.P., and
A. Windeyer, Esq., J.P.
In 1858.
Mr. Edward Sparke.
Mr. Joshua Anderson.
Mr. J. Neville.
Mr. H. Macnamara, and
Mr. George Weakley.

1857.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 10 NOVEMBER, 1857.

MEMBERS PRESENT:—

Mr. Hay,	|	Mr. Arnold,
Mr. Jones,	|	Mr. Robertson,
Mr. Piddington.		

Mr. Robertson was called to the Chair.

Committee considered as to their course of Proceedings, and decided upon taking evidence.

Whereupon Motion made (Mr. Jones) and Question—"That Mr. J. Chambers be "summoned before this Committee as a witness, for Wednesday, the 18th instant"—*agreed to.*[Adjourned till Wednesday, 18th instant, at *Eleven o'clock.*]

WEDNESDAY, 18 NOVEMBER, 1857.

MEMBERS PRESENT:—

John Robertson, Esquire, in the Chair.

Mr. Scott,	|	Mr. Flood,
Mr. Weekes,	|	Mr. Piddington,
Mr. Arnold.		

Committee deliberated as to the best mode of conducting the examination of witnesses. Mr. J. Chambers, Solicitor, examined.

[Adjourned till Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 25 NOVEMBER, 1857.

MEMBERS PRESENT:—

John Robertson, Esquire, in the Chair.

Mr. Hay,	|	Mr. Weekes,
Mr. Jones.		

Letters from Mr. J. A. Portus and Mr. J. A. Smith, excusing their attendance before the Committee as witnesses on this day, read by the Chairman.

Mr. E. C. Close, senior, examined.

Committee deliberated.

[Adjourned till Tuesday next, at *Eleven o'clock.*]

TUESDAY, 1 DECEMBER, 1857.

MEMBERS PRESENT:—

John Robertson, Esquire, in the Chair.

Mr. Weekes,	|	Mr. Flood,
Mr. Piddington.		

Mr. E. C. Close, junior, and Mr. W. Scott, examined.

Committee deliberated.

[Adjourned till Wednesday, 9th instant, at *Eleven o'clock.*]

WEDNESDAY, 9 DECEMBER, 1857.

MEMBERS PRESENT:—

John Robertson, Esquire, in the Chair.

Mr. Weekes,	|	Mr. Hay,
Mr. Scott.		

Letter from Mr. H. Carmichael, excusing his attendance before the Committee as a witness on this day, read by the Clerk.

Motion made (Mr. Scott) and Question—"That H. Carmichael, Esq., be now summoned before this Committee as a witness, for Wednesday next"—*agreed to.*

Mr. J. A. Smith, J. P., and Mr. A. Lang, J. P., examined.

[Adjourned till Wednesday next, at *Eleven o'clock.*]

WEDNESDAY,

WEDNESDAY, 16 DECEMBER, 1857.

MEMBERS PRESENT :—

John Robertson, Esq., in the Chair.

Mr. Scott,	|	Mr. Piddington,
Mr. Weekes,	|	Mr. Gordon.

Mr. A. Windeyer, J. P., examined.

The Chairman read a Letter from Mr. H. Carmichael, again excusing his attendance before the Committee as a witness, and suggesting that he should be furnished with certain questions by the Chairman, to which he would reply in writing.

Committee deliberated, and it was *Resolved* :—

"That in the opinion of the Committee the transmission of questions to Mr. Carmichael, as suggested in his communication, is not advisable."

[Adjourned.]

[Further Proceedings stopped by Proregation.]

1858.

WEDNESDAY, 2 JUNE, 1858.

MEMBERS PRESENT :—

Mr. Scott,	|	Mr. Jones,
	|	Mr. White.

Mr. Scott was called to the Chair.

By direction of the Chairman, Resolution of the House appointing the Committee, and referring thereto all Proceedings of the Committee of last Session, read by the Clerk. Committee deliberated.

Motion made, and *Question*—"That these Proceedings be now adopted as part of the Proceedings of this Committee"—*agreed to*.

By direction of the Chairman, Resolution of the House referring to the Committee, on 20 April last, the Report on Drainage by Mr. Surveyor Adams, and the Hunter River Flood Maps, ordered to be printed on 9 December, 1857, then read by the Clerk.

Committee deliberated, and being of opinion that further evidence was necessary for the purposes of the inquiry ;—

Motion made, and *Question*—"That John Eales, Esq., senior, J. A. Portus, Esq., and W. Nicholson, Esq., be summoned before this Committee as witnesses for Tuesday next"—*agreed to*.

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 8 JUNE, 1858.

MEMBERS PRESENT :—

Mr. Jones,	|	Mr. White.
------------	--	------------

A Quorum of the Committee was not present.

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 15 JUNE, 1858.

MEMBERS PRESENT :—

A. W. Scott, Esquire, in the Chair.

Mr. Jones,	|	Mr. Piddington,
	|	Mr. Flood.

The witnesses summoned before the Committee for *this day*, viz. :—Mr. J. Eales, senior, of Berry Park, Morpeth, Mr. J. A. Portus, of Morpeth, and Mr. W. Nicholson, of West Maitland, not being in attendance, and the Committee having waited the prescribed time,—

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 22 JUNE, 1858.

MEMBERS PRESENT :—

A. W. Scott, Esquire, in the Chair :—

Mr. Hay,	|	Mr. Jones,
	|	Mr. Weekes.

By direction of the Chairman, letter from Mr. William Nicholson, of West Maitland, excusing his attendance before the Committee as a witness on Tuesday the 15th instant, read by the Clerk.

Motion

Motion made and *Question*—"That Mr. Nicholson be now summoned before the Committee as a witness for Tuesday next, and that Mr. E. Hickey, of Osterley, Hinton, and Mr. Macnamara, of Raymond Terrace, be summoned before the Committee as witnesses for the same day"—*agreed to*.

Mr. Edward Sparke, junior, of Hexham, and Mr. Joshua Anderson, of West Maitland, examined.

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 29 JUNE, 1858.

MEMBER PRESENT:—

Mr. Scott.

Mr. Macnamara and Mr. Neville were in attendance as witnesses, but a Quorum of the Committee was not present.

[Adjourned till to-morrow, at *Eleven o'clock*.]

WEDNESDAY, 30 JUNE, 1858.

MEMBERS PRESENT:—

A. W. Scott, Esquire, in the Chair.

Mr. Jones,	|	Mr. Gordon,
		Mr. Weekes.

Mr. Joseph Neville, and

Mr. H. Macnamara, examined.

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 6 JULY, 1858.

MEMBERS PRESENT:—

A. W. Scott, Esquire, in the Chair.

Mr. Jones,	|	Mr. Piddington.
------------	--	-----------------

Mr. George Weakley, of Hexham, examined.

[Adjourned till Wednesday, 14th instant, at *Eleven o'clock*.]

WEDNESDAY, 14 JULY, 1858.

MEMBERS PRESENT:—

A. W. Scott, Esquire, in the Chair.

Mr. Jones,	|	Mr. Piddington,
		Mr. Weekes.

Committee deliberated, and it was *Resolved*:—

- "1. That sufficient evidence has been taken for the purposes of this inquiry.
- "2. That the Chairman do prepare a Draft Report for the consideration of the Committee.
- "3. That a copy of the evidence taken before the Committee during the last and present Sessions be sent to each Member of the Committee."

[Adjourned.]

THURSDAY, 18 NOVEMBER, 1858.

MEMBERS PRESENT:—

Mr. Jones,	|	Mr. Weekes,
Mr. Piddington,	|	Mr. White.

Mr. Jones, in the absence of the Chairman, was called to the Chair.
The Chairman laid before the Committee a Draft Report.

Draft Report read.

Committee deliberated.

Motion made and *Question*—"That this Report, as read, be the Report of the Committee"—*agreed to*.

And the Chairman (Mr. Jones) having then informed the Committee that Mr. Scott would be unable to officiate again as permanent Chairman, and that, under the 45th section of the Standing Orders, every Report of a Committee must be signed by its Chairman,—

Committee deliberated.

Motion made (Mr. Piddington) and *Question*—"That Mr. Jones be appointed Permanent Chairman of this Committee, in the room of Mr. Scott"—*agreed to*.

Whereupon Chairman requested to report to the House.

LIST

1857.

LIST OF WITNESSES.

<i>Tuesday, 17 November, 1857.</i>		PAGE.
J. Chambers, Esquire, <i>Solicitor, East Maitland</i>	.. .. .	1
<i>Wednesday, 25 November, 1857.</i>		
E. C. Close, Esquire, senior, <i>Morpeth</i>	.. .. .	9
<i>Tuesday, 1 December, 1857.</i>		
E. C. Close, Esquire, junior, J.P., <i>Morpeth</i>	.. .. .	12
W. Scott, Esquire, J.P., <i>Hinton</i>	.. .. .	16
<i>Wednesday, 9 December, 1857.</i>		
J. A. Smith, Esquire, J.P., <i>Morpeth</i>	.. .. .	19
A. Lang, Esquire, J. P., <i>Maitland</i>	.. .. .	22
<i>Wednesday, 16 December, 1857.</i>		
A. Windeyer, Esquire, <i>Raymond Terrace</i>	.. .. .	24
[Further Proceedings stopped by Prorogation.]		

1858.

<i>Tuesday, 22 June, 1858.</i>		
Mr. Edward Sparke, junior, <i>Hexham</i>	.. .. .	1
Mr. Joshua Anderson, <i>West Maitland</i>	.. .. .	5
<i>Wednesday, 30 June, 1858.</i>		
Mr. J. Neville, <i>Raymond Terrace</i>	.. .. .	9
Mr. H. Macnamara, <i>Raymond Terrace</i>	.. .. .	13
<i>Tuesday, 6 July, 1858.</i>		
Mr. George Weakley, <i>Hexham</i>	.. .. .	15

1857.

LIST OF APPENDIX.

(To evidence given by Mr. E. C. Close, Senior, on 25 November, 1857.)

APPENDIX.

Statement in writing submitted by Mr. E. C. Close, junior, J.P., to the Committee on the subject of drainage.. .. .	11
---	----

[Further Proceedings stopped by Prorogation.]

1857.

Legislative Assembly,

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

ALLUVIAL LANDS OF THE HUNTER.

TUESDAY, 17 NOVEMBER, 1857.

Present :—

Mr. ARNOLD,
Mr. FLOOD,
Mr. PIDDINGTON,

Mr. ROBERTSON,
Mr. SCOTT,
Mr. WEEKES.

J. ROBERTSON, ESQUIRE, IN THE CHAIR.

• Joseph Chambers, Esquire, Solicitor, of East Maitland, called in and examined :—

1. *By the Chairman* : The Committee understand you have given some considerable attention to the question of draining the alluvial lands of the Hunter? I have. J. Chambers,
Esq.
2. You have, I believe, drawn up a paper on that subject? I did, last evening.
3. You reside in Maitland, I believe, and have been there some years? For the last fifteen or sixteen years. 17 Nov., 1857.
4. Have you had much opportunity of knowing the wishes of the people? I fancy I have upon this point. I believe I was the first person who, by correspondence in the local newspapers, drew attention to the matter.
5. Will you be kind enough to let the Committee have the benefit of the paper you have drawn up? [*The witness read the same, as follows :—*]

“ For many years the want of an authorized system of drainage has been felt by the land proprietors of the District of the Lower Hunter; from time to time efforts have been made to carry out local drainage works, but they have been rendered abortive because there has not been unanimity of co-operation, and of late all attempts at drainage appear to have been abandoned as being, for the cause aforesaid, beyond realization.

“ During the last fifteen years drainage operations have been extensively proceeded with in Great Britain, and I should imagine no better foundation could be desired for colonial legislation on the subject than that afforded by the English Statutes.

“ I estimate that in the district before referred to (the Lower Hunter) there are not less than 150,000 acres of land liable to injury by occasional flood, of which upwards of 50,000 acres are undrained swamp lands. It is chiefly in regard to the latter description of land that legislation is now sought by the gentlemen identifying themselves with the floods and drainage movement,—though, as regards the former, much good, it is hoped, may at the same time be achieved, as the drainage of different localities must, more or less, improve the natural course of drainage of the whole district. I would illustrate this by stating that there is no portion of the valley of the Hunter more liable to flood than certain lands on the bank of Wallis Creek; that creek enters the river at an acute angle against the stream, hence, when the river is swollen, even by ordinary rains, the water is driven up the creek and forced over on the low lands. Scientific survey might prove, that by slightly diverting the course of this creek, assisting the escape of its waters, and resisting the ingress of the river, several thousands of acres of the richest lands might be effectually drained and secured from ordinary flood.

“ The persons to whom, in these matters, authority is to be delegated should have a wide field of operation, as it is evident works constructed in one section of the district might affect, beneficially or injuriously, remote lands in another. To justify this view I would remark that in several places the owners of lands have heretofore cut drains from

J. Chambers, Esq.
17 Nov., 1857.

back swamps to the river, and have partially succeeded in draining off the water; but not having provided the mouths of such drains with floodgates, or other means of stopping the influx of the river, these drains become channels for the river, when raised above its level, through which it rushes and inundates the back lands for many miles. In all the late floods the open drains at Albion Farm, on the Paterson River, received the waters which flowing up through them spread over and devastated the estates of Clifden, Woodville, Wollolong, Bowthorne, &c., &c., and eventually burst a passage into the Hunter River, at Osterley. As any merely local plans of drainage may thus be destroyed, or rendered useless by far distant causes, it appears to me advisable that the drainage of the whole basin of the Hunter should be under one authority; but that authority, from the nature of its operations, would have the assistance of the residents of each locality in which any work was to be accomplished.

"The Committee may not, however, be aware that in this matter there is some division, though no dissension, among the inhabitants of the Hunter River District. The late severe floods invaded the town of West Maitland so seriously that a number of gentlemen, believing that those identifying themselves with the present subject did not profess to adopt means to prevent damages by extraordinary flood, formed a body for that purpose. When, therefore, I state that the drainage of the entire district should be under one authority, I refer only to the operations now under consideration, and to the purposes for which this Committee was appointed, and I possess no authority to express any opinion respecting the wishes or intentions of the gentlemen referred to.

"This authority might consist of Commissioners appointed by the Executive; their numbers, powers, and remuneration, &c., are matters of detail, on which, perhaps, I am not asked to express an opinion. I may, however, be permitted to say, that I believe a small number, say three or five, with slight remuneration, will be found to work far better than would a large number, either with or without remuneration.

"The *modus operandi*, I conceive, would be somewhat as follows:—

"When the landholders, or occupiers, of any locality desired to improve their land, by any system of drainage, they would memorialize the Commissioners, shewing the particulars of the lands to be drained, their interest in them, the manner proposed for effecting the work, the estimated expense, the estimated increase of value to the lands, &c., &c., &c., and requesting the Commissioners to investigate their proposal, giving security for the costs of such investigation.

"On the receipt of such memorial the Commissioners would give it publicity, and call for any objections, and would, on an appointed day, hear all parties interested, and determine whether the memorial could be complied with, and to what extent, or under what conditions; and their report, with plans and specifications, approved of by their own Surveyor, and an estimate of the cost, should then be sent in for the sanction of the Government.

"Then, as to the mode of obtaining the requisite funds, the report would sufficiently inform the Government of the amount required, of the amount of annual rent charge proposed to be levied on the lands benefited by the works, and of the entire value of the lands to be charged as security; and power might be conceded to the Government, on their approval of the plan, to issue debentures to the amount required. I think such debentures would command a sale in the district they were issued for, and that a plan might be advantageously arranged for paying a very considerable portion of the outlay in debentures.

"To provide for the eventual payment of these debentures, the improved lands would be assessed by the Commissioners, and a rent charge collected therefrom and paid into the Treasury. In order to ensure equality in payment the Commissioners should have power to graduate the rent charge in proportion to the benefit obtained by the rent-payer; and, also, to vary, if necessary, the whole amount of assessment, so as to provide, as nearly as possible, for the payment of the exact sum due on the debentures.

"If this course were followed, it appears to me the measure would have a fair and gradual trial without involving the Government in much responsibility. If the earlier operations of the Commissioners were found to be safe and successful, then further encouragement could be given; if, on the other hand, the scheme did not meet the success anticipated, the Government could limit their liability by withholding further advances.

"There would, of course, be an immense mass of detail to be worked up by the parties entrusted with the preparation of the Bill; but, I presume, the present business of the Committee does not lead them to consider it."

6. It appears, from the very able paper you have read, that the difficulty you have found in this matter of the drainage of land has arisen from the want of means of enforcing unanimity of operations; and I think, in the latter part of your paper, you recommend one general scheme for a certain district on the Hunter. Will you be kind enough to say whether, in your opinion, it would be better to have separate Commissions for each bank of the river. It appears to me that on each bank of the river—assuming that the water overflows at any given point on the one bank of the river—it would run down many miles behind the banks, as it were, on the level land. This I may look upon as one basin; so, also, on the other side of the river? I think if there be any division of authority there must be a clashing of interests, for this reason: If, for instance, the first locality which I indicated, if the mouth of Wallis Creek, which now receives the waters of the Hunter and carries them into the back lands, were in any way stopped, no doubt the water on the opposite side of the river would be raised up some few feet, or inches, as the case might be; and then you would have the drainage authorities on the left bank of the river opposing those on the right. It strikes me that the only effectual way of procedure would be to have one Commission for the management of the whole basin of the Hunter, who would do the "greatest good to the greatest number," without being influenced by mere local interests.

7. You say the main object of the movement is the reclaiming of some 50,000 acres of what you call swamp-land—do I understand you to mean, when you speak of swamp-land, land that has never been under cultivation? Yes; or which has been abandoned as impracticable to cultivate. I may mention the farm of Mr. Jones Smith; he has some two or three hundred acres of land which are flooded two or three times a year; and there are many others in the same condition. J. Chambers,
Esq.
17 Nov., 1857.
8. You do not consider it desirable, then, to take a section which has been for many years under cultivation—say South Park? I think, in such a case as that of South Park, the Commissioners should have authority to put floodgates at Wallis Creek, if deemed to be advisable; but I think what we know as South Park—which was formerly known as Lachlan Swamp—has been so far secured by ordinary drainage that crops are seldom lost upon it.
9. In drawing a distinction between the 100,000 acres and the 150,000 acres do you wish it to be understood that the object of the movement was not to withdraw from liability to injury from flood the lands that may be under water after a great fresh—do you mean that this land should not come under the operation of the measures to be taken, but only hopeless swamps? In my opinion the drainage of several localities must effect a great improvement upon the whole natural system of drainage of the Hunter. The persons with whom I act do not profess to save the country from extraordinary floods, but merely to drain such lands as are now uncultivated in consequence of water lying on them; at the same time, no doubt their operations will save many farms which, though now looked upon as comparatively safe, are sometimes flooded.
10. You have spoken of Wallis Creek—if the mouth of that were dammed up, would it not endanger West Maitland? I think not; and when I said that it should be dammed across, I also said there should be floodgates, so as to cause the back-water to flow out. I say, “scientific survey might prove that by slightly diverting the course of this creek, assisting the escape of its waters, and resisting the ingress of the river, several thousands of acres of the richest land might be effectually drained and secured from ordinary flood.” What the Committee want is authority to have scientific surveys, and to do such work in such manner as scientific authorities might pronounce to be necessary.
11. If I understood you rightly, you contemplate that the debentures you speak of should be secured upon the public revenue—do you think the public revenue can properly be used for that purpose? I imagine that the first operations of the Commissioners, which would test the practicability of this undertaking, would be really so small that there would be no great responsibility. In England, for many years, the Government have raised large sums for the purpose of drainage, and, therefore, I do not see any great impropriety in asking the Colonial Government to assist in a trifling degree in the same direction.
12. Is there any considerable portion of these swamps still remaining in the hands of the Government? No, I think not; but part of the reserved land of the town is now a useless swamp—I should say nearly 200 acres. There may be difficulties arise, but of course they will be matter of detail. With respect to the Church and School Lands, for instance, they are alienated for many years—the leases having some twenty years to run—and of course it would be hard to make the Church and School authorities pay for the improvement of their land, the benefit from which they would not derive until the end of those leases; in such a case they should have the power either to raise the rent or enforce payment of the assessment, or a due proportion thereof, from the tenant.
13. Is there any considerable portion of the 50,000 acres Church and School Lands? I should say out of the 50,000 two or three thousand are liable to flood.
14. *By Mr. Scott:* I think you have stated that there are about 150,000 acres either in cultivation or fit to be cultivated? Yes, liable to extraordinary floods—I mean, that during the late severe floods there were upwards of 150,000 acres covered with water.
15. 50,000 of which you consider generally unfit for cultivation, from its low situation? Yes.
16. 100,000 generally in cultivation, but subject to injury from extraordinary floods? Yes.
17. Do you know the fall of the Hunter? No, I do not.
18. From West Maitland to Newcastle? I have been told that the height of water at West Maitland, compared with the height of water at Newcastle, in the ordinary condition of the river, does not exceed four or five feet.
19. Can you state from the flood-mark at West Maitland, how many feet the water rose there at the highest point of the flood? No.
20. Are you able to state the height at Morpeth, Hexham, or Newcastle? No; those were statistics which did not necessarily interest the Committee in their present movements, and as I was not aware that I should be required to give evidence upon these points, I have not provided myself with information.
21. Will you state what Committee you refer to? The Floods and Drainage Committee, to which I am Acting Secretary.
22. In your opinion, would one large main drain below Morpeth, or entering the river at the Paterson, be preferable to having smaller ones leading into the river? I am unable to give an opinion—it would be a mere opinion of no value; but I imagine that, by straightening the course of the river by large drains, the liability to flood would be considerably lessened.
23. Do you not think, since these floods have occurred, that it would be better if possible for the Committee to devise some plans to prevent the ravage of these immense floods, as well as to benefit these particular lands? That question involves a very nice one as to how far it would be necessary for the drainage of these estates to secure, in the first instance, the main drainage. I imagine that no system of drainage that could be adopted by the Floods and Drainage Committee could protect the country from the enormous floods that have lately swept through the valley of the Hunter. I think an entire system, and no doubt a very expensive system, of drainage, must be entered into before the valley of the Hunter could be protected from such enormous floods.

- J. Chambers, Esq.
17 Nov., 1857.
24. You are perhaps aware that the fall of the river is about a foot in a mile? I know there is a considerable fall.
25. The highest mark at Maitland was twenty-six or twenty-seven feet above the bed of the river? Somewhere about that. At Hexham it rose, as I can inform the Committee, about four feet nine inches, and at Newcastle it did not rise above six inches. I take it that arises from the immense body of water forced down, and the circuitous course of the river; because I know Mr. Adams took the height of the river at the commencement of a wide bend, and then crossed and took the height on the other returning side of the bend, and found six or seven feet difference in the height of the water within a distance of two or three miles.
26. With that important fact before you, do you not think it would be desirable to straighten the channel by means of one straight drain? I think that is the only way by which an extraordinary flood would be carried off.
27. An extraordinary flood would have nearly the same action as an ordinary flood? Ordinary floods with us are rather frequent, and it is these that prevent these 50,000 acres of land being brought into cultivation.
28. By straightening the river you would prevent that rise? Very probably the straightening the course of the river would have that effect; but that is a question rather for a professional engineer than for me to hazard an opinion upon.
29. You have never taken into your consideration what would be the effect upon the lands above and below if all these large drains were completed? No; but I should not imagine it would increase their liability to flood. I think the water falling from the Lower Hunter would be cleared away before that from the Upper Hunter would come down. I should imagine that by facilitating the drainage of the river, there would be no liability to inundate the lower parts of the river.
30. I presume, then, that your opinion is that this larger or main drain, with branch drains into that, or into the river, would be preferable to the plan first proposed, if it could be carried out at a reasonable cost? We propose no plan; we simply seek authority to have scientific surveys of lands lying waste from liability to ordinary floods. The plan you suggest might be a plan which persons of science might say was a feasible one; I propose no system of drainage.
31. As to embanking the river? I believe that is given up by all reasonable persons.
32. *By Mr. Weekes:* This scheme you have propounded aims at something more than mere protection from floods? Yes; it is for the purpose of bringing into cultivation, and securing from floods, lands which now lie unproductive, on account of their liability to common floods.
33. Does it also contemplate a system by which lands now lying in a state of swamp may be reclaimed and brought into use? It would be impossible to carry out the one object without in some way effecting the other. I fancy that the operations of the Committee in draining small sections of land must materially effect the drainage of the whole course of the Hunter, and must improve these lands. It would be useless to have this drainage into the Hunter, which is, of course, the common drain of the whole district, if that main drain were not, in a measure, secured from bursting up into the made drains.
34. You think the operation of this Committee should embrace not only the securing lands which, in ordinary times, are safe from the operation of floods, but the reclaiming of lands constantly in a state of marsh? Yes.
35. Would you make the rate or contribution compulsory? Yes, I would. Directly a certain number of landholders—and the Committee or the Legislature should fix the number—joined in a memorial to the Commissioners, I would take it that a certain majority, to be named, should govern the minority; it is in this that the difficulty has hitherto existed. A number of persons have been desirous to join in a system for the drainage of their estates, but, because one person has chosen to hold out, the whole affair has necessarily been abandoned. What is needed is the power to drain through the lands of persons who are unwilling where the majority of the landholders in the locality deem it necessary.
36. Do you not think it possible, in carrying out this mode of drainage, that although it might preserve and improve large portions of land, it might also deteriorate other lands, by a system of drainage which might relieve some lands of an excess of moisture, might not adjoining lands having only a sufficient quantity of moisture be injured? No, I think not; I think you could not injure other lands.
37. How would you propose it should operate;—take the case of Maitland, where it would benefit the town as well as the adjoining country—would you make the taxation fall upon the town's people in any shape? Yes. I should imagine that the operations of this body should be such that if the majority of the inhabitants of any district considered, (and their opinion were supported by scientific survey), that a system of drainage would benefit their lands, they should have the benefit to come within the operations of the Commissioners.
38. Do you not think that, although you might have the means of levying a rate upon agricultural lands, it would be a very difficult task to regulate the proportion due from towns? I think it would be very difficult, but I apprehend that the Commissioners would not be called upon to enter upon such large matters as that until the thing were fairly tried. If it were found that their operations were successful, I do not see why they should hesitate to go into these large affairs, such as the protection of the town from floods. Certainly I should not advise them to commence their career by so large an undertaking as that of attempting to save the town of West Maitland from flood.
39. The damage done by a flood in a town like West Maitland is very arbitrary; it may overwhelm one house and not affect another? That would have to be determined by the authorities. I think the same operations would answer for towns as for country.
40. Do you think any mode could be devised by which the lands themselves that were brought under the operation of this project could be made security for the debentures? Yes.
41. Do you think debentures on that security would be current? I think so; but I do not think the Government ought to shrink from also securing them to the public, to a small amount,

42. As in municipal loans, they are supposed to be secured by the entire value of the property of the city? I take it that it would be something upon the principle of the Commissioners of Roads or other public works, who have the right to borrow to the amount of double or three times the value of the annual tolls collected. Now, I imagine, that upon something of the same principle the Commissioners could pledge to the Government their tolls, assessment, or rent charges to be collected.

J. Chambers,
Esq.

17 Nov., 1857.

43. Do you think it would be a fair proposition that the lands brought under the operation of this project should be pledged for the money raised to improve them? I think it would be fair; but, at the same time, I think it would be very likely to deter persons from encouraging the operation.

44. Would not that then be asking the Government to undertake what the persons most interested would shrink from? I do not say they would shrink from it, but I think a man would hesitate to charge his estate with £1,000 as a primary claim upon it, although he would not hesitate to make it a rent charge, because in the one case he would only be pledged to a certain annual payment, but in the other he might be suddenly called upon to pay a large sum which he could not meet.

45. Do you think debentures, secured upon the land in the way I have suggested, would be taken readily by parties in the district, knowing the security? Yes, I think they would.

46. Do you contemplate any system of irrigation as well as of drainage? I think it would be advisable.

47. *By Mr. Arnold:* Do you think that a sufficient encouragement would not be given to the formation of an extensive system of drainage without the advance of money from the Government, or the lending of their credit in order to obtain the advance? I think that the large fund required for the purpose would be too much to ask the people to advance. A very simple course of drainage would, no doubt, cost five or six hundred, or perhaps a thousand pounds. To raise that amount of actual cash among the inhabitants would require perhaps a great effort, whereas by means of debentures, which I think would be current in the neighbourhood, Government would not be called upon to pay cash, and the inhabitants would be called upon to pay only the annual rent charge, which they would never feel. A tenant who has been distressed for years by losing his crops would not be in a position to subscribe £40 or £50 to secure a system of drainage which he might not himself approve, or not have the knowledge to understand.

48. Would not the main object of the interference of the Legislature be to compel contributions towards any particular work in proportion to the benefit conferred upon particular lands? Yes, an annual or half-yearly contribution, in proportion to the benefit received; those lands entirely saved from the floods would be assessed by the Commissioners at a higher rate than those partially relieved.

49. Does not the great hinderance to drainage works being carried out by private individuals arise from the inability to compel contributions from parties who derive advantage from the works? Yes; and also from the inability to keep open drains upon other persons lands. It is the want of unanimity and co-operation that prevents any system being carried out.

50. Have not many large drainage works been constructed by private individuals, for the benefit of their own properties? Yes. There may be swamps through which a drain may be cut to the river, which may be a benefit to the swamp, but none to the adjoining lands; indeed, in case of floods these become dangerous, by the water rushing up and inundating the adjoining lands. The law should enable the Commissioners to make the parties secure these drains.

51. Does not one great difficulty in constructing the drainage works by private individuals arise from those persons not having any power to construct their drains through other lands than their own? Yes. In many cases the natural drainage passes along land in the occupation of other persons, and those who are the greatest sufferers have no means of relieving themselves.

52. One of the provisions of the Act you would propose, would be to enable any proprietor to have the means of draining through the lands of other persons? Yes.

53. Do you not think the end you have in view would be sufficiently attained if means were provided to enable private individuals constructing drains for the protection of their own lands to enforce a contribution rateably from all others who might be benefited by those drains, and to construct these drains through any land which would offer the greatest facility for their construction? I think it would; but I think it would be dangerous to make these private acts; because a wealthy proprietor might insist upon a course of drainage which would be ruinous to a poorer one.

54. Might not the works be done by means of Commissioners? That is almost the system I propose.

55. Excepting this—that it would not involve the necessity of a grant of public money? I think even without the public money we might do it; of course it would then be the fault of the Legislature if it were inoperative. I think in a trifling operation, say of £5,000 or £6,000, there would be no harm in granting authority to issue debentures to that amount, which would test the matter. The principle, I think, cannot be wrong, when we find that from the 5th Victoria to the present time—now fifteen years—the English Parliament have constantly made grants to Commissioners for drainage.

56. I suppose, however, you would not make all the grants made in England precedents for us? No.

57. Do you not think there would be a willingness on the part of private proprietors to undertake the work of drainage, and to depend for payment of the outlay upon the amount of benefit they would derive from it—do you not think that would be the best guarantee for the carrying out of this work? I think it would come within the terms of this plan, that where no private persons could be found to subscribe the necessary money Government might step in; but I would give the Commissioners power to deal with private acts of drainage.

J. Chambers, Esq.
17 Nov., 1857.

drainage. One or two clauses in the Bill might provide, that where private persons, without borrowing money of the Government, were willing to subscribe sufficient to effect any certain work, the Commissioners might receive the amount, have the work performed, and repay the subscribers from the assessment collected.

58. In the case of a private proprietor undertaking a work in the way suggested, he would then depend entirely upon the work effecting the purpose for which he constructed it; and if it failed, he would then have spent his money for no purpose; but in the case of Government advancing the money and the work failing, who would then bear the loss? In such a case, all would depend upon the science, skill, and ability brought to bear upon the subject. If the Government or individuals take the best means at command to ascertain the most efficient mode of carrying out an object, they are not to be blamed if they fail. I think the individuals should pay, whether it were a failure or not.

59. Even those who have protested against the scheme? Yes, provided they were the minority; I think the minority should give way to the majority.

60. In the case of a private proprietor paying for the work, you would make his re-payment depend upon the success of his work? Not if he acts through the Commissioners.

61. Then, in fact, you would not make the payment of the proprietor depend upon the amount of benefit derived? No; but upon the amount of benefit previously estimated; for, if we could fancy that nothing but good would result from the operations of the Commissioners, then I apprehend the Government would not hesitate to advance the necessary funds.

62. How would you recommend that the Commissioners should determine whether a work should be undertaken or not? Firstly,—a large majority of all the parties interested should express a desire that the work should be done, and should place before the Commissioners surveys made by competent persons; secondly,—these surveys should be tested and approved by the Surveyor to the Commissioners; thirdly,—the Commissioners themselves should hear all *pros* and *cons*, and should approve the plan; and, fourthly,—this plan should be submitted for the sanction of Government; and I think these four judgments of the reasonableness of it would be sufficient to justify the Commissioners in believing that they were taking all the necessary precautions.

63. Then you think it objectionable to make the success of a work the test of its merit? Yes, provided all reasonable means had been taken before for endeavouring to ascertain the results.

64. Would not the result be this, that where a work failed in the first place, an adjoining proprietor might have his lands ruined by the operation of a system which he himself disapproved, and afterwards be called upon to contribute towards the amount expended in ruining him? In all great good there must be some cases of individual evil, and while the world stands it will be impossible to avoid that.

65. If you made the success of the work the condition of requiring the contributions of persons, they would then pay only for the benefit they actually received? You must throw the loss upon some one.

66. I would throw it upon the person undertaking it; he should do it at his own risk? If it were done by the Commissioners, at the request of the parties, and after all deliberation, they would do it for the public good, and, in my opinion, ought not to suffer.

67. Do you not think if the power to compel contributions were made dependent upon success, it would make people cautious how they undertook works of that kind? It would make them more fearful, perhaps, than cautious, in attempting to improve their own estates, and it would create, perhaps, an evil desire in some to deprecate really useful-works, in order that they might avoid the payment of their proportion of the cost.

68. Do you not know that one of the practical evils of allowing persons to construct drains without legislative interference has been that those drains have often led to the flooding of land instead of its drainage, in consequence of their having no flood gates? Yes; and also by cutting through the high land, which, generally, in this country, you find on the banks of the rivers. Many of the floods in the Paterson would not have gone on the back lands but for this mischievous system of drainage.

69. With regard to any drainage which affected the value of town property, might not the difficulty suggested by Mr. Weekes be got rid of if the cost of it were made a charge upon a municipal body? It might be got rid of by an assessment upon the entire property, instead of upon individuals, and the municipal authorities might afterwards arrange, in their own own departments, how the assessment should be proportioned.

70. *By Mr. Piddington*: I think your proposal contemplates some description of incorporated body, or an organised body appointed by Government? Yes.

71. I think you state that, in your opinion, some 50,000 acres of swamp land are usually under water, or exposed to water to such an extent that they are not capable of being cultivated? I believe upwards of 50,000.

72. I wish to know, distinctly, whether these 50,000 acres are the property of one individual or of a considerable number of proprietors? Of a considerable number.

73. Then your plan contemplates a general assessment upon this considerable number of proprietors of these 50,000 acres? Yes.

74. Would it not increase the expense of engineering and scientific assistance very much if the area or extent of land which you propose to reclaim were limited very considerably in the quantity you name as the gross amount? I think not. The Commissioners would, of course, be bound to make different systems of drainage. The drainage of some estates would not cost more than £20, £30, or £40.

75. I do not think you understand my question: my question is directed to the preferable economy of a larger quantity of land being placed under the control of officers, some one of whom should be a scientific man, to setting up a number of separate incorporated bodies for the management of smaller quantities? I fancy there should be but one authority.

76. One advantage of that would be the more economical working of the system? Yes, most assuredly; and I think while I am on that point, though perhaps I have no right to offer the suggestion, there are gentlemen living in the locality who would act as Commissioners without any wish of large remuneration; and I can venture to say that they could have clerical assistance without any desire for remuneration. J. Chambers,
Esq.
17 Nov., 1857.
77. Although you have alluded to the fact that 150,000 acres have been covered with water during the late floods, neither your scheme nor the object of the Committee, points to any way of protecting the low lands of the Hunter from extraordinary floods? We look upon it as almost impracticable. The works that would be necessary for that purpose would be so enormous, that without Government aid it would be impossible to carry them out. It did not seem desirable to the Floods and Drainage Committee to apply to the Government for that larger amount, or for any amount which it did not propose to repay.
78. The impediments in the way of the adoption of such a plan as that proposed by the Committee, are not merely the want of co-operation as respects the power of compelling persons to contribute, but also the amount of money to be raised in the first instance. My question refers to this:—your scheme implies the necessity of raising a large sum of money, which you do not propose to raise in lump sums of the individual proprietors, but in their names? I propose that for each work there should be an authority from the Executive Government to issue the estimated amount in debentures; by an order of the Legislature, there should be a general authority to issue, say £5,000 or £6,000 in debentures; then, whenever a scheme was approved by the Commissioners and the Government, the Treasury might have the authority to issue debentures to the amount estimated for the works. But when the amount limited by the Legislature was expended, then before any further sum could be paid the matter should come before the Legislature for new discussion, and if the operations of the Commissioners were not found to answer, no further assistance should be granted.
79. There are different portions of land belonging to different proprietors? Yes.
80. To reclaim that land would cost a considerable sum? Yes.
81. Do you propose to raise that sum by making parties contribute lump sums of money, sufficient for the purpose, or to raise it by loan, by aid of the credit of the Corporation, or of that credit guaranteed by Government, or do you mean to defray it by assessment? I propose to raise the amount originally by loan from the Government, by debentures, to be paid off in a series of years. I think those who suffer most from the floods are the poorest, and that it would be impossible for them to raise any large amount of money. Those whose lands are the most liable to flood are in a great measure impoverished, and, therefore, this, owing to the recent floods, would be the worst possible time to ask them for a contribution; but the best possible time to move the Government to a consideration of this subject.
82. Supposing the Commissioners of Drainage were appointed, I presume your scheme contemplates that they should have the control of a considerable portion of low land? Yes.
83. It will be for them to determine, after scientific investigation, the amount of money that would be necessary to reclaim that land? Yes.
84. And for them to determine the detail of payments to be made by individual proprietors? Yes.
85. They will also have authority to assess the land? Yes.
86. Can you see any objection to these Commissioners asking the Government to guarantee any loan that may be necessary, providing the Government are satisfied of the security of the assessment and of the means afforded by the Commissioners of repayment to the Government of the loan they borrow? I see no objection; and, moreover, I think the English Government have given precedents in the same way during the last fifteen years.
87. Are there not many precedents to be found in the British Statute-book where the British Government have guaranteed the repayment of loans in a similar manner? Yes, some fifteen or sixteen.
88. Do you not think if the Commissioners, or such organized body as you might suggest, were successful in obtaining a Government guarantee, the loan required to be raised would be very much less burdensome, with the interest to be paid upon it, than if they had to borrow upon their own credit? Yes, much less.
89. To the extent of that relief, would it not be a great assistance to the inhabitants of the district? Yes; I think it would be a very great pecuniary assistance to the inhabitants of the district. Of course the farmers would do a great deal of the work themselves, for which they would receive payment, their land would be greatly improved, and the small annual charge would be cheerfully paid.
90. Suppose the Commissioners required to raise, for the purposes of drainage, £30,000, what, in your opinion, would be the amount of interest they would have to pay, provided they had no Government guarantee to offer? That would be more a question for a bank director; but I should imagine eight per cent.
91. And, at the present time, Government can borrow money for a little more than five per cent.? Yes; but I imagine the Commissioners would have to pay a much higher per centage if the Government did not aid them.
92. You think, as I understand, that the difference between the interest an incorporated body would have to pay, with and without a Government guarantee, would be about three per cent.? Yes.
93. Do you think it possible, if Government debentures were issued, that parties in the neighbourhood of these improvements would take them as an investment, considering that they would bear interest? Yes; I think landlords who would wish their estates to be drained would cheerfully take them from the Commissioners as investments; and if issued for small sums, say, £10, would obtain a large circulation.
94. *By the Chairman:* In answering a question of Mr. Weekes' you made some statement of this kind,—that the inhabitants of a town should have the same rates as those of a district,—but I presume you mean not the inhabitants but the landed proprietary? Yes; the landed proprietors, or occupiers—those interested. 95.

- J. Chambers, Esq.
17 Nov., 1857.
95. In answer to a question of Mr. Arnold's, where he raised a doubt as to whether it would be right of the Government to raise money for this purpose from the public revenue, you said £5,000 or £6,000 would be a small matter, and would not be very objectionable, and might stop there—I would ask whether that might not create great dissatisfaction, and give rise to a suspicion of favouritism, as some might get a greater share of the £5,000, and the others be dissatisfied? I think not; I think the Commissioners would begin their operations with some small work which they would be satisfied would have a beneficial result, and which might be very inexpensive. There are many localities where, by a very simple course of drainage, the lands might be saved from inundation; and I have no doubt the early operations of the Commissioners would be confined to those localities.
96. I presume, although you recommend there being one authority for the whole district, you contemplate that the money intended to be raised for any specific work should be raised from the proprietors of land in that district? Yes.
97. *By Mr. Scott:* In reply to a question from Mr. Weekes, you stated that one of the objects of your Committee was the drainage of swamps, to bring them into cultivation? Yes, the swamp lands.
98. You surely do not mean to suggest that all swamp lands should be subject to that operation, provided those lands were wide apart and did not interfere with any neighbouring lands? If the proprietors desired it, and were prepared to pledge their lands for the assessment.
99. Take, for example, Ash Island, which belongs to myself—would you suggest any plan by which I should be compelled to drain that land? No, certainly not, it could only be on your own application.
100. You merely refer to such places as Miller's Forest, where, if one person refuses to have his lands drained, it may injure his neighbour's property? Yes, Miller's Forest is all in cultivation; but I imagine that it would also extend to such a place as Wentworth's Swamp, near Hexham, where there are a number of grantees and occupants, but no cultivation, from the undrained condition of the land.
101. But supposing Wentworth's Swamp belonged to any one proprietor, the public would have no right to say to him, "you shall have your lands drained"? Certainly not—unless perhaps he had leased it for a long term; but it should be a matter for the Commissioners to adjust the rights of the occupiers, and those of the proprietors, for, under the Church and School leases, the occupiers are largely interested, although the land belongs to one proprietor, and they should be entitled to relief.
102. I believe you stated before that the two schemes now proposed, that of the minor drainage, and of the other, could be dove-tailed? I think they do of necessity dove-tail. I think if they could both be carried on under one authority it would be best; but yet they are distinct: the one meditates the drainage of localities and reimbursement to the Government of all grants in aid, the other implies a great public work at the public cost; they dove-tail only, inasmuch as the completion of the former must tend to render the latter more practicable,—but one commission could very properly attend to both.
103. You think the expenses of the minor drainage the proprietors could pay? Yes.
104. But you think the Government ought to bear the expense of the heavier one? I do not think the people would be so immediately interested in that, and the expense would be so very great.
105. *By Mr. Arnold:* You propose that Commissioners should be appointed, who should have the power of determining with regard to any proposed drainage, in the first place, whether the work were a desirable one to undertake? Yes.
106. They should have the power to determine the direction of the drain? Yes. I submit, first of all, that the parties who apply for any system of drainage, shall lay the fullest information before the Commissioners, setting out the plans and the proposed cost, then that the Commissioners shall call for objections; that there shall be a public meeting, and the matters be argued, and that then the plans shall be submitted again for the approval of the Commissioners' officer, and then, before it be finally confirmed, it shall go before the Government.
107. They should have the direction of floodgates, culverts, bridges, and everything of that sort connected with the drains, and also the power of determining the contributions to be made by the different individuals affected by the drains? Yes.
108. This, I suppose, it will be admitted would be a very arbitrary power? Yes, but it would be sanctioned of course by the large majority of the parties interested, before it was called into action.
109. Would you propose that there should be any appeal from the decision of the Commissioners? I think, seeing that the Commissioners could only move under authority of a majority, and would be compelled, after approving of any scheme, to get the sanction of the Government, the power would not be so arbitrary as it seems; but I think there might be an appeal to the Government.
110. Do you think an appeal to a local jury would be desirable, such jury to be summonable by the Commissioners themselves? That is certainly a new feature.
111. Supposing any parties were dissatisfied with the decision of the Commissioners, they should have the right to appeal to a local jury, to be summoned by the Commissioners? I think there would be no objection to that. I think the Commissioners should be placed in such a position as that none of their acts should be looked upon as arbitrary; the people should have every opportunity of bringing all the *pros* and *cons* before them, and they should not act until every precaution had been taken, that no injustice should be done, and then only under the wishes of those interested.
112. You arrive at the conclusion, that it would be better to call upon the landholder to contribute according to the benefit expected, rather than to that derived? Yes.
113. You propose that the Government in advancing money should take the lands affected by the drainage as security for the advance? Yes.
- 114.

114. That would place the Government in the position of a mortgagee? Somewhat; but I J. Chambers, Esq.
 115. That is supposing Government could borrow money upon interminable debentures? They would not be interminable debentures; the rent charge would be levied with the view of meeting the debentures by the time required: for instance, the rent charge of seven per cent. would, at compound interest, pay off the debt in about ten years. I think without such interest eleven or twelve per cent. might be necessary, but much would depend on the costs of the establishment, &c.
 116. By the way of terminable annuities? Yes.
 117. I suppose you will admit that there is an objection to Government becoming the mortgagee of private lands? Yes, but the Government would no more be mortgagees than under the former quit-rent system. The proprietor's title to the land would be in no manner interfered with.
 118. The ground, however, upon which you would justify the Government in advancing money for the purposes of drainage is, that it would improve the land? Yes.
 119. Would you think the Government were justified in obtaining a loan for the improvement of land in any other way than by drainage,—for instance, by irrigation or clearing? I fancy they might, if they thought they would be secure. It is done constantly in opening up roads, by which the adjoining lands are improved, and in a variety of other ways. I see no difference in principle in cutting a road over a mountain, to get to cultivation land, or draining off water to get to it.

WEDNESDAY, 25 NOVEMBER, 1857.

Present:—

Mr. ROBERTSON,
Mr. HAY,

Mr. WEEKES,
Mr. JONES.

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Edward Charles Close, Esq., called in and examined.

1. *By the Chairman*: You have, I believe, been many years in the Colony? Forty years. E. C. Close, Esq.
 2. A great portion of that time you have resided at Morpeth? Thirty-six years.
 3. During that period you have possessed a large quantity of land in that neighbourhood? I have had it granted to me in portions, at different times, amounting altogether to 2,640 acres. 25 Nov., 1857.
 4. A considerable portion of that land is subject to flood? About five hundred acres.
 5. Hence it has been, to some extent, a kind of necessity with you, for years past, to consider the matter of drainage? I have often had the subject forced on my attention.
 6. Has much injury accrued to your property from want of drainage? A great deal.
 7. You heard the evidence of Mr. Chambers, at our last meeting, and you also heard that gentleman read a paper on the subject of draining the swampy lands along the banks of the Hunter,—do you agree, generally, with Mr. Chambers' views? I think he is very sanguine on the matter. He was the originator, so far as I am aware, of the movement which has taken place on the subject.
 8. Having upon your mind Mr. Chambers' evidence, could you state to the Committee wherein you disagree with that evidence? Certainly. I am not so sanguine as he is, by any means. I was led into his views on the first broaching of the question; but after the floods came I abandoned all idea of the thing, because I thought the damage done by these floods, whenever they came, would completely derange any system of drainage that we can adopt.
 9. Your views are much changed as to the advantages to be derived from the adoption of any plan of draining these swamps? Quite. I thought at first it was much easier than it is likely to be.
 10. Do you think your present view of the matter has become widely spread among proprietors of land? I do not know. There is another thing which has operated in my mind against the thing, namely, the very low situations of these swamps; the generality of them are below low-water level, so that it would take a very expensive process to empty them. It would all have to be done by pumping, and that, when these places are fed from the adjoining hills, and so forth, would almost insure its being carried away every time there was a flood, because the pressure of water would be so great on the outlets that it would carry everything before it, I think.
 11. Then you are of opinion that it is scarcely desirable to take any action in the matter? I think it could not be done without a very expensive process, and the result would be very questionable.
 12. Your son, Mr. Edward Close, junior, has paid some attention to this subject? Yes; he is more sanguine—more of Mr. Chambers' way of thinking—than I am.
 13. He has had considerable experience of these swamps? Yes; he has been in the district all his life.
 14. I presume he has thought much on the question? He has thought a great deal upon it.
 15. I understand you have a paper, drawn up by your son, which would make the Committee acquainted with his views? I have. (*The Witness handed in the same. Vide Appendix.*)
 16. You disagree with your son on the matter? I do not go the whole length with him. He speaks of three kinds of drainage—one of which is by floodgates. I cannot see how floodgates would answer at all; because, if it were worked in that way, an immense amount of

- E. C. Close, Esq.
25 Nov., 1857.
- of drift would be sent out into the river by these outlets that would choke the navigation of the river. I think if these lands are to be drained at all it must be by pumping, and then nothing but pure water would be thrown into the river.
17. It appears to me that your difference with your son and Mr. Chambers is not a matter of degree; you believe that it cannot be done without pumping, and that the pumping would fail in times of flood, and hence that it would be wrong to make any effort in the matter—they they think otherwise? They think otherwise.
18. *By Mr. Weekes*: When you say the last flood satisfied you that a system of drainage was not practicable, did you state that with reference to your own particular property, or generally with regard to all flooded lands? Generally, I should say. Supposing all the settlers from Morpeth to Ash Island have these drains cut, and the whole machinery is in motion, one of these floods comes and washes all the drains away and everything before it. The land is not merely flooded with its own water, which it could carry off gradually, but when these superincumbent waters come they carry everything before them; so that all the work would have to be done afresh.
19. Do you think any system could be devised by which the floods could be in a measure controlled? That I think is entirely out of our power. Straightening the rivers, or opening an immense space to let the flood water run into the sea, are out of the question, I think.
20. Then you think, from the overpowering character of the floods to which the Hunter River District is liable, that no system of drainage would be effective? I think not. In some places—South Park for instance—it could be done well enough; because, if a flood-gate were carried away it would only fill up a small portion of the creek, but would not affect the navigation of the river; but where all the outlets are to be into the river it would be a very serious business. Where all these places burst they would form sand banks.
21. Have you tried any system of drainage for your own submerged land? I have had the levels tried by Mr. Maitland, and I think he found that two feet nine inches above high water mark is the present level of Mr. Eales' and my swamp, and that it would take about three-quarters of a mile of drainage to get to the river. But, if I got to the river and created one of these sand banks, I might be liable to prosecution.
22. *By Mr. Hay*: Where is that swamp? It is below Morpeth. It would have to have a ditch of considerable depth in the first instance, and that would throw it completely below the level of the water.
23. Of what extent is your swamp? About five hundred acres, I think.
24. And Mr. Eales'? Two or three hundred acres. He lets out the water from his by what they call Duck Creek, and I understood he was going to attempt a system of drainage by making it with an immense surface, so that the same quantity of water might pass over a greater space without requiring depth. He talked about forty feet of width; but the expense of such a thing as that would be very great.
25. Would Duck Creek be equally available for your portion of the swamp? Yes.
26. Where does it join the Hunter? Between Berry Park and Mr. Eales' new house.
27. How far is that from the swamp? About a quarter of a mile.
28. But the floodgates would not clear the water from the swamp? He has made some experiment and failed, I believe.
29. If it is below low water-mark, floodgates would be unavailable? It would require machinery for pumping; pumping is the only way the river could be relieved of the flow of sand that would inevitably follow any other process.
30. Do you think there would be a very large quantity of sand brought down from these swamps, if drained by means of floodgates? When the ground is newly cut it makes a great difference in the quantity of sand. When once the ground is disturbed it would be very apt to break away and get to the bottom of the drain; and it would require an immense amount of capital to keep it in repair.
31. There would be no great current in these drains? Only in the gushes of water in the first instance, produced by accumulation above.
32. There would be no great current of water through a long drain, being at such a low level? There would be but a narrow surface for the outlet, and the swamp would be supplied with water by a variety of gullies, so that the outlet would not be at all in proportion to the supply from the hills. I am very much afraid it would break away everything before it.
33. *By Mr. Jones*: What is the character of the land in the swamp? I have no very great opinion of my own swamp, though many persons have endeavored to induce me to drain it, and wondered why I did not do it; and so on. I think it has a quantity of alum in it. I judge from having at one time let it on clearing leases to several men, who took it up readily; but nearly all the crops they ever attempted at the edge of the swamp, failed. Therefore, I think, if cultivated it would require an immense amount of manuring and scientific treatment to bring it into use.
34. *By Mr. Hay*: It is a very stiff clay? No, alluvial soil, containing a considerable quantity of burnt reeds, and such stuff.
35. Do you think, if reclaimed, it would be very valuable as grass land? Yes; I think it would do for grass land.
36. Lucerne, perhaps? I think it is too wet for lucerne.
37. *By Mr. Jones*: In your own particular case you doubt whether there is any advantage equal to the cost to be derived from any system of drainage? I do.
38. *By Mr. Hay*: Would it be capable of irrigation—of being flooded as a meadow? It could be done by no other process than by the water we should try to drain off.
39. Is there a continual supply of water running into the swamp? It remains on it a great length of time; it is very level and keeps about a foot of water a very long time.
40. Is the supply continuous throughout the summer? Whenever there is rain there is some. In dry seasons it remains for months without any water at all.

41. Without any accession of water? Without any accession of water or any water at all. E. C. Close, Esq.
42. *By Mr. Jones:* Do you think any injury would be likely to arise if persons were empowered to arrange between themselves for cutting drains, or if, when a certain portion of the residents were agreed, they could take compulsory measures for carrying out drainage? 25 Nov., 1857.
- I do not see any objection to that. People change their views on this matter. Mr. Eales wanted a bonus of £500 at one time for allowing me to find my way to the river through his land, but since then he has changed his mind and wants me to enter upon the work, because it would be beneficial to us both. These observations are from what I have heard. I have had no communication with Mr. Eales on the subject.
43. *By Mr. Hay:* Have you ever carried out any drainage operations? No.
44. Therefore you have had no experience of the matter? None.
45. Do you not think a good deal of the danger, as far as the navigation is concerned, might be avoided by making the floodgate some distance from the river, communicating with back water from the river—if necessary, artificial—so that the silt would be deposited in this back water before reaching the river? I am not engineer enough to be able to answer that question. I should think it is practicable, however, provided elevated land could be found for the purpose—for the site of these floodgates—as all the land inclines downwards from the immediate banks of the river.
46. For instance, supposing the channel by Duck Creek, from the swamp you speak of to the river, to be half-a-mile in length, could not the floodgate be placed near the swamp? Whatever Mr. Eales has been doing has not been at the mouth of Duck Creek at all; it is more inland altogether.
47. What is the height of the greatest floods opposite this swamp above low water mark—to what height does the river rise above the ordinary low water mark? It is a difficult thing to say. When I first went up to Morpeth—I speak from memory—the debris of the floods were upon the swamp oaks in the swamp, from twelve to fifteen feet.
48. *By the Chairman:* That was higher than the last flood? Yes, considerably higher than the last flood. That must have been from the floods of 1818 or 1819, I think.
49. *By Mr. Hay:* How much higher do you suppose that flood had been than the last great flood? It must have been ten or twelve feet higher.
50. Did the back water from the river flow into this swamp during the floods of last winter? Until the water that comes along the swamp meets the water that comes from the river they keep rising together. This, however, cannot be called back water, as it proceeds from the natural flow of water down the Hunter.
51. How high do you suppose the water was in your swamp during the flood last winter? I do not know what depth it was; it might have been seven or eight feet, I suppose.
52. Did the waters of the swamp and the river communicate over a considerable extent of surface or by a narrow channel? The bank of the river from Hinton is pretty high all along to Berry Park; therefore it must have entered just above Hinton Ferry, gone along Mr. Christian's land, and come into the swamp and joined it there.
53. There would require to be a dike there then to prevent the waters from floods from entering into the swamp? A flood is an unmanageable sort of thing.
54. You do not believe there is any possibility of keeping the floods out of these low lands? No.

APPENDIX.

STATEMENT in writing submitted by Mr. E. C. Close, junr., to the Committee, on the subject of Drainage.

From the fact that large tracts of land in the Hunter River District, estimated to contain about 70,000 acres, are rendered useless by their frequent liability to become inundated by ordinary floods, which lands are either occupied by private individuals or still remain the property of the Government,—

A number of gentlemen, therefore, formed a body, called "The Flood and Drainage Committee," (with which I am associated), to discover some means whereby the said lands might be made available; feeling that, if a judicious system of drainage could be organized, adopted, and carried out, a great benefit would result to the Colony at large, by rendering so vast an area of land, now unfit for cultivation, capable of producing grain approximate in quantity to the increasing wants of the community, and obviating, in a measure, the necessity for foreign cereal importations.

The Committee having considered it necessary, owing to the want of unanimity so very apparent, that compulsory measures were requisite to coerce the holders of swamp-lands (now of little service) to improve them, suggested to the Legislative Assembly the propriety of not only forcing the above, but also aiding in a pecuniary way the carrying out of the object aimed at. I am of opinion that the indifference displayed on the part of the owners of swamp-lands as to the benefits to be derived from proper drainage results more from want of means, and from the knowledge that they cannot compel co-operation, than a conviction of the inutility of such an effort on their part.

I feel it necessary to point out that, in my opinion, three systems of drainage will be requisite to cope with the requirements of this district, viz.:—1.—Drainage with Flood-gates: 2.—Drainage with Machinery: 3.—Drainage with Machinery and Diking.

No. 1 Has reference to the system which I am of opinion will have to be resorted to in swamps which are above the level of low-water mark.

No. 2 Has reference to swamps which are below low-water mark, which yet, from circumstances, are not influenced by the tides.

No. 3 Has reference to such salt-water marshes as are influenced by the tides and require diking to render them available.

E. C. Close,
Esq.
25 Nov., 1857.

I believe in Lincolnshire, where much machinery is made use of for draining purposes, that all machines so used are rendered self-supporting by having a flour-mill attached to the machinery that works the pumping apparatus, which, when not working the pumps, is employed in grinding the grain grown in the fens, &c. These machines are supported by the owners of the lands improved, who are compelled by law to use none other for grinding, &c.

I would suggest, for lands inundated by ordinary floods, the propriety of causing an Act to be passed rendering compulsory the co-operation of all holders in common of swamp-lands to carry out a proper system of drainage on a call of the majority of the joint proprietors of such lands. I would further suggest, that where the Government has a joint interest in lands requiring drainage it should not be exempt from its full and just share of the expense incurred.

It has been proposed by the Committee that the Government advance money, either in shape of debentures or specific grant, for the carrying out of the required drainage, taking security on the property improved till the principal and interest involved in the undertaking be repaid by the proprietors.

I would suggest that the carrying out of the Drainage Act be entrusted to a local Commission appointed by the Government, the members of which should receive some remuneration, together with an allowance for travelling expenses, while employed in carrying out the provisions of such Act as may be passed.

I would propose that such persons as may, from time to time, require drainage to be effected should submit to the Commissioners plans of their respective requirements, framed and certified by qualified Surveyors, embracing the extent of the swamp, with levels, &c., so that the Commissioners may be in a position to judge as to the propriety of acting on or setting aside such plans.

I would also propose that all drainage be done by contract, and according to plan and specification; that the contractors be sufficiently bound in case of non-fulfilment; and that all work be done subject to the approval of such officer as may be appointed either by the Government or the local Commission to inspect the same.

I am of opinion that in the valuation of the drainage effected, or to be effected, the Commissioners, or other parties empowered, should assess the improvements on a graduated scale at so much per acre, taking into consideration the amount of water of which such lands as are drained may be relieved, and charging in proportion on the sum total expended. Thus, land relieved from three feet of water should be charged more than that relieved from one foot, on account of the extra drainage required to render it available. I would further suggest, that as there may be certain portions of swamps drained which, notwithstanding, have not been benefited, that they be not charged for in the general assessment.

I would further propose that, in the event of the required drainage being carried out, a rateable sum per acre be levied annually from all proprietors in common whose lands have been improved for the cleansing, upholding, and keeping in order of all drains, machines, and dikes, as the case may be, which have been found necessary for the improvement of such lands.

There has been a movement on foot in this district with which the Flood and Drainage Committee have taken no part, viz.,—that of trying to protect land not inundated by ordinary floods from the effects of those of greater magnitude. I have had some little experience as to the volume and force of the late floods, being constantly occupied on the water during their prevalence. I am of opinion that nothing can be done to free the district from the effects of floods. The Government may expend large sums of money, but I feel assured that no human power can effect any decided amelioration of the effects of such floods as the last which devastated the Hunter District.

E. C. CLOSE, JUNR.

TUESDAY, 1 DECEMBER, 1857.

Present:—

MR. ROBERTSON, | MR. WEEKES,
MR. PIDDINGTON.

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Edward Charles Close, Junior, Esq., called in and examined:—

E. C. Close,
Junr., Esq.
1 Dec., 1857.

1. *By the Chairman:* You have been a long time residing on the Lower Hunter? I have. I was born there, and have never left the district.
2. During your residence there, the question of draining some of the alluvial lands which are liable to be overflowed has frequently been brought under your notice? Yes.
3. You forwarded to the Committee, through your father, Mr. E. C. Close, senior, a paper in which you intimated your views upon this question? I did.
4. You speak there of seventy thousand acres of land which you think could be improved by drainage, and you say that those seventy thousand acres are partly the property of the public, and partly the property of individuals—what proportion of these lands belong to the Crown? I think the greater amount belongs to the public, but I am not sure.
5. You recommend that some compulsory course should be taken for the purpose of obtaining the drainage of these lands—now, when you speak of levying an assessment, and thus raising means for draining these lands compulsorily, do you mean that that assessment should apply to the whole district, or that a separate assessment should be made to apply to land in the several water basins? I think the owners of each swamp should be assessed in common for that particular swamp, when the majority require it.

6.

6. Then you would have several associations, not one for the whole district? For the district I would have one association to carry out these matters—one set of Commissioners.
7. But a separate assessment for each swamp? Yes. And I think that in cases where the Government own portions of swamps they should pay their portion of the expense of drainage, in the same way as private proprietors.
8. You have also recommended that parties whose land is deepest under water should pay the most towards the expense of drainage? Yes; I think that is equitable.
9. You think it is equitable, inasmuch as land which is only a foot under water would, in a dry season, be of some use; whereas land that has three feet of water upon it would scarcely ever be of any use, besides being more expensive to drain? No doubt. But I think in providing the means of keeping the drains and floodgates in repair, it would be more equitable to charge only on the area of the land improved; not so much per acre per foot drained off; because the deeper the drainage the more beneficial it is to those whose lands have been drained of shallower water.
10. You think the advantages to the land should be taken into consideration, and each portion should be assessed accordingly? Precisely so.
11. You speak in your paper of three systems of drainage, one of which is by floodgates;—now your father, who has evidently given the matter much consideration, seemed, when giving his evidence, to be of opinion, that if you drained these large swamps by that means, silt and rubbish would be swept out into the river, and, by forming sandbanks, would impede the navigation—what is your opinion on that point? I have given that matter consideration before, and I think, with very little trouble, all the accumulation of silt in the river might be obviated. I look upon it, that if cesspools were dug some distance inland from the mouth of the drain, and cleaned out after every fresh, these cesspools would intercept all the silt that would otherwise run into the river; and in that way no injury would be done to the navigation.
12. Would they not require to be very extensive, and consequently expensive? I do not think so. It would not cost much to dig them in the first instance, nor to keep them clean afterwards.
13. One part of your recommendation is that assistance should be given from the public revenue towards the carrying out of these objects? I have merely thrown it out as a suggestion which might be taken into consideration by the Committee.
14. Would the Government be justified in using the public funds or the public credit for the purpose of draining swamps into possession of which the owners have come, it may be presumed, at a very low price, on account of their being swamps, when there are no public lands remaining in them? This proposition was made by the members of our Committee at Maitland, and I have advanced it merely for that reason. I leave the case in the hands of the Legislature. But there is one point to which I would call attention, to show that the matter is one of public concern. I am told that vast sums of money—to the extent of about a million annually, Mr. John Campbell tells me—are sent out of the Colony to pay for cereal produce. Now, I think that if the Government would only take some steps to extend the area of land in cultivation throughout the Colony, a great portion of these large sums expended in foreign countries for breadstuffs might still remain in the Colony; and it is for the Legislature to determine whether, by assisting this movement to some extent by means of public funds or public credit, one step towards that object would not be gained. I consider that it would be a great public benefit to render those lands available for agriculture.
15. Is it your own opinion that the Government should afford this assistance? I give no opinion with regard to it; I leave it in the hands of the Committee.
16. You recommended that the local Commissioners should be paid? Yes, I think they should.
17. In what way would you pay them? I would pay them in the same way as any private Commissioners are paid—just in the same way as they pay the Directors of Banks or Steam Companies. I would pay them for their attendance, and also pay their travelling expenses when necessary.
18. *By Mr. Weekes:* If I understand you correctly, you do not contemplate protecting these alluvial lands from the effects of very severe floods? No, I do not; though I am of opinion that the drainage of lands subject to ordinary floods is the only thing that can be done to ameliorate the effect of floods. These swamps, in wet weather, when floods come, hold large bodies of water; but if they were drained they would form basins which would receive the flood waters, and in that way diminish their volume.
19. The main object you have in view is to drain those portions of these alluvial lands that are subject to floods very frequently? Yes, those portions that are subject to inundation in ordinary floods or freshes.
20. When you speak of swamps, do you mean swamps that are overflowed by the rising of the tide? No, I call those marshes. There are two descriptions of swamp lands; those that are affected by the rise and fall of the tide, and those which, being above high water mark, are not so influenced.
21. Then you contemplate reclaiming what you call marsh lands, and also draining swamps that are not affected by the rise and fall of the tide, but are flooded from local circumstances? Exactly.
22. You say you would require that there should be a majority in any one locality requiring drainage before any Act that may be passed should be brought into operation there—would you make that majority consist of individual owners, or should it be a majority of acres? I have not taken that into consideration before; but, I think, the majority of acres should govern the matter, because the large owners are most interested.
23. Does it not strike you that, in that case, any very large landowner who might, for various reasons, be indisposed to take any step for the improvement of his property, would have the means of overpowering the wishes of a large number of neighbouring proprietors by the extent of his acres? There may be something in that. However, as I have not considered the matter I can hardly give a decided opinion at this moment.

E. C. Close,
Junn., Esq.
1 Dec., 1857.

- E. C. Close, Junr., Esq.
1 Dec., 1857.
24. You say you would rate all lands requiring to be drained at the same sum per acre? No, the same sum per acre per foot of water.
25. To what class of lands would that apply? To all lands. There are deeper portions in the same swamp, and those portions would require more drainage, and would have to pay more.
26. Do you not think that would involve considerable difficulty in the adjustment? Not if parties were empowered by the Government to assess these lands, and their acts were legalised.
27. You have stated, that in the operation of this proposed Act some parties might not be benefited, and therefore you consider it only just that they should be exempt from taxation? Exactly so.
28. Who is to be the judge of the benefit? I think it would be apparent. Those lands rendered fit for cultivation would soon be seen; but those that were not would be left much as they were before.
29. Do you think that if draining one particular spot does not benefit an immediately adjoining portion, it can escape injuring it? It cannot possibly injure it, I think.
30. What I mean is this;—you think it likely some lands adjoining those drained will receive no benefit, and, therefore, they should be exempt from taxation—do you not think it would be difficult to draw the line where benefit ceases and injury commences? You may draw the line by saying that any land drained of water should be, at least, nine inches above water before it should be taxed. Land requires to be that height above water before it can be cultivated.
31. Do you think that draining land upon which there is an excess of water would not be liable to injure the adjoining land, which is only sufficiently moist for ordinary cultivation, but which, when deprived of moisture by draining the neighbouring swamp, might become too dry? I do not think it would injure it.
32. In the same way as digging a well alongside another well will sometimes drain it, would not draining these swamps tend to make the hill sides drier? They might be made drier, but not to such an extent that it could be looked upon as an evil. They would be much in the same position as other lands in the same altitude would be in.
33. The Commissioners would be called upon to decide whether a man's land was benefited before he should be made to contribute? Yes.
34. Do you not think that would be rather a difficult point? I think if any land is not left at least nine inches above the level of the water, after the drainage has been effected, that land should not be charged with any share of the expense. Nine inches gives room, I am told, for the land to sweeten, so as to become productive.
35. Does irrigation come within the scope of your contemplated operations? I should think not. I think irrigation in this country must be done by raising water from a river. All these swamps are within the influence of the salt water during dry seasons; and, therefore, irrigation could be of little service.
36. Are the whole 70,000 acres of swampy lands of which you speak within the influence of the salt water? A great proportion of them are more or less so.
37. In making your calculation of the number of acres, how high up the river have you gone? Not further than West Maitland, where there are some swamps, I am informed, which are not sufficiently drained, for want of co-operation among the parties interested, although drains have been made and floodgates constructed in many of them. The drains, however, through neglect, have become choked. What is everybody's business is done by nobody; and, when a flood comes, and they begin to think of clearing the drains and floodgates, they are in such a position that nothing can be done. The case requires that some compulsory measure should be adopted whereby owners of property should be coerced to keep the drains clear and everything in order.
38. Do you think it would be possible to raise debentures for carrying out these objects, as it is proposed to authorise municipal bodies to do, on the security of the properties, or of rates to be imposed upon them? That is a matter I have never taken into consideration. Some members of our Committee at Maitland suggested the matter, and that is why I mentioned it. I wish to give no opinion with regard to it. I may say that I think these swamps can be quite as easily drained as any portions of land in the Mother Country similarly situated, and could be made proportionately as valuable as any of those lands, let the means come from where they may.
39. Since giving your answer to my question as to whether the majority to be required to cause any work of this kind to be undertaken should be a majority of acres or of individual owners, have you given that subject any consideration? In either case, I think, these swamps are of so little service now, that if people could be compelled in any way to improve them it would be for the benefit of the community. I do not own any swamp lands myself, but I have always considered that they might be made available. On the whole I think it might be better that the acreage should govern the matter.
40. Supposing that in one swamp there were ten men, each owning farms of 100 acres, all of them desirous of having it drained, and one man, owning himself 1,200 acres, unwilling to go to the expense;—now, if the majority of acres were to determine the matter, that one man might prevent the wish of the other ten from being carried out; would you not, therefore, rather think it desirable to allow these matters to be decided by simple majorities of individuals? Well, perhaps, that system might answer better. It might give too much power to one man to leave it to a majority of acres. Feeling the force of your observation, I think I should be rather in favour of allowing the matter to be decided by the number of individuals instead of the number of acres.
41. *By the Chairman:* Do you not think there should be some limit even upon that method, because a person owning 100 acres might easily place himself in possession of eight or nine votes by a temporary subdivision? I have not given the matter consideration. On re-consideration, I am of opinion, that either two-thirds of the acreage should regulate the matter,
or

or the majority of proprietors. I would propose that both be adopted, and that the first application, either by acreage or by the majority of proprietors, as the case may be, govern the matter.

E. C. Close,
Junnr., Esq.

1 Dec., 1857.

41. With respect to the management of this drainage when undertaken, seeing that you are of opinion that each separate swamp should be rated under a separate assessment, would it not be better to get rid of the roundabout system of having Commissioners at all, and merely empower a majority of proprietors in any given swamp to incorporate themselves, and raise an assessment among themselves—in fact, to leave the drainage of each swamp in the hands of its own proprietors? I do not think that would answer. It would not give satisfaction. One would be cavilling at the doings of the others. Therefore, I think persons wholly independent of any feeling or interest in the matter are the men who would be the best employed.

42. You have spoken of floodgates getting out of order from no one having charge of them; but if the people interested in their maintenance were to be assessed with that object, they would surely have an interest then in looking after them? I look upon it as necessary that they should be compelled, after any improvement has been made, to keep the drains and dikes in repair. Without compulsion there will be no unanimity. I would not leave it to the people themselves; I would appoint an officer to see it done, and assess the individuals whose lands might be benefited.

43. After the work was done, would it not be necessary for the Commissioners to make some rules or regulations for the management of the floodgates; and for that purpose might they not be placed in the hands of the proprietary? Perhaps it might be well that some members of the proprietary should see that the drains and other portions of the works were kept in proper repair after the job was done. As I have before stated, I am averse to this system.

44. When we examined Mr. Close, senior, that gentleman gave it as his opinion that an immense proportion of the land under water would not be worth draining, and that it is poor, wretched, miserable land? I have heard that a great portion of the swamps about Hexham and Newcastle were of a clayey nature, and it was his opinion that they were not valuable lands. My father is also of opinion that part of the Morpeth swamps is not valuable; and I think the reason of that is, that coal mines being in the vicinity there is a great deal of sulphate of iron spread about. In cleaning the coals they put heaps of this stuff together, and I have seen it cast off just the same sort of crystals that are cast up in the swamps in dry seasons. It is this which makes some parts of the swamps sour. The water draining into these swamps from the hills is all mixed with these crystals, and the land is damaged by the effect of this sulphate of iron. The only means of making that land good is by burning it. I find that our tenants used to burn the land, and make it good for some time, till the flood came again. But the middle portions of our swamp are perfectly free from anything of that kind. It is merely around the margin where this stuff shed from the coal seams exists.

45. Mr. Close, senior, said that some tenants had taken clearing leases of this land from him, but, after giving it a trial, had deserted it? That is true; but they never tried any but the extreme margin of the swamp; and that is the very place where this chalybeate, if I may call it so, affects the ground. Where the swamp is fresh there has never been a plough.

46. You are of opinion that that is good land? I think the middle portions of our swamp are as good land as any in the Colony.

47. Have you taken any steps to prove that? No; but I have seen the growth of grass on it. Where the sulphate of iron exists the grass turns red, and does not grow well; but in the middle portions of the swamp, in summer time, the grass grows luxuriantly. In some parts the grass grows where there is eighteen inches of water. In some years we have got as many as seventy head of fat cattle off our portion of the swamp, besides horses, &c., off a space containing about 600 acres; but when wet weather comes, in winter, the whole of it becomes immersed in water, and the cattle pine and get poverty stricken, and if not removed would die.

48. Do you think, if this land were thoroughly drained and the water kept off it, cattle would fatten on it as they do on fattening runs? No, I do not think they would while the natural grasses remain; if other grasses were cultivated the case would be altered. At present cattle, generally, do not thrive, and though cows fatten in suitable seasons bullocks seldom do. The Government have a large piece of land similarly influenced, subject to being flooded, to the east of our swamps, towards East Maitland.

49. In any system of draining any of these swamps where the Government hold land you think it would be equitable for the Government to pay its share of the assessment? I do.

50. Would you give the Government any representation in the decision of the various matters that would have to be decided by the proprietors; or would you give the private proprietors alone the power of determining whether these swamps should be drained? The Government might be asked to co-operate; and I dare say, as the Government land would be improved, there would be no objection.

51. Do you not think that at first, in order to give the people of the neighbourhood an opportunity of experiencing the advantages of draining, and becoming well acquainted with the subject, it would be better to adopt, instead of the more extensive plan you have described as desirable, some simple system, which would give to the majority of proprietors of any swamp legal power to assess themselves for the drainage of that particular swamp, and to compel the minority of dissentients to come in and join them in carrying out the work, after having made application to the Government to bring them within the operation of an Act to be passed for this purpose;—the proprietors of each swamp so brought under the operation of the Act to form a separate association, and to determine, by their votes, the amount of assessment, the mode of procedure, and whether the work should be carried out by contract, or under the supervision of a sub-committee of their own body? I have no doubt something of that sort would be very beneficial. The chief things we want is power to compel co-operation

E. C. Close, Junr., Esq.
 1 Dec., 1857. co-operation on the part of proprietors, and the means of obtaining access to deep water, sufficient for drainage purposes, through the lands of parties who, if not compelled, would not allow drains to be taken through their ground.

52. If it were found necessary to go through any lands for the purpose of carrying drains to deep water, I presume the law should allow the proprietors of such lands to demand that valuers should be appointed, in some equitable manner, to determine the amount of compensation? That, I think, would be reasonable in the case of lands thus cut through, though not requiring drainage; but if the drain passing through any land should render available that which was not so before the drainage commenced, I do not think compensation should be given.

Walter Scott, Esquire, called in and examined:—

Walter Scott, Esq.
 1 Dec., 1857. 1. *By the Chairman:* You have been a long time residing in that part of the Hunter River District which is subject to floods? I have been about seventeen years in the Hunter District, that is, on the Paterson and William, which are included.

2. You have carried on extensive drainage operations on your own property? We have attempted it.

3. Has it answered well? It has failed, principally, in fact solely, from want of co-operation.

4. Did you find the lands you drained while you were able to keep the water off to be rich land? Yes, the very best.

5. You have heard Mr. Close's evidence, and perhaps it would simplify our proceedings if you were to say whether or not you generally agree with him? I think these swamp lands would be vastly improved by drainage, and would produce superior grasses. The soil in the swamps up the river is naturally extremely rich; but, I cannot say whether it is quite the same as you get nearer Newcastle; there they may be poorer.

6. Do you concur in Mr. Close's views about appointing a Commission for the purpose of superintending the management of these swamps when undergoing the operation of drainage? Yes; I think the Commission should be entirely independent of the proprietors.

7. How would you have the Commission appointed—would you have it elected by the proprietors of these swamps, or nominated by the Government? I should say the nomination by Government would be the best. The only difficulty with regard to that is that appointments by the Government are usually so expensive. But I think it would be better out of the hands of the proprietors.

8. You would make it a paid appointment? Yes.

9. I suppose the payment would come out of the assessment in some shape? Yes.

10. Have you considered in what way the assessment should be carried out. Supposing there were several swamps requiring drainage, how would you assess each, so as to make it bear its fair proportion of the expense of the Commission? I should say it should be made according to the area of land; those proprietors who possess the largest area paying the most.

11. Would you approve of an assessment on all swamp lands in the district to form a general fund; or would you desire that the funds derivable from each swamp should be kept separate and expended in that particular swamp? I think the funds should be kept separate. For instance, there is a portion from Seaham to Nelson's Plains, on the Hunter River, a distance of five or six miles probably, which might be drained the whole way from Seaham downwards by one drain. That would include a nice little district of itself, without coming into collision with any other. In several places on the Hunter and Paterson it would be the same I suspect; and these lands would be drained at much less expense than those further down the Hunter, which would be another reason for having them assessed separately.

12. Then, in fact, you would have a separate assessment, and a separate appropriation of the money raised by that assessment, for every separate water basin or swamp? Yes; and to maintain the central authority, they could all pay a proper proportion towards the expense.

13. With regard to determining whether or not a swamp should be subjected to this process of drainage, would you leave that to be decided by the number of acres, or the votes of individual proprietors? I would give the decision to the majority of individuals.

14. Do you concur with Mr. Close as to the necessity of adopting three modes of drainage—one by floodgates, a second by machinery, and a third by diking? I think machinery will be necessary for the lower lands.

15. Would not that be very expensive? It would be very expensive, and I doubt whether it would pay.

16. For the drainage of salt water marshes would you approve of diking? I think it would not pay to undertake the drainage of those marshes at present.

17. Do you approve of making the amount of assessment depend upon the acreage and the depth of water removed, both combined? I think it should depend upon the acreage, not the depth of water at all.

18. Suppose the case of a swamp in which the land of one person might have one foot of water upon it, whereas the land of another would have three feet—we know that the land covered only to the depth of one foot would not, in moderate seasons, require any drainage, while the other would scarcely ever be of use without it; would it not, therefore, be fair and equitable to put a higher assessment for the greater depth of water, seeing that the land would receive greater benefit, and that the drainage of it would cost much more? A great deal would depend upon the mode of drainage adopted. Supposing the drain to run parallel with the river for several miles, to get to the lower lands, the portions higher up would have the advantage of all that fall, and the land would be sooner and better drained; and for that reason I do not think it would be fair to charge the lower proprietor more.

19. I presume you are aware that within the last five years, which have been uncommonly moist ones, lands that had been cultivated for ten or fifteen years before are under water? Yes.

20. Those lands would not benefit so much by drainage as swamps that have been, during the whole fifteen years, too much flooded to be cultivated; and, therefore, it appears to me it would be only reasonable to insist that those who obtained the greatest advantage at the greatest expense should pay the greatest amount? Yes; if it took the greatest amount of money to drain their land of course they should pay more for it. Walter Scott,
Esq.
1 Dec., 1857.
21. To drain off three feet of water would take more than to drain off one foot, surely? Yes, perhaps it would in a limited area; but supposing the drain to be five or six miles in extent, the depth of the lower drain would give the upper proprietors a decided advantage.
22. Then you think all this should be taken into consideration in making the assessment—the Commissioners should consider really what has been the advantage to the proprietary, and assess them according to that advantage? Yes, I think that would be the most equitable mode.
23. Not relying wholly on the acreage? Perhaps not.
24. Have you thought of any mode that would be most suitable for compelling proprietors of flooded lands to co-operate? Nothing but passing a compulsory Act. I see no other mode.
25. *By Mr. Weekes:* Under any system I suppose the expense of these works will be very considerable? Where it is necessary to use machinery the expense would be great; but there is a great proportion of the land which it would not be so very expensive to drain. For instance, the portion I have already alluded to from Seaham down to Raymond Terrace might be drained simply by cutting a main drain the whole way, and intercepting the creeks that run into the river. The upper land would then have the advantage of six miles of fall, and even the lower land would have the advantage of the water being taken off much quicker.
26. Do you intend that drain to relieve the alluvial lands from the effects of floods? No; simply from the water falling on them and draining into them from the hills. The floods have seldom risen above the banks there, except during this last season; and I do not think anything could prevent the mischief arising from the last flood.
27. You despair of any work, however great, controlling the floods? I do—floods like the last. But these drains would be very beneficial in ameliorating the effects of floods because, instead of the water remaining for three months on the land, as it does now, it might be carried off in three weeks, or a less period of time than even that. The waters would fall into the natural outlets simply by cutting drains into them and putting on flood-gates, which I do not think would be very expensive, while it would reclaim a vast quantity of the very best land. That mode of draining is applicable to a large proportion of the land in the neighbourhood I speak of.
28. How would you propose that the money should be raised? I should say many of the proprietors would only be too glad to do it; but there are others to whom it would be an advantage if the Government could assist them. The Government might have security upon the land, which is undoubted. I have no doubt a large proportion would be only too glad to be at the expense themselves, provided an Act be passed to enable them to do it effectually.
29. Have you ever made an estimate of the expense per acre? I have not.
30. Therefore you cannot tell the amount of assessment per acre that would be required? No; but I do not think it would come to a large sum. Perhaps it might amount to £1 or £2 an acre, to begin with. That estimate will only apply to the easiest mode of draining by floodgates. I think £2 an acre would be sufficient to construct the drain in the beginning.
31. You think there should be a contribution to that extent from the proprietors? Yes.
32. Do you think there are any means of raising that sum from the proprietors, or from any other source but the Government—do you think the security offered on these lands would be sufficient to induce capitalists, for instance, to take up debentures to any extent? I have no doubt some monied people would do so. We have not a great number of monied men among us; but they would have no doubt of the security; they could feel certain of that.
33. Have you any doubt that the improvement effected on the lands, under the operation of such an Act as you suggest, would enable owners to redeem the debentures when they fall due, and in what period? I think it would; in from three to five years.
34. You think five years would enable the owners to extinguish the debt? Yes, five years would be ample in those districts I speak of; because, I think, the expense would not be so great there.
35. Do you think that in the appointment of Commissioners to superintend the draining of these swamps the same mode of election as that carried out in respect to municipal councils and road trusts might not be desirable? No, I think not.
36. Why not? There is generally such a want of unanimity that it would be best out of the hands of the local inhabitants and in the hands of those who could compel the proper course to be pursued.
37. Do you think taking the control out of their hands would disincline parties to contribute? I think not.
38. You do not think it would indispose them to form themselves into the necessary associations? I do not see that it would. That is my own opinion; others may think differently. I merely judge from the fact, that when anything is required to be done for the good of the district, it is so difficult to find unanimity and co-operation.
39. Do you agree with Mr. Close in his estimate of 70,000 acres, as the number requiring to be drained? I think that estimate includes a large proportion of land that I do not think it would pay to drain at the present time for cultivation.
40. Would it be worth while to go to the expense of drainage in the case of lands that would not become fit for cultivation when drained? They would be improved by it no doubt; but the expense would be too great for other than agricultural purposes.
41. What proportion of these 70,000 acres do you think are agricultural lands? There may be 70,000 acres that could be made fit for agricultural purposes, but I do not think it would be

- Walter Scott, Esq.
1 Dec., 1857.
- be advisable to bring into cultivation at the present time all that quantity. I should say 50,000 acres could be profitably drained.
42. *By the Chairman*: I presume the proprietary, whose business it would be to take the necessary steps to bring their land under the operation of the law, would be the proper persons to determine whether it would be likely to pay? Yes; it would depend altogether on their own consideration of the matter.
43. You spoke of making a drain several miles long, but I do not think we quite understand what you mean when you say that that drain, from its length, would be of more use to the farms higher up, and less and less so as you come to the lower ground; do you contemplate that that drain should run parallel with the river? I do, and also to shut up all the previous openings that have been made, because it is there the injury arises. There are so many of them, and they are so badly attended to, that when a fresh takes place in the river the water rushes in through these openings and inundates the back lands.
44. You think these openings ought not to be permitted? I think proper ones under efficient control should be substituted for them.
45. You would not have floodgates discharging into the river at every quarter or half mile? No; I would continue the drain parallel with the river for the distance I have said; and, as there are all along the bank of the river natural out-falls, at the distance of miles apart, I would make use of one of these as the mouth of the drain.
46. What is your opinion as to the silt from these drains running into the river—do you think it would be likely to impede the navigation? I think not much. The fall is not sufficient generally to carry away much silt.
47. And if you take a natural outlet as the mouth of each drain it would not be likely to carry down much silt, although you may send more water through it? No.
48. After the Commissioners had arranged the assessment in each swamp, would you still leave to them the charge of carrying on the works? Yes.
49. While the works are going on, would you empower them to expend the money under the supervision of overseers appointed by themselves, or in what other way? I believe in cases of this kind at home they estimate the price and offer the contract to the proprietors through whose lands they go.
50. Would you have it done by contract? All by contract.
51. Would one Commissioner be sufficient, do you think, to undertake all these matters? I should say one Commissioner ought to be able to go over the whole Hunter River District we have been speaking of.
52. In that case he would require to be a gentleman possessing engineering skill, and it would be necessary to pay him a very high salary—I am afraid no gentleman receiving the pay of a Bank Director would undertake it? No doubt it would require a person of scientific attainments to undertake these drains.
53. Then I fancy you would abandon your former view of the matter, and, instead of paying him in the same way as Bank Directors are paid, pay him a salary as a public officer? I should say he would require to be paid a salary; the pay of a Bank Director would not be sufficient.
54. Supposing we were to have some gentleman possessing engineering skill, he would be most likely a new arrival in the Colony; and have you not observed that these gentlemen have strange views, when they first come here, of extravagant expenditure. Whenever we have a new arrival as a road surveyor, for instance, has he not generally been almost useless for the first few years, in fact, injurious? Yes, I quite agree with you there; but I think men might be found amongst those who have had experience in the Colony.
55. You would prefer having the matter placed in the hands of some gentleman well acquainted with the country? Yes, I would most certainly; such a man as Mr. White, for instance.
56. *By Mr. Weekes*: Is it the general wish of the owners of properties affected by floods to have a measure of the kind we have been speaking of passed? I think it is. The petition we got up had the signatures of nearly the whole of the landed proprietors; at least such was the case in the district in which I undertook to collect signatures. They appear to be very unanimous that something should be done to have the lands drained. I think we might consider the propriety of adopting the Drainage Acts of England or Ireland, if it should be found that they could be applied to these lands.
57. *By the Chairman*: What would you think of a plan of this kind: If a law were passed which would empower the proprietary of any piece of swamp land to assess themselves by a majority, and to raise sufficient money for the purpose of draining the swamp, and then to appoint some person to carry out the work, or to advertise for and accept contracts, each association employing its own surveyor? There is no doubt that would and ought to answer; but the great difficulty is the want of unanimity and co-operation among the proprietors.
58. Would not that be a simpler plan than appointing Commissioners to superintend the drainage of all the swamps in the district? Perhaps that might be the best mode after all to begin with; but it would be necessary that the Act should give authority to parties wishing to drain their land in this way to take possession of any land through which it might be necessary the drains should pass, upon paying reasonable compensation to the owner. If this were done, it might answer all the purposes required.

WEDNESDAY, 9 DECEMBER, 1857.

Present:—

MR. HAY,
MR. ROBERTSON,MR. SCOTT,
MR. WEEKES.

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Jones Agnew Smith, Esq., called in and examined:—

1. *By the Chairman:* You reside on the Lower Hunter, I believe? On the Paterson?
2. You have a considerable amount of agricultural land there, I believe? Yes.
3. And have been engaged for several years in draining your land to some extent? Yes; about thirteen years ago I commenced the drainage.
4. Have you considered the question as to whether the Legislature should take any steps to facilitate the co-operation of adjoining proprietors in the work of draining their land to their mutual advantage? Yes; I have felt very strongly upon that subject, as I am peculiarly situated. I have three neighbours, not one of whom seems inclined to bear a proportion of the expense of draining—two of whom, from the nature of their tenures, are not likely to incur much expense. The flat upon which a portion of my property is situated has about 1,500 acres liable to inundation from a flood such as the last; of this land 500 acres belong to myself, 500 to a neighbour, and 500 is in the hands of the holder of a lease from the Church and School Lands.
5. You say you have given the question some consideration as to whether or not the Legislature should interfere? I have no doubt there may be many other instances in the Colony similar to mine, and I think it desirable that parties benefited should be obliged to pay a portion of the expense—that an assessment should be levied.
6. Would you recommend a general system in a district—that a Commissioner should be appointed, having power to levy this assessment, or would you recommend merely that each separate proprietary of a given water basin or swamp should be empowered to form themselves into an association to drain that particular swamp? I should recommend that a Government engineer and a Board should be appointed, and that where the proprietary cannot agree the majority should decide. Of course, if the proprietors of land in a locality like mine chose to manage among themselves, there is no necessity to go for assistance to the Government, but, where that cannot be done, they should have power to make it compulsory upon the minority to have a survey by a proper engineer, to ascertain the most economical and effectual mode of draining. And, to meet the expense, an assessment should be put upon the properties benefited by it.
7. The question upon which I am desirous of having your opinion is this: in reference to the particular swamp you have just spoken of, would you have the proprietary of that swamp associated for the purpose of draining that particular swamp, or would you have one Commission to manage the whole district? No, I would confine it to the particular locality.
8. Then, would it not be desirable for these proprietors, by some process of law, to be enabled to convene a meeting, elect their Chairman or President, and then to determine, by a majority of votes, whether or not they would attempt to drain their swamp, and, if so, whether they would advertise for contracts, or appoint a sub-committee of their body to employ labor for the purpose—in fact, to take the whole matter into their hands? I should prefer that if it could be done.
9. They would require power to enable them to make drains through the lands of persons who might not be benefited by those drains: For instance, you are aware that the banks of the Hunter are, in many places, much higher than the back lands, hence the proprietors of the former would be in no way benefited by a drain,—would you then give power to these associations to make drains through lands that are not benefited, and to give the parties injuriously affected some compensation? I think there might be some who would receive injury from this drainage. I am not a very old agriculturist, and, therefore, my opinion may not be of much value, but I think lands on the border of the river, having swamps at their back, are very productive, and if the swamps were drained these might not be so in a very dry season.
10. So that instead of these lands being benefited they might be injured, and, therefore, on a general principle, you would give the owners of these high lands some compensation? Yes.
11. You have spoken of Commissioners and Surveyors—would you not be alarmed at the expense of such an establishment? No; I think the immense quantity of land up the valley of the Hunter that would be benefited would be ample to meet the expense.
12. Would you recommend that Commissioners should be appointed and paid? I do not know how the Act at home is framed, but I understand it has worked very well.
13. Does it not at once strike you that there would be a great deal of expense in employing these people, and that there might not be sufficient occupation for them—do you not think it would be better if we were to legislate in the matter that we should merely empower these associations to raise the money for these purposes, leaving the proprietors of a given swamp to employ whatever surveyor they pleased? That, I think, would meet my views, if power could be given to form a Local Board in a particular place.
14. In any other way there would be difficulty, would there not, in raising money, and, I presume, you would scarcely recommend that public funds should be appropriated to this purpose? No, except for the immediate wants of drainage; large sums would begin to flow in at once.
15. *By Mr. Weekes:* Have you formed any idea of the extent of country which would come under the provisions of an Act of this kind—of the number of acres in that part of the country? I think it was calculated at the meeting that was held that it was nearly 100,000 acres;

J. A. Smith,
Esq.

9 Dec., 1857.

J. A. Smith,
Esq.

9 Dec., 1857.

acres; that was the calculation of Mr. Chambers, the Secretary, but the last flood spread over an immense tract of country not anticipated then.

16. Then you contemplate a work of this kind to prevent or to restrict the effects of flood? Yes, to restrict the effects of flood and to protect the lands from injury.

17. How would you suggest that that should be done—by a series of embankments? No; I think by excavating drains and making floodgates. The river banks in my neighbourhood are twelve or fifteen feet higher than the bed of the river, and so, unless it were a very large flood, similar to the last, it would not overflow the banks.

18. Then it is rather to relieve the land from the water that comes down from the back than to prevent the water going on from the river? These swamps are generally not supplied from the river, but from the creeks that come down from the ranges. These creeks discharge, not into the river, but into the swamps, which remain in a stagnant state until the land is wanted for cultivation—if not removed by drainage. When these swamps are drained, and the drains are open, the consequences of a flood are more disastrous than they were when these swamps were supplied simply by creeks, because the whole body of the river rushes up these drains, and I would therefore recommend that these drains should answer a double purpose,—that they should allow the water to flow into the river, and when the river rises too high, the floodgates or sluices should be closed, to prevent the water flowing up; in this way land such as Mr. Lang's, Mr. Walter Scott's, Mr. Smith's, and Mrs. John Galt Smith's might be drained.

19. Would what you contemplate be an expensive work? I do not think it would; it would, of course, depend very much upon the particular place; the drains through the swamps are done at a very little expense, but it is extremely expensive to cut through the bank of the river.

20. Part of your object is to cut through the bank of the river? Yes; that might be done by the tenantry.

21. How do you suggest that the funds should be raised? By the proprietary, and if the proprietary are not in a position to do it, it should be done by the Government, and an assessment should be put upon the land until the amount be repaid.

22. Do you think the class of small proprietors who would be materially affected are in a position at once to advance the sums that would be necessary to carry out this work? No, I do not think they are at present.

23. Then that would involve some other mode of raising the money? Yes.

24. What would you propose to do where the proprietors in a district were unable to raise the necessary funds? I propose that the Government should advance the money.

25. You have said that the drainage might possibly cause injury to some parties? Yes, it may to those who are on the high grounds.

26. Would you propose to give parties so injured compensation? Yes, if it could be proved that they had really received an injury.

27. Do you think it at all likely that in dry seasons this system of drainage would prove an evil? I do; I think it would injure strips of land along the banks of the river, but they would be very small portions comparatively. Now, on my own farm, there may be fifty acres of land perfectly secure from floods; these might be injured, but there are nearly seven hundred acres of reclaimed swamp behind that would be benefited.

28. How would you suggest that the operations of this Act should be commenced. Supposing a certain section of land were swamp, and in the hands of various proprietors, how would you have it determined whether or not it should be drained—by the number of votes or by the number of acres? By the number of acres.

29. Supposing there were a tract of country to be drained, and that there were ten proprietors of one hundred acres each, all desirous of bringing this Act into operation, and there was one proprietor of two thousand acres opposed to it, would you let it be in the power of the one proprietor to prevent the Act being carried into effect, or would you give the power to the majority of proprietors? That is a very extreme case.

30. I want to know whether you would give the power to the number of acres or to the number of proprietors. One large proprietor might be unwilling to have his land drained, and might thus shut out the smaller proprietors from the benefit of this Act by the mere weight of his acres—do you think that desirable? No. I think it would be an act of injustice to give one proprietor the power to compel ten others to do a thing they do not require.

31. You reverse the case I put to you—I say when ten proprietors are desirous it should be done, and one large proprietor does not want his land disturbed, do you think the one proprietor should have the power to frustrate the purpose of the Act? No; I think the ten proprietors should have the power to carry the Act into effect.

32. Then, in fact, your opinion is simply this,—that you would give power to the majority of the proprietors and not to the majority of acres? Not to the amount of acres. I do not know whether some equitable mode might not be devised.

33. Do you think it can be decided in any other way than either by the number of proprietors or by the number of acres? I have not given the matter consideration.

34. *By Mr. Hay:* I did not clearly understand from your answers to Mr. Weekes' question, the extent to which you proposed it should be attempted to prevent the injury caused by the floods—are we to understand, from what you say of these particular localities, that in their natural state they would not be subject to injury from ordinary floods, but by the process of draining they become subject to that? I think, in many cases, ordinary floods would not injure the lands.

35. In so far, then, in ordinary floods, the protection from injury would become necessary from the attempt to drain? Yes.

36. So far as these floods are concerned, we should attempt to remedy that which our attempt to drain would cause? Yes, I think, from my experience in the generality of floods, the natural

natural embankment, the natural protection of the banks of the river, is sufficient to protect the greater portion; but that no possible human labor, no amount of wealth that could have been commanded, would have prevented the results of the last flood.

J. A. Smith,
Esq.

9 Dec., 1857.

37. You consider that any attempt to prevent the recurrence of such a calamity would be chimerical? Yes. I believe there has not been such a flood since 1832.

38. In order to drain these lands, and to prevent ordinary floods, which the inlet of your drains would occasion, would it not be necessary to have rather expensive works? Yes.

39. Am I to understand that the lands you have particularly in view require drainage from water that flows upon them from the surrounding ranges, and not from the river? Yes.

40. In answer to a question from the Chairman, you appeared to adopt the plan he stated of accomplishing the drainage of these lands through the powers given to the proprietary of lands without the intervention, as I understood him and you, of any Government authority, of any commissioner or scientific person employed by Government? Yes; in fact these are points to which I have never given much consideration, but, as it appears that it would involve a very large expenditure, I think it would be desirable if an Act could be passed to enable proprietors to form themselves into Local Boards. I should be quite satisfied with such an arrangement, and, perhaps, it would be more effectual than any other mode.

41. I understood from your first answer that you contemplated the appointment of a Commissioner by Government to whom all questions connected with these matters should be referred? Yes.

42. With regard to that point, supposing the proprietary were endowed with the powers necessary to carry out the drainage of these lands, do you not think it might become necessary to have a qualified referee to decide upon different points connected with it, a man of engineering skill, or would you depend upon the proprietor? I should prefer that there should be some one to whom reference could be made.

43. You have said that, in some cases, these operations would be attended not only with no benefit, but with positive injury to some of the proprietors? I think they possibly might.

44. I think you also said that the different proprietors would be benefited in very different degrees? Yes.

45. Is it not possible that there might be some injury to the navigation of the river from this drainage? I think not.

46. You think the benefit to the proprietors would be in different degrees, and that some might be injured? Yes, it is possible although hardly likely, for most of the farms that come to the river run back to the swamps.

47. Supposing that in a similar case to that stated by Mr. Weekes, one or two proprietors held the larger proportion of land, and a number of proprietors held the smaller proportion, and by giving their votes the majority were to decide upon an expensive plan of drainage, the greater portion of the expense of which would necessarily have to be paid by the larger proprietors, do you not think it would be attended with great injustice if there were not some means of ascertaining, apart from the judgment of this small proprietary, that the whole plan was founded upon proper scientific principles? I think that question might be put to the Commissioner, and that he should have power to decide what portion should be borne by each.

48. To decide all these points it would be necessary to have a qualified engineer upon whom the Government might depend for giving a reliable opinion as to the sufficiency of the plan for the purposes intended, and likewise as to the injury or benefit it would cause to different proprietors? Yes, I think so, for several reasons. In many properties similar to my own there are village reserves, and there should be a representative of Government as well as of other proprietors. The public interest should not be lost sight of, and these lands would, many of them, be much benefited by drainage; some of it might sell for twenty pounds per acre, whereas before draining it would not be worth one shilling. I think it desirable that the referee should be not only a good engineer but a good agriculturist.

49. Do you think the advantages likely to be obtained from the drainage of lands on the Hunter would be sufficient to enable the proprietors to pay any expense that might attend the employment of such a person? If it were not worth their while they would not appoint him. I think the advantage of having such a person to appeal to would of itself be very considerable, besides settling these questions.

50. *By Mr. Scott:* You recommended, I think, that the public funds should be employed to a certain extent? Yes, to be refunded by assessment upon the lands benefited.

51. Do you recommend merely local drainage, or any general measure for remedying the effect of very heavy floods? I think this local drainage would, to a certain extent, prevent such disasters as those from which we have lately suffered, and if every facility were given for the discharge of the water into the river it would prevent such disastrous floods.

52. What I presume you mean, is this, that if there were eight or ten days heavy rain it would take nearly eight days before the water in the river at Muswellbrook would reach Morpeth? I do not think it would take so long as that, for the water from my swamp will discharge itself in eight hours.

53. Still I must call your attention to the fact you have stated, that no human labor could prevent damage from such a flood as that with which we have lately been visited? No human labor would entirely prevent it, still, the amount of damage might be very considerably lessened.

54. What effect would the system you propose have in the event of such a flood? I do not think we should have had the water from the Paterson overflowing the lands between that and the Hunter.

55. All our swamps were full of water? Yes.

56. Had they not been full of water would the same result have followed? The Hunter would have risen, no doubt, and so would the Paterson, but still the damage would have been less disastrous in all probability.

- J. A. Smith, Esq.
9 Dec., 1857.
57. If one drain were insufficient would you not enlarge that, or make a second? Yes.
58. Then if the river were not sufficient to carry off these heavy floods, would not a second channel have the effect of lessening the quantity of water which would otherwise overflow the land? Yes, it would facilitate the discharge of water.
59. Supposing there were no great difference in the cost to the Government or the people, would you not prefer some general system of drainage to this partial and local system of drainage which you have recommended? Yes, but the Chairman suggested that the expense would be enormous; if it could be done I should prefer it.
60. What do you think would be the effect upon adjacent lands if a large and permanent drain were made to lead the water from Morpeth and Maitland direct to the sea? I think we should still be obliged to have recourse to local drainage for the benefit of our lands.
61. Do you not think Maitland would have suffered in the same way? I do not know. I never saw Maitland under a flood.
62. You do not know the fall of water per mile from Maitland to the sea? I do not.
63. *By the Chairman:* Mr. Hay asked you whether it would not be desirable to have a properly qualified engineer or scientific person engaged upon this work—would you desire that the Government should have the appointment of that person, or would you entrust the proprietary, who would be called upon to raise the money to pay him, with the choice of the party? I would prefer trusting to the Government, because the proprietors, generally, are not capable of forming an opinion as to his qualifications.
64. *By Mr. Weekes:* You stated that you thought the benefit would be very unequal—that some proprietors would be benefited more than others? Yes.
65. Then you would not, I suppose, contemplate levying an equal amount of assessment upon all proprietors, without reference to the degree of benefit they would receive? No; I have said that point should be left to the decision of the referee or Commissioner; he should decide the amount to be borne by each proprietor.
66. Do you not think it would be a very difficult process to decide upon the amount of benefit received? I do not think so.
67. What would be a fair test—the next year's crop? I think an average of five years might be taken.
68. But the assessment would have to be decided at once—how would you arrive at the benefit received by any particular individual, for the purpose of immediate assessment? I think the produce of the land could be taken for a certain number of years, and the injury that might be received in dry spots could be deducted, and upon this the assessment could be based.

Andrew Lang, Esq., called in and examined:—

- A. Lang, Esq.
9 Dec., 1857.
1. *By the Chairman:* You have considerable agricultural property near Maitland? Yes; but I have not attended many of the meetings held at Maitland. I am a disinterested witness in the matter of drainage; no one can do me any harm, and no one can do me any good; I have to make all my drains myself. In my opinion, nothing can prevent the effects of such a flood as we had last time; it is perfectly ridiculous to attempt it. Maitland might be protected by a cut commencing at the swamp above Bolwarra House, to the north-east corner of the Bolwarra property, where it would re-enter the river; but there is a fall of about twenty from Morpeth to Bolwarra, and it might sweep away the houses opposite Morpeth altogether.
2. Then you are not recommending this course? No; it would save Maitland, but might injure Morpeth.
3. Our present inquiry has reference not to Maitland, but to agricultural lands—will you be kind enough to give us your opinion as to whether it would be the better course to have a staff of Government officials under an engineer, or whether you would recommend, in the event of any legislation in this matter, that the proprietary of any swamp should have the right to form themselves into an association, and assess such property as might be benefited by drainage? I think in the first place they should form themselves into a kind of association, and have power to borrow the money they might require.
4. They should borrow money on the security of their own debentures? Yes.
5. On the security of the land that would be benefited? Yes.
6. How would you regulate the amount of the assessment, as some lands might be deeper under water than others; some might be three feet, and others eight or nine? In some places the land is twelve or fifteen feet under water.
7. Would you put a higher assessment upon that than upon other land nearer the surface of the water? I do not know; that would be very difficult to determine. It would be necessary that there should be a meeting of the proprietors of the different swamps, and they should determine among themselves. Some parties might object to the draining altogether, as it would injure their lands; and I may mention, in reference to that point, that one of my own tenants who rents the lands where the water runs out complained to me that it injured him, and I was obliged to lower his rent in consequence. No doubt the drainage would be a benefit upon the whole, but it would be attended with injury to some.
8. Then do I understand you to say that you would not have any general system of drainage, or any officer of Government empowered to levy an assessment, but a law that would empower proprietors of land in a flooded locality to meet together and co-operate? Yes; and to take advantage of any Act that might be passed to compel those who refused to co-operate; but at first I think they should meet among themselves.
9. You mean, that before the Act was brought into operation in reference to any particular swamp, that the people in the district should act somewhat in this way:—that they should convene a meeting, under some form which should be in the provisions of the Act, and determine

- determine whether they should apply to Government for power to reclaim that swamp under the provisions of the Act? Yes, I think so.
10. *By Mr. Weekes*: How would you propose that the matter should be managed—by the votes of the proprietary in that particular locality? No, I think by the acres.
11. Without reference to the number of acres possessed by them? That might be a great evil, because two or three small proprietors might try to upset a person who had nine-tenths of the land.
12. Then you do not think it ought to be left to the number of proprietors? I think it might be arbitrary in some cases if the number of persons were to decide the matter without reference to the acreage of the land to be benefited.
13. How would you propose to arrange the matter? I have not taken that point into consideration.
14. Does not that strike you as a very important point? It does, because two or three proprietors might band together, and even divide their properties, to accomplish their purpose, if numbers would carry the point instead of acres.
15. Do you think there would be any disposition in the public, generally, to lend money upon the security of debentures issued upon these small tracts of country? Yes, I think the security would be good. It would be just like forming themselves into a kind of company, and applying to the Government for the means of carrying out its objects.
16. But in other companies matters are decided by the majority of votes? It is a very difficult question, and one I cannot give an answer to; but it might be decided by the number of acres.
17. *By Mr. Hay*: I presume you see that the real difficulty is, the extent of power to be given to the proprietors to deal with this question? Yes.
18. Might it not be met in some degree by requiring, before any alterations are commenced, the consent of proprietors representing a certain proportion of acres? Yes; they would have first of all to meet among themselves, and apply to the Government to send some person to survey the land.
19. The question is in reality the extent of powers you would invest this body with; and, in order to avoid the difficulty which Mr. Weekes has indicated, and those difficulties which my questions to Mr. Smith pointed out, it would appear to be necessary to have some reliable reference as to the degree of benefit or injury that might be caused, and the amount of compensation that might be necessary to some parties, and, on the other hand, the amount of contribution which each party benefited should make—and as to whether upon the whole, the work was desirable or not, and if desirable, whether there would be sufficient funds to pay for it,—do you not think it would be necessary to limit the power so given to the proprietary, to prevent the great injustice that Mr. Weekes refers to? Yes.
20. Do you not think if the preliminary consent of the proprietary of the whole acreage affected were required, that would prevent the risk of such injustice? Yes, and also of persons objecting afterwards.
21. That would require a sort of Commission or Board to investigate into these questions? Yes.
22. The great danger appears to be, that of an improper interference with the rights of property? Yes; people who had nothing to lose might be desirous of running into these things.
23. Men having but small stakes in the matter might compel those who had large stakes to enter into a speculation, which might be attended with great advantage, but which might be utterly useless? Yes.
24. The large proprietor would suffer considerably more than the other? Yes. I am not prepared to enter into that.
25. You have not directed your attention particularly to that, and are not prepared to offer such suggestion as might enable the Committee to overcome the difficulty? No.
26. *By Mr. Scott*: Do you object then to the general principle of the drainage? No, I do not; I am carrying it out myself.
27. I mean for the whole Hunter; I do not mean the local and partial drainage of your own estate. Would you desire to have a general system of drainage, with a staff of officers, for the whole of the Hunter? That might be too expensive.
28. Provided it could be done at a moderate expense, would you approve of a general system of drainage? Certainly.
29. A system under which the whole of the alluvial lands of the Hunter should be drained in such a way as greatly to lessen the risk of injury from floods? Yes.
30. Round Miller's Forest, is there any particular difficulty in draining that? I think not.
31. *By Mr. Weekes*: You imagine that no system of drainage could be carried out without inflicting a considerable amount of damage upon some parties? I do not say considerable, but I say some. The injury will be small as compared with the advantage, but some will suffer injury to a small extent. I have three drains from my property, and a large creek that empties itself into the river from the swamp, all of which I intend to shut up, leaving a floodgate.
32. *By Mr. Hay*: Have you had your land drained for a considerable time, and have you tested the effect of this drainage? I have, but I have deepened the drains this year, which takes the water sooner off.
33. Have you derived much benefit from the drainage you have effected? Much greater than the expense.
34. Have you brought land into cultivation which otherwise would not have been cultivable? Yes; if the drains had not been made we should have had upon land which is now dry water for the next twelve months. I have three or four hundred acres in cultivation which would not have been available but for this drainage.

A. Lang,
Esq.
9 Dec., 1857.

WEDNESDAY, 16 DECEMBER, 1857.

Present:—

Mr. ROBERTSON,
Mr. PIDDINGTON,

Mr. GORDON.

Mr. SCOTT,
Mr. WEEKES,

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Archibald Windeyer, Esquire, J. P., called in and examined:—

- A. Windeyer,
Esq., J. P.
16 Dec., 1857.
1. *By the Chairman:* You have resided many years on the Lower Hunter? About seventeen years.
 2. And, I believe, you are the proprietor of lands near Raymond Terrace that suffer from the water lying upon them? Yes, to a certain extent.
 3. Have you found much difficulty in the management of your land from the necessity of drainage? Up to a recent period we had not, because the whole of the swamp was in the possession of myself and my nephew, the late Richard Windeyer; but since his death and insolvency his part of the estate has been a good deal cut up, and has fallen into the hands of various proprietors; and, therefore, we now find a difficulty in proceeding with the drainage, from the number of interests involved.
 4. Do you think that in the districts where swampy lands are situated any considerable difficulty exists from the different proprietors declining to take part in the drainage of the land? Yes; different views naturally arise where a number of different parties are concerned.
 5. Are you of opinion that the Legislature should take any action for the purpose of empowering the proprietary of these swamp lands to drain them, by some compulsory course whereby they might mutually assist in the matter? I am. I think it impossible anything can be done without Legislative action, except in a few isolated cases where the parties interested can agree, because adverse opinions are always to be found amongst any number of persons, from interested motives or want of funds; or even an absentee proprietor may put a stop to the drainage of the lands either above or below his own.
 6. Have you thought over any plan of legislation which, in your opinion, would answer the purpose you have in view? I have never considered any other plan than one which came under my own observation in England, and which I have thought might be applicable to this Colony with certain modifications. I think it would be a good basis to go upon.
 7. Will you briefly state your views as to the best course the Legislature can adopt in this matter? In England a Commission is constituted, at the head of which is the Marsh Bailiff, who takes a certain district under his care. Under him there are inferior Marsh Bailiffs, who, subject to the approbation of the senior, summon juries of indifferent parties to decide all matters relative to the drainage of their districts, and levy a certain rate—it may be two-pence, three-pence, or a shilling an acre—to pay the expenses of carrying on the works. How far such a system as this may be applicable to a new country is a question; but, I think, it may be taken as a basis.
 8. Would it not be an expensive arrangement to have a Marsh Bailiff and his deputies, all requiring to be paid? It is not so there.
 9. Are they all honorary appointments? All honorary appointments.
 10. From what class of persons are the jurors taken—are they selected from those interested in drainage? Every man that is summoned on the jury is, of course, interested more or less; but the usual practice is that those interested in lands in one locality sit as jurors on other lands.
 11. Then the jurors are not necessarily the proprietors of the land that may be the subject of consideration. No. Most of the jury are, generally speaking, respectable tenant farmers.
 12. They are not interested in the particular swamp to be drained? From the largeness of the estates they are not often able to get a jury without taking men that are interested. I think that would be one of the things we should have to avoid, that the jury should not be all biassed one way. I should much fear the larger landlords here would sway the opinions of their tenantry, and perhaps carry a point against a poorer proprietor to his detriment.
 13. Has it never struck you that a law might be passed under which a majority of the proprietors of any swamp or water basin might claim that the whole body of proprietors of that particular swamp should be formed into an association to effect its drainage,—they being permitted, at a properly notified meeting, to elect their Chairman, and from time to time to decide whether or not the swamp should be drained, in what way the money should be raised, how it should be expended—whether by employing overseers and day laborers, or by contract—and also how the drains, when completed, should be kept up;—Would anything of that kind meet the difficulty you have stated to exist from want of co-operation? I think it would. When it comes into operation there might be certain points requiring to be adjusted; but on a general view I think it would answer well.
 14. I believe it is the case in many instances, that the banks of the river are higher than the back lands, and hence the proprietor of land on the bank might not be interested at all in the drainage of the swamp, though it might be necessary that the drain should pass through his land; do you not think he would therefore be entitled to some compensation, to be determined according to some equitable mode? The water at all times must have had a natural outlet, and the drain would most probably follow that; or if it were not adopted, and another had to be devised, the natural outlet would then fall into the hands of the proprietor whose land would be taken, so that it would be merely a system of give and take.
 15. But it might be otherwise? It might, certainly.
 16. And in that case you would give compensation? Yes; if any harm were done to any person's property compensation should be given.
 17. What do you think would be the best method of raising money to carry out these some-
what

what expensive works? I cannot think of any better way than an assessment on the proprietors of the land benefited.

18. Do you think all the proprietors are in a position to advance the money? That is the difficulty.

A. Windeyer,
Esq., J.P.
16 Dec., 1857.

19. Then would it not be necessary to empower the issue of debentures of some sort, or advances from the public funds? Where you have to deal with men without means, of course it is necessary to devise some mode of giving them relief.

20. If debentures, secured on the land to be drained, were issued, do you think the richer proprietors in the neighbourhood would be disposed to purchase them? If the operations undertaken were really to the advantage of the district, they ought to be the first to take them up, and their doing so would be a confirmation of the thing being good.

21. Do you think the parties interested would be justified in expecting any assistance from the Government in that way? I should much fear that if we do not succeed in getting the money without the aid of the Government we shall never get it at all. I think if we could do without Government aid it would be better.

22. Are you of opinion that in making these drains any considerable amount of injury might arise to the river from the formation of sand banks;—if you cut a new watercourse into the river, through which a large quantity of water would pass, would it not be possible that a sand bank might be thrown up which would impede the navigation? I should hardly think that, though it is impossible to answer for the action of water.

23. Then, I presume, you would recommend, in all cases where it is possible, that the natural outlet should be taken? Unquestionably, even for that reason alone.

24. Is there a large quantity of land requiring drainage in your district? I think in one spot near my estate there cannot be less than ten thousand acres.

25. Is that good land? A large portion of it is good land.

26. I believe the late Mr. Richard Windeyer and yourself drained a large quantity of land? We did, in conjunction.

27. I think his land turned out very badly after it had been drained—it was not very valuable? A great portion of it is valuable, but much of it is valueless. We are obliged to drain bad as well as good together.

28. What is the proportion of good land? About one-third is good, and two-thirds objectionable.

29. What is the character of the land which you call objectionable; does not the soil below consist of rich land, covered with some rubbish? No, it is sandy generally.

30. I was under the impression that there was some accumulation of weeds upon it? That is generally the case on the surface.

31. Will not this rubbish burn off and make the land good? It will burn off, but it leaves nothing of any value; the fire leaves the surface quite destitute of any vegetable matter, except a small quantity of ashes.

32. Would you recommend a system which should confine the drainage of particular swamps in the hands of the proprietors of them, or a system which would give the control of the whole drainage of the district to one Commissioner, or other constituted authority, who should have power to levy an assessment to provide for the drainage of all the swamps in the district? I think it would be better that the proprietors of each individual swamp should undertake the drainage of their own land.

33. *By Mr. Weekes*: I suppose you do not contemplate any works which would protect the country from the effects of floods of any magnitude, such as the late flood for instance? It would be perfectly impossible to guard against such floods. For instance, during the last flood the water rose on my ground nine feet above the ordinary spring tides, now what could protect us from that?

34. Then this is simply a question of drainage? Yes.

35. Do you contemplate its application to marsh lands, that is, lands overflowed by the daily tide, or do you intend it to extend only to swamps occasioned by the flow of water from the adjoining country? I think I would confine it entirely to swamp lands. The reclamation of what you call marsh lands would involve sea walling to shut the water out.

36. Is there any large extent of country, coming under the denomination of marsh lands, which could be reclaimed? Yes. I have perhaps two thousand acres in my own hands, a good portion of which I am led to expect would be good land.

37. Do you think operations of the kind necessary to reclaim such lands could be undertaken by individuals, or would co-operation be required? It would, in certain cases, or each party undertaking it would have to make cross walls, to embrace his own land; whereas if all the proprietors of such a tract of land would combine, one sea wall would be sufficient for them all.

38. Would land of this kind be very valuable if reclaimed? I hardly know the quality of any but my own.

39. Supposing an Act were passed compelling co-operation in drainage works, how would you suggest that questions arising among the proprietors with reference to these works should be decided—by the votes of the majority of proprietors, without regard to the quantity of land owned by each, or would you give them votes in proportion to the number of acres in which they were interested? That is a very delicate point, because of the danger of forcing a man without means to go into a large expenditure.

40. I am aware that it is a very delicate point, but it is also a very important one? It is.

41. If decisions should go by acres, a number of small proprietors may be outvoted in an essential point by one large proprietor? Yes; and in the other case it might be *vice versa*.

42. Which do you imagine is the more just view? I think it ought to be by acreage; that is, that a man having one thousand acres ought to have as many votes as ten men who have one hundred acres each.

43. One of the features of the system you referred to as being in operation in England was the

A. Windeyer, the summoning of a jury by the Marsh Bailiff; how would you bring that to bear here—by summoning a body of proprietors? Either proprietors or tenantry—the respectable and intelligent tenantry.

16 Dec., 1857. 44. Then, of course, whenever they might meet to carry out the Act, would come into operation the question I proposed,—whether the votes should be given according to the number of acres, or the number of proprietors only. I think you said at home the juries consisted principally of the tenantry? We did not exclude proprietors, but they were principally the tenantry.

45. But, at all events, before any step could be taken, it would be indispensably necessary to settle this point,—whether the votes should be by the number of acres or the number of proprietors? It is a very difficult question to answer, because, if you give the votes according to acres you may put the poor man quite at the mercy of the rich man, who might force him to come into a measure that might be ruinous to him. If you peremptorily force a man to lay out four or five hundred pounds on his estate, you may cripple his means to such an extent that he would be unable to recover himself. It might lead to petty tyranny.

46. And it might cut the other way, if the contrary view were adopted—a body of small holders might force very expensive works on a large proprietor? Yes.

47. In the drainage of such lands as we have been speaking of, would there not be a great difference in the amount of benefit received by individual proprietors, according to the position of their land? Very great.

48. It would, therefore, be only fair to exact from each an amount of contribution having some reference to the benefit derived? No doubt that should be the basis on which to arrange the contributions of the respective parties.

49. Does it strike you as a question presenting many difficulties, to ascertain the amount of benefit or amount of injury any man has sustained by a system of drainage? I think it could be ascertained, without much difficulty, by a jury of intelligent farmers.

50. Do you think it would be fair to come to a determination on these points after a short interval of, say, one year, without taking an average of seasons; does it not strike you that, on an early investigation, some benefit may be supposed to have resulted to any particular piece of land, which the experience of succeeding years, when the drainage has been fully carried out, might prove to be an injury instead of a benefit? I do not know any injury that could be done, provided they did not let the water in upon the land. To all these outlets there must be a sluice.

51. We know that digging a well in a town deeper than any other wells near it will drain them dry. I mean that injury might be done something in that way, so that land bordering on a swamp which before was only moderately damp might, by draining and bringing the swamp into cultivation, be rendered injuriously dry? There might be such instances, but only to a very small amount.

52. Have you ever turned your attention to the amount of assessment which it would be necessary to levy to carry out the works which you think would be sufficient? Never; it is such a wide question. Some of the proprietors that I have conversed with have been quite willing to subscribe as much as ten shillings an acre. For my own part, I think one shilling, or one shilling and sixpence, would be sufficient for a beginning.

53. I suppose all that is necessary in many localities is some simple Act to render it compulsory on all parties interested to co-operate with machinery, as light and simple as possible? Just so. It becomes a grievance when one man, perhaps the party in possession of the outlet of the swamp, acts as an obstructionist. It is to remove that difficulty that we have moved in the matter. I think, however, there should be some provision for an appeal where any party was dissatisfied, to guard against any arbitrary conduct on the part of the majority. I think as much should be done as possible to guard the poorer man; the rich man is able to protect himself.

54. Do you think there would be any disposition on the part of capitalists to lend money on debentures secured on the lands affected by drainage? I do not know; I can hardly conceive there would. The probability is that, if a number of us were interested in the drainage of a swamp, of which one or two men of lesser means held portions, the amount of their contribution would be raised among us on the security of the land. In that way we should provide for our own individual drainage; but I can hardly conceive that we should be able to raise money from other parties not interested in the particular locality. The difficulty is to assist our poorer neighbours; and if it is to our advantage to have these lands drained we must meet that difficulty ourselves.

55. I suppose you would suggest that security should be taken by way of mortgage? Yes, I think that the better way. The thing is fraught with a vast deal of difficulty. Still, I think that something should be done.

56. *By Mr. Piddington*: What extent of land in your neighbourhood would be necessary to form one drainage district, with reference to the efficient drainage of such district? If I confine myself to the Police District of Raymond Terrace, I dare say it would embrace thirty thousand acres.

57. In what way do you think the funds necessary to drain such an extent of alluvial lands could be raised? In no other way than that I have proposed,—that the individuals interested in each particular spot should raise their own funds.

58. But if thirty thousand acres form a drainage district in your neighbourhood, how could a sufficient sum be raised upon the individual efforts of the persons interested? It could only be by a local rate—an acreage rate.

59. A rate implies something like an annual instalment, but to drain thirty thousand acres you would require to raise a large sum at once? It could not be all done at once; we should not have the means.

60. Then, in what way do you propose to carry it out at all? Those parties who were anxious to drain any portion of land might raise the funds amongst themselves. Taking my own

own case as an instance, I believe the parties engaged with me would be disposed to take that course. A. Windeyer, Esq., J.P.

61. You speak of an extent of thirty thousand acres as requiring to be drained? I mean that the whole of that land might be legislated for in that one Police District; but I never contemplated that the whole of it should be drained at once. 16 Dec., 1857.

62. Do you believe that if the districts proposed to be drained are left entirely to the unassisted efforts of the local proprietors, it would be possible to raise a sufficient sum of money effectually to drain a considerable area of country? I do not think it would by loan.

63. Are you of opinion that if the Government guaranteed a loan to a district, secured on the drainage rates, any risk of ultimate repayment would follow? I should have great fear of that. The constant changes in the ownership of property would involve the matter in a variety of difficulties; and I should much fear the Government would ultimately be losers.

64. How would you be enabled to raise a sufficient sum of money to drain a district without borrowing? We have not contemplated anything so extensive as the draining of a whole district. We only wish that parties interested in particular swamps should be empowered to drain them in conjunction with their neighbours. Let the proprietors of each swamp provide for their own drainage.

65. If you are obliged to borrow money to drain a district without the advantage of a Government guarantee for the loan, what rate of interest do you conceive you would have to pay for borrowed money? I think money might be raised at seven or eight per cent., but I think to go into the measure so generally as that question includes would upset the whole thing, and undercut the prospect of anything whatever being done. I think the better plan would be to begin in a very small way.

66. If the Government could be persuaded to afford a guarantee to drainage districts, do you not think you could borrow any sum you might require at a comparatively low rate of interest? I do not. People only look at the interest and the security on the land.

67. Do I understand you to say that the aid of a Government guarantee would not tend to lower the rate of interest? The aid of a guarantee would naturally render it easier to raise the money.

68. With reference to what you have said about juries, could not a jury of parties interested in the drainage of a district be relied upon to decide upon the quota to be paid by each individual owner of swamp land? They did so at home, and I therefore think it would be quite practicable here.

69. The system of leaving it to a jury of parties interested to assess the individual liabilities of persons benefited by drainage is not open to any objection, in your opinion? I think not.

70. I think you stated that you were in favor of allowing some appeal from the decisions of such a jury? Yes, merely for the protection of the poorer landholders.

71. To what court or authority would you appeal from the decision of a jury of drainage occupiers or proprietors? Perhaps an appeal might be made to the Assembly.

72. But the Assembly is not a judicial body? Then it could be only to the courts, I suppose.

73. You do not intend that the jury should give their votes with any reference to the quantity of land each of them might hold? No.

74. Then if each member has only a single vote in the ultimate decision, would not the poorer man be as much protected as the rich—always premising the jury be taken fairly? Still I think the door might be open for the rich man to sway a number of his tenants who might be on the jury.

75. I presume the jury would be impanelled upon oath? Yes.

76. Have you any reason to doubt that they would faithfully discharge their oath? Nothing more than the general failing of human nature.

77. By Mr. Scott: I think you rather recommended walled embankments to keep out the water from lands overflowed by the tide? I fear those would be works far too large to be undertaken at present; but I certainly think it would be beneficial if people would go into the matter, both for the proprietors and the public generally.

78. Have you ever made any estimate of the cost per yard of such walling? No; it could not be much, because the rise of water on the land overflowed is so trifling in height; but we might have to go a considerable depth to insure the wall being water-tight—we might have to sink two or three feet.

79. Have you any idea of the price per ton of ballast? No; but it would have to be earth-work to make it strictly water-tight.

80. I think you mentioned that during the late heavy flood the water rose nine feet over your land? Nine feet higher than the usual spring tides; about six feet over the land.

81. You likewise stated that it was quite hopeless to anticipate that any system of drainage would prevent the damage arising from these very heavy floods? I think it is almost hopeless, because the rise and fall of the river is so inconsiderable, the outlet so small, and the different feeders so numerous, that the accumulation of water becomes very vast before it can discharge itself.

82. Can you state the fall of the river? I cannot, but I have been told it is not more than ten feet from Raymond Terrace to the Flats.

83. Can you mention the height to which the recent heavy flood rose at Raymond Terrace? About nine feet above the usual high spring tides.

84. Can you state what was the rise at Newcastle? No; but I know that at Tomago it did not rise more than a foot and a half.

85. That, I presume, would cause a considerable additional rapidity of the current? It increased the current a little. It is amazing how slow the water went off, notwithstanding the great rise; it never ran past my house more than two miles and a half in the hour.

- A. Windeyer, Esq., J.P.
15 Dec., 1857.
86. Your house is in an eddy, is it not? I speak of the main channel. It never ran more than two miles and a half in the highest of the flood.
87. What is the distance from your place to Tomago, as the bird flies? It is not four miles from house to house.
88. What is it by the river? I think we generally estimate it at ten miles.
89. Has the distance by the river anything to do with the difference of rise between the two places? I think the cause of the difference is that they are nearer the outlet, and the greater space in which the river expands there absorbs the water.
90. Did you hear what was the rise at Morpeth? I think it could not have risen at Morpeth less than fifteen feet higher than ordinary spring tides; and eighteen inches at Tomago.
91. If the river were perfectly straight from Morpeth to Tomago, do you think there would have been that difference of rise? By having it straight you unquestionably would acquire greater velocity.
92. You are aware that the Government have given £1,000 for surveys to be made to ascertain whether it is possible to reduce the violence of any future flood? Yes.
93. Do you think it at all possible that by adding another channel to the river, as it were, the effects of floods might be mitigated? No, I can hardly see that they would.
94. If one gutter, so to speak, is not sufficient to carry off the water, two gutters might be? You cannot alter the grand outlet between Nobby's and the North Shore. My own rough calculation is that the capacity of the different rivers that must pass Nobby's is nearly double the capacity of that channel itself; and, therefore, the making of any additional watercourses would not mend the matter.
95. Are you acquainted with the country along the banks of the river? Tolerably well.
96. Does it consist of hills or dead flats? The greater portion of it of flats. The parts overflowed must be flats. Of course there are variations of a few feet in the levels.
97. It would not require a heavy amount of earthwork to be removed to construct a blind drain to carry off surplus water during floods? No.
98. Would not such a drain, if constructed, carry off the waters from the creeks adjoining before the great mass of waters could arrive from the country higher up the river? No doubt, if this drain began to act at once, there would be less accumulation when the main body of water came down.
99. And, consequently, it would have an effect in preventing the great rise of water at Maitland, for instance? It might, in a certain degree; but I think you can hardly do anything to give the relief you contemplate. The great difficulty is that the country is almost level with a very trifling fall from Maitland to Nobby's; and, also, that the area of country drained by the Hunter is so very extensive, and it has such vast tributaries.

1858.

TUESDAY, 22 JUNE, 1858.

Present:—

MR. HAY,
MR. JONES,MR. SCOTT,
MR. PIDDINGTON,

A. W. SCOTT, ESQ., IN THE CHAIR.

Mr. Edward Sparke, junr., called in and examined:—

1. *By the Chairman*: You are a resident at Hexham? Yes.
2. Have you been long there? Yes; I have been there twenty-seven years.
3. I presume, therefore, you know that locality well—Miller's Forest, and the low lands thereabout? I have been over the whole of these low lands, but I do not know them so intimately as my own district, of course.
4. When you say your own district, what do you mean? I mean the district of Hexham. I know Woodford as well as our own place; I cross it almost every day. The Big Swamp I have been over almost all my life.
5. That is the swamp across which the Minmi Railway runs? Yes.
6. What is the area of the low lands of the district you are acquainted with? I should say about 12,000 acres.
7. Of low lands? Not all low lands. I should say 8,000 acres of low land where the water comes over at times.
8. I allude to those lands which are subject to injury from ordinary floods—from rains that are not extraordinary? About 8,000 acres, I should say, that suffer from heavy rains.
9. Do you think any system of drainage could be adopted with benefit to these 8,000 acres? Yes; I think the whole of these 8,000 might be drained.
10. Would the system you would recommend be expensive, or inexpensive? It would be rather expensive now, as during the last few years the banks have washed away so much. Lands that I can remember some ten or twelve years ago were perfectly dry, are useless now.
11. *By Mr. Jones*: By the breaking away of the banks? Yes; from the wash caused by the steamers. Where the drays used to go formerly, the spring tide now washes over the land. I am alluding to the Big Swamp. When I was a boy, I used to go with my brothers and race over it every evening—my meaning is, the swamp was sufficiently dry and hard for us to race over on any evening we went out—now the cattle cannot cross it. Every year the salt water increases upon the land. At spring tides the water goes up the creek to Minmi; four or five years ago it did not go within two miles and a half of it.
12. *By the Chairman*: You do not allude in any way to Miller's Forest and Lydney Park? I do to Lydney Park; Cocodingy Creek runs through it, and Mr. Hickey opened a drain at his own expense, from the creek to the swamp, and since that time the water has been carried off quickly from Woodford seaward. There may be two feet or two feet six inches of water there to-day and in a week it will be almost dry. If flood-gates were put at the mouth of that creek, the whole of the land after an ordinary rain would be dry in a few days—of course drains would have to be cut into the creek.
13. Are the people inhabiting these low lands willing to carry on a general system of drainage? I do not imagine the settlers themselves are inclined to do very much, for they have no tenure of lease; they are principally yearly tenants.
14. You are speaking of Mr. Hickey's land? Yes, and of the land around our own. The tenants say they do not care whether they stay there or not, and that as soon as they can leave they will do so, for they are so subject to being flooded that they get disheartened.
15. Have you ever given any serious consideration to the subject of the extraordinary floods to which the banks of the Hunter are subject? I have often thought of the necessity of something being done to drain the lands in our neighbourhood, especially where I am more interested myself.
16. Speaking generally of the low lands of the district, can you suggest any plan which you think could be carried out for the drainage of those lands? If you were to begin at Lydney Park, I think if flood-gates were put at Cocodingy Creek of sufficient dimensions to allow the back water to escape, and to prevent the tide from rising, the fresh water would run out and the salt water be prevented from coming in, therefore one portion would be entirely drained by that.
17. *By Mr. Jones*: That is Lydney Park and the country adjacent? Yes, from Woodford, part of Berry Park, and our own land. There is a tract of high land that divides the Cocodingy Swamps from the Woodlands Swamps; but at John Hannell's there is another creek, a natural outlet, where my grandfather put a flood-gate, and drained the whole of the land; and his land—the Woodlands Estate—where you may now take a boat, you could, after he had thus drained it, have driven a horse and cart. When Mr. Hannell came there he pulled up the flood-gate, and the land is now suffering from its removal. I imagine that it would be necessary to form an embankment along the river side for some distance, to prevent the high tides flowing over in two or three places where the banks have been washed away. If a bank of sufficient strength to resist the force of the tide were thrown up, a flood-gate

Mr. E. Sparke,
junr.

22 June, 1858.

Mr. E. Sparke,
junr.
22 June, 1858.

were placed at the creek, the fresh water would escape from a large portion of the land, and the salt water would not return. My father had a surveyor—Captain Peters—to take the level for the purpose of draining his portion of the Big Swamp, and he recommended him to dam up the first creek—there are three creeks there, as the Honorable Chairman is well aware—to have the second open, and the Ironbark Creek, with flood-gates, and he said then the whole of that land would be drained, as there was three feet fall.

18. *By the Chairman*: Who occupied the land besides your father? Mr. Wentworth.

19. And Mr. John Terry Hughes? No; my father had his portion—680 acres.

20. *By Mr. Hay*: You refer to the Big Swamp? Yes.

21. Then the Big Swamp would be best drained through the Ironbark Creek? No; at the middle creek there would be the greatest fall of water.

22. Where is that? Between Ironbark Creek and Hexham.

23. *By the Chairman*: You think if the whole of the proprietors were unanimous, the land you allude to could be easily drained? Yes.

24. Without any great expense? The expense in some places would be great, for the banks are gone in many places, and a very strong embankment would be required in those places.

25. If these banks were formed, some 8,000 acres of land would be made valuable that are now useless? Yes.

26. *By Mr. Jones*: Would the expense be great in proportion to the value of the land? I imagine the land would amply pay for the outlay. At the present time they are utterly useless for grazing, from the salt water.

27. *By Mr. Hay*: In fact they are a sort of salt marshes? It is now: it used to be splendid grazing ground.

28. *By Mr. Piddington*: What length of embankment do you think would be necessary for the purpose of protecting the Big Swamp from inundations from the river? About 300 yards at the present time, but it is to be recollected that it is getting worse every week. A few years hence the other portions will be as bad as these are now.

29. Three hundred yards is now absolutely necessary? Yes, to keep the salt water off.

30. What length of present embankment is liable to be destroyed unless further means are taken? The banks in some places would require to be heightened, or preserved, to prevent the water coming in.

31. *By the Chairman*: Do you think the drainage you suggest would be sufficient to preserve the crops from injury? No, I do not think it would preserve the wheat crops, more especially after a great flood, as the water would not escape quickly enough. The last time of the flood the water was off the land in three days—that is, the cultivation land.

32. I am speaking of ordinary floods? If these natural creeks were opened these lands never would be flooded by ordinary rains, because the creeks that run through these swamps would take off the water as fast as it came, if the salt water did not interfere.

33. That is, in spring tides you mean? Yes.

34. *By Mr. Jones*: So that by the system you spoke of, lands in ordinary rains would be kept dry by the action of these creeks? Yes. Each proprietor would have to expend something in opening these natural outlets—these small creeks—because they are trodden down so, and have been for a number of years. The rain on the low lands would not flood; it is the water from the Paterson and the Williams that causes the great floods.

35. You are now speaking of very high floods, similar to what occurred last year? Yes. If it rained nearly all the year on the lands round Hexham it would not flood the land to anything like the extent we have had, for the creeks would take off the water to a certain level.

36. Can you form any idea of the amount it would be necessary to expend in order to reclaim these swamps? No, I cannot.

37. Can you give any rough approximation to the probable expenditure? No; I have never made any calculation.

38. Supposing the 8,000 acres you speak of were drained, what would be the value per acre of the land,—what do you think it would fetch in the market if it were in convenient sized lots? I would not estimate it at more than £12 an acre.

39. Do you think it would be likely to realise that price? Yes, I think it would be worth that. The land would, of course, vary in value. I have some land which, if it were drained, would be worth £50 an acre to me; indeed, I would not take £100 an acre for it.

40. Is it now subject to these continual floods? Yes; it is a lagoon now, and retains water longer than any portion of the swamp, and when it is dry it is almost all manure.

41. What is the difficulty in the way of draining that land? It is very simple. There is a small bank between it and Cocodingy Creek, and for £50, if Cocodingy Creek had a sluice in it, I could drain that piece.

42. And what would that land then be worth? I would not take less than £50 an acre for it.

43. What is its extent? About 20 acres—that is the lagoon—but I should say there are some fifty or sixty acres altogether.

44. Would you, as the proprietor of that land, object to be rated, at any reasonable amount, to carry out a general system of drainage, which would enable you to drain that land? No, I would not.

45. Do you think there would be a willingness on the part of your neighbours to pay a certain rate to carry on improvements of this kind? I cannot say, for I never spoke to the proprietors of the adjoining properties on the subject. Mr. Wentworth is the largest proprietor of swamp land, and many years ago he was very anxious to have his land drained, and was thinking of commencing operations. I have never spoken to Mr. Eales or Mr. Hickey on the subject; but without them the settlers could not undertake it.

46. When you speak of the settlers you mean the tenants? Yes, the tenants; there are scarcely any freeholders there.

47. Is the land you have spoken of in the neighborhood of Hexam owned in small or large blocks? All large blocks.
48. Do you think it expedient to pass a law whereby some three or four proprietors in such a neighbourhood could compel proprietors of lands adjacent, similarly situated, to carry out a system of drainage? I think it would be extremely beneficial to the whole district.
49. Have any cases come under your knowledge where persons having lands such as you have described have been prevented carrying out drainage works from the refusal of neighbouring proprietors to co-operate? The only case I know of was the one to which I have already referred. Some time ago my grandfather went to the expense of draining his lands, and the adjoining proprietor pulled up the flood-gates to the creek, and so destroyed his work, and ruined the estate, or a great portion of it.
50. Do you think there would be any injustice in passing such a law as I have referred to? No.
51. Under which persons could be compelled to contribute rateably for the common improvement of their own and the adjoining lands? I think it would be very just.
52. Can you suggest to the Committee any scheme by which such an object can be carried out? I am not prepared to suggest any. All our landowners are non-residents. Messrs. Christie, Wentworth, and Greenaway, are in England.
53. Do you think there are sufficient resident proprietors in the locality you have been describing to take charge of any works that may be authorised to be carried out by law? No; I do not think there are sufficient to undertake the management.
54. What is the extent of this country in which you say there are some twelve thousand acres of land completely useless from the want of some system of drainage: Does it extend from a little below Morpeth to Ironbark Creek, near Hexham? No; I do not allude to lands near Morpeth, but to Lydney Park, part of Berry Park, part of Woodford, the whole of Flood's farm, Greenaway's eight hundred acres, Christie's three thousand nine hundred and twenty acres, six hundred and eighty acres marked Hughes and Hosking, and Wentworth's.
55. And in these estates you describe there are about twelve thousand acres which are now completely useless for agriculture for want of some system of drainage? Yes.
56. Do you believe if proper drainage arrangements were carried out the value of these lands might be estimated at something like £12 an acre? Yes.
57. Would these lands be available for cultivation purposes? Not for a time; they would have to lie idle for a few years, to get the salt out. A few years ago the Wentworth swamp was splendid grazing ground, now it would scarcely keep a beast at all.
58. After the land had had time to sweeten, would it be suitable for pastoral purposes? Yes. When Mr. Eales commenced his tramway, he ploughed completely across the soil, and it was splendid.
59. *By Mr. Hay:* To what height did the great flood last year rise at Hexham? About five feet. I think the great flood was over the cultivation ground.
60. Do you propose to raise embankments higher than the level of the cultivation land? No, not higher than the natural banks of the river.
61. You do not intend to attempt to guard against these great inundations? No; by raising the banks you would do greater injury, as it would prevent the water going off. It is about six or seven miles above Hexham that the danger from flood arises, opposite the Williams River.
62. You do not contemplate any operations for the purpose of preventing the land being flooded on such occasions as these? No.
63. *By Mr. Jones:* I understand you to say you would not raise the banks in the immediate neighbourhood of Hexham, with the view of keeping out these great floods? No.
64. For, by so doing you would keep in the water when it had once come upon the land from above? Yes.
65. Do you think it would be useful to form an embankment where the water now comes in above? No. I doubt if it could be done—if an embankment could be made of sufficient strength to resist the combined forces of the three rivers.
66. At what part does the water first break in? Below Morpeth, where the Paterson joins the Hunter; it would come through Berry Park, Duckinfield, I think it is called, and on to Mr. Hickey's estate, and Miller's Forest.
67. So that any measures to prevent damage to the land from high floods must be taken at some distance higher up the river? Yes.
68. *By Mr. Hay:* I understood you to say that the greatest height of water at Hexham during the late flood was some five or six feet above the cultivation land? Yes.
69. Was the water extended at this level over the whole of the swamp? Yes.
70. And over the whole of the low lands about Hexham, to which you have alluded? About Miller's Forest it was about the same; I saw the marks on the trees. On the very banks of the river it rose higher than far in.
71. If you were to endeavour to provide a sufficient outlet for the water within the usual bounds of the river, and by embankments to keep it from spreading upon these low lands, the water in the river would, I presume, rise to a great height? To a fearful height; the sheet of water, five feet deep, was in some places many miles broad.
72. Therefore, I presume, you do not suppose that that would be practicable? I do not say that it would not be practicable, but it would be an enormous expense.
73. The embankments, of course, would require to be raised very much higher than five feet, for, the water being confined in a small space would be raised much higher? Yes.
74. With reference to the embankments that would be necessary to carry out the works you do contemplate: these embankments, I presume, require to be more substantial than otherwise they would be required to be, in consequence of the liability to be injured by these great floods: occasionally, when the river broke over, would it not injure these banks, unless they were substantial? Certainly, the floods would endanger them, but not so much as might be

Mr. E. Sparke,
junr.

22 June, 1858.

- Mr. E. Sparke, junr.
22 June, 1858.
- be expected; for I was in a boat at the time of the flood, and I found that the current was not so strong immediately on the banks of the river, as between the high lands and banks.
75. Do you not think if these particular places where the banks are now broken away, and where you would require to raise artificial embankments, the current would be very much stronger, in consequence of the more rapid slope of those embankments? Yes; they would have to be protected, more especially at the upper end. On Greenaway's land, a great deal would be required to be done to keep out the flood, for in ordinary freshes it comes down some of the creeks; it only affects his land and a portion of Woodlands Estate.
76. *By Mr. Jones:* How often do floods such as that we had last year occur? I have heard from my father that it is twenty-five years since we had a flood of the same height.
77. Within your recollection, did you ever see Hexham flooded? No; I never saw it covered so much as it was in the July flood, and that was, comparatively speaking, nothing at all.
78. *By Mr. Hay:* How often was the cultivation land at Hexham flooded last year? Three times, but not entirely. The second flood only went over a portion, and directly the river fell it went off.
79. Have you ever seen any portion of the cultivation lands of Hexham flooded, previous to that? Yes, a very small portion of it; but that was during very heavy rains.
80. Did you ever see the river break into these flats before? Not to the same extent, but I have seen them flowed over by the high spring tides.
81. *By Mr. Piddington:* You never saw a flood previous to this arising from the same cause? No.
82. *By the Chairman:* I think you said your grandfather had effectually drained some low land? Yes.
83. And that Mr. John Hannell, by pulling down the flood-gates, had ruined these lands? Yes; ten times the quantity of land is now destroyed in consequence.
84. Do you think the proprietors of land generally would be in favor of adopting a general system of drainage? Yes, I think the majority would be in favor of it.
85. Supposing one individual to object, he would overthrow all the plans of the rest? I think there are people who would object to any general system, and who would throw all the difficulty they could do in the way.
86. Do you think then that some law ought to be passed to compel every proprietor to co-operate in a general system of drainage? Yes.
87. Do you think the matter should be managed by a Committee, or Board chosen by the proprietors themselves, or would you trust the whole thing to the Executive Government? I should prefer to have the Board appointed by the proprietors; I think they would probably carry out the arrangements more effectually than the Government; and as they would have to pay the money, if they had to expend it I think they would do so more beneficially.
88. Would you have the members of such Board paid, or unpaid? I should prefer to have them unpaid. I should be very glad to give my time to such an object, as it would tend to the improvement of my own property.
89. You would have Local Boards, and not a General Board, for the drainage of the whole district? Local Boards.
90. *By Mr. Jones:* These Local Boards to be elected or appointed by the proprietors or tenants who would have to bear the expenditure? Yes. Mr. Bradley could give the Committee some information respecting the drainage of Mr. Christie's property; he had plans drawn of the estate, and had nearly completed his arrangements for draining the estate, at a cost of £1200, when he had some falling out with the contractor.
91. What prevented his commencing it? He had some falling out with the party who undertook it.
92. It had nothing to do with the proprietor of the adjoining estate? No.
93. *By Mr. Piddington:* The total quantity of land in the Big Swamp, you said, was about 8,000 acres? Not in the Big Swamp, but in the low land to be drained.
94. You stated that the total quantity was 12,000 acres——? I spoke of the district then; I did not say that was all low land.
95. How much of that 8,000 acres belongs to non-resident proprietors? More than three-fourths.
96. You have alluded to Cocodingy Creek—does not that run through Lydney Park? Yes.
97. That is already a natural drain? Yes; but the high spring tides come up it.
98. Cocodingy Creek drains Lydney Park, in the first instance? Yes.
99. And Lydney Park belongs to one proprietor? Yes.
100. I think you stated that some of Mr. Hickey's tenants did not care about remaining on his land in consequence of their liability to floods? Yes.
101. Is the Lydney Park Estate in such a condition that it might be drained by the proprietor without interfering with other proprietors in the same neighbourhood? No; if Lydney Park were drained, Mr. Eales' land would also be drained, as Mr. Eales has a section of land at the mouth of Cocodingy Creek.
102. It would be comparatively inexpensive to place flood-gates at the mouth of Cocodingy Creek, and deepen the creek, would it not? Yes.
103. And Cocodingy Creek is filling up, as other creeks fill up, is it not, for want of cleansing? Yes; the timber is falling into it and choking it.
104. Is the entire level of the great swamp equally liable to inundation—one acre with another? The difference is very slight.
105. Then, it would cost about an equal sum to drain the land belonging to one proprietor as it would be necessary to expend to drain the land belonging to an adjoining proprietor? No; it would take more, for instance, to drain Mr. Wentworth's land than it would to drain Mr. Christie's, because the latter has some high land along the banks of the river, which the other has not, and it would be necessary to cut a drain from Mr. Wentworth's land through the land of Mr. Christie.

106. If it would cost much more to drain Mr. Wentworth's land than Mr. Christie's, or Mr. Christie's than Mr. Wentworth's, how would you apportion a rateable assessment between the two? I should first ascertain what would be the expense of doing the cheapest first, and then I would calculate the more expensive. For instance, if I had ten acres nearer the river, and it would cost me a hundred pounds to drain it, you might have ten acres behind me, and the cost of that might be £150—I do not know how to arrange it.
107. Where there are numerous proprietors on a piece of low land, such as Miller's Forest, it would be necessary to go into some calculation? I could not go into that question.
108. Where is the spot opposite the Paterson or Williams River over which the water breaks in time of these great floods? It breaks over for a great distance after passing Morpeth—the whole land on the south bank of the river.
109. In the case of the floods of last year, did the Hunter River overflow its banks for any distance continuously? Yes, for several miles.
110. *By the Chairman:* Supposing many of these creeks we have been alluding to were properly deepened, and proper flood-gates were placed in them, would they supply the residents in the neighbourhood with fresh water? No, I think not for a very long time, for the nature of the ground gives the water a peculiar taste.
111. Ultimately? Ultimately it might be useful, but not for a very long time.
112. Would it do for cattle? Yes, I think so.

MEMO:—In speaking of Mr. Hickey's tenants leaving, I do not wish to be understood to speak disparagingly of his lands or in any way to injure him.

Mr. Joshua Anderson called in and examined:—

1. *By the Chairman:* You are resident, I think, about Oakhampton? I have land at Oakhampton; I reside at Maitland.
2. There are a great number of proprietors there? Yes.
3. Is that land low, and liable to be injured by heavy rains? A portion of it; it forms a kind of basin, which is generally flooded from the adjacent lands with ordinary rains.
4. What is the extent of land there liable to be flooded, supposing heavy rains to have occurred? I should think in heavy floods about a hundred acres.
5. Not more? Not more, in ordinary floods. There is another portion, called McCann's Paddock, which belongs to Mr. Eales.
6. Is there any extent of land injured by the want of good drainage? There is much in the vicinity of West Maitland.
7. To what extent should you suppose? I could refer to three or four particular places—Oakhampton, McCann's Paddock, Dagworth, Ravensfield, and Hungerford Swamps.
8. What may be the area of these various lands? They are very extensive; I could not rightly give an accurate account of the number of acres, but it must amount to several thousands.
9. These several thousand acres would be benefited by a judicious system of drainage? Very much indeed.
10. If such a system were proposed by a number of proprietors, do you think it could be carried out, or do you think it probable that some individual having intervening land might object to it? In very few instances they would, for I have been conversing with many who are favorable to a general system of drainage. This land is mostly in the hands of proprietors who have purchased small farms, and I find them almost unanimous; they have suffered so much from recent floods that they cannot reclaim their land, and if matters go on as they have done they will soon be beggared.
11. If they are unanimous, why have they not adopted measures to drain their land? I may state what happened to myself. I was instrumental in draining a portion of the Oakhampton Estate, and while I was in the midst of it, one of the parties whose land had been drained refused to make compensation, or to allow the work to go on through his land; so that, after being at half the cost, my land remains undrained. And so it might happen in future, that a party who might agree to a system of drainage in the first instance, would, from ignorance or other cause, prevent its being carried on when it came to his own ground.
12. In the instance to which you have referred, one individual rendered abortive your attempts at drainage? Yes.
13. Then you are of opinion that some enactment should be passed to render compliance with a general scheme of drainage compulsory? I am; and if the district of Maitland is inclined to prosper, and to hold the position it should do in the country, this must be done.
14. Would you have the management placed in the hands of a Committee chosen by the proprietors? Yes, by the proprietors themselves, and they should be competent to assess to the value parties might derive from the drainage, and the rate they should pay according to the advantage they might derive. In some cases parties might be losers by this drainage; for instance, there might be a lagoon intercepted from the river by elevated land, this land would have to be cut through, in order to drain off the water from the lagoon. If the intermediate land were possessed by a person to whom the swamp did not belong, he would sustain an injury by having his land cut through for the purpose of drainage. In such a case the valuers should assess the damage done, and compensation should be made.
15. That compensation to be made from the assessment upon the adjoining proprietors? Yes, by competent assessors or valuers, who should be paid for their trouble in assessing.
16. You allude, of course, to surface drainage more than to extraordinary flood? I can allude to both. I think for ordinary floods it would be of the greatest advantage, and the least cost; but I think I could see a plan that would be instrumental in preventing heavy floods.
17. Can you state that plan? If a drain were cut from Bolwarra to Largs, about three-quarters of a mile —

Mr. Joshua
Anderson.

22 June, 1858.

18. What would be the effect of this drainage? It would be that, when the Hunter began to rise, it would be led by a short passage to Newcastle, and thence to the sea, instead of going round these serpentine windings of the river, where it accumulates, as it were, in a great heap, and spreads all over the country. The drain might be taken from Bolwarra to the River Paterson, or the Hunter, at Phoenix Park.
19. This drain, you think, would allow the water to pass on so freely as to prevent Maitland being flooded? Yes; because at present the stream is so retarded by the serpentine windings of the river, that it accumulates in a heap, and retards the progress. If it had a shorter course it would pass on quicker; if, instead of journeying twenty-five miles, it had to go but three-quarters of a mile, it would get to sea quicker.
20. What would be the effect of this canal upon the lands below it? As to that, I believe the course of the river would have to be straightened in many places—many points would have to be cut off the river.
21. What would be the cost of these particular cuttings you allude to? I could not rightly calculate upon that, but it would cost a deal of money.
22. That is to be borne by Government, I presume? I do not think it would be right to require the Government to bear that; I think the proprietors of the land ought to be assessed.
23. You think those whose lands were preserved from flooding should be assessed? Yes; and that they should have time given them to pay it up gradually, in instalments. I myself would be willing to have my property mortgaged in this way for its improvement.
24. *By Mr. Jones:* You think it would be better to pay £10 in the shape of assessment for the improvement of your property, than to have property to the value of £100 destroyed? I do.
25. *By the Chairman:* Then this partial system of drainage would relieve the lower lands from injury from heavy rains—would this case off these various swamps? No.
26. *By Mr. Jones:* You believe these two systems to be quite distinct—this canal would not afford any relief to the lands ordinarily submerged by rains? No.
27. *By the Chairman:* In your opinion, do the crops of the country suffer most from droughts or rains? They suffer from both; but, I believe, during the thirteen years I have been resident in Maitland it has suffered most from floods.
28. If the lower available lands were sufficiently drained to enable them to be brought into cultivation, would their drainage injure the higher lands, by making them more dry? It would not in the least.
29. In your opinion, the vast majority of people resident about Maitland and Oakhampton would be favorable to an enactment of the kind? Yes; for, having suffered so much from the floods, they would be glad to do anything to avoid them for the future. People of indolent habits might object, but more than two-thirds would be in favor of this system.
30. During these last rains have any crops been injured? Yes, very much; by the Railway Commissioners or Government having taken four or five feet off the level of Wallis' Creek, together with Fisher's Creek. I believe it would take £2,000 to compensate parties for the damage done at Ravensfield, Louth Park, Dagworth, and Brooks' Flat.
31. Do you attribute this loss of £2,000 entirely to the embankment made by the Railway Commissioners? Yes, I do. I believe had the banks been left as they originally stood, there would have been no damage done. I know, from a person who has been resident at Dagworth five years, that in previous similar rains no damage has been done; but the creek is now stopped up by the railway, and the Commissioners, or Surveyor, did not take the original level, but left four or five feet remaining on the banks, so that the water rushes over. One poor man who lives at Dagworth, and has a team of horses, had seven or eight acres of fine grass land (from which he expected a fine crop for his horses) all destroyed—it was all one sheet of water. This was caused by the wrong level being taken by the Commissioners of the Railway.
32. *By Mr. Hay:* Are you aware that the object of the Railway Commissioners in leaving the embankment was to provide water for the people of East Maitland? Yes, and it is of no importance at all to them; for I believe, since that they have not taken a gallon of water out of that same place.
33. Do you know there was a petition sent in respecting that? I am aware of that; but if the Surveyor had acted judiciously he would have found that what he was going to do would be to the injury of others.
34. *By Mr. Jones:* You are, I think, a proprietor of part of the Oakhampton Estate? Yes.
35. Have you been long a proprietor? I have, for eight or nine years.
36. Have you, either personally or in conjunction with others, attempted to drain any portion of that estate? Yes.
37. How long was that ago? I think about six years.
38. How many persons were joined with you in that operation? Mr. Scobie, Mr. Bertram, Mr. Pearce, and some others who were tenants. These were the chief parties, with Mr. Kelly. We did not join in partnership, but agreed to make a drain between Kelly's ground and mine. Kelly agreed to give us £20, and to let the drain go through a part of his land, which was on a bit of an eminence; and when his own land was drained he would neither do the one nor the other. I had to bring an action against him in the Supreme Court, and my land remains undrained. There is some of the land that was then drained, belonging to Mr. Scobie, worth £150 an acre.
39. Were all the parties consenting parties to the drainage arrangements when you began? Yes.
40. And on that common consent you began these drainage operations, and carried them through? Yes.
41. After incurring all the expense, you found that one person who had benefited considerably by this arrangement refused to bear his proportion of the expense? Yes.

42. How did Mr. Kelly back out of the arrangement—did he refuse to allow the drain to be carried through his land? He would not agree to the original plan.
43. Having had his own land drained, he would not allow such a drain to be made through his land as would drain yours? Yes.
44. And thus violated the agreement under which you had undertaken the expenditure? Yes.
45. Up to this time have you had your land drained? Not a bit of it, and I was at half the cost; he would not allow me to tunnel through his land.
46. Did he refuse to bear any portion of the expense to which he had originally agreed? Yes, he did.
47. Did you take any steps to compel him to carry out his portion of the agreement? I brought an action against him in the Supreme Court, and the result was that I got £200 damages.
48. Does that case appear to you to be a proof of the necessity of having some legislative provision under which drainage operations can be carried out? Yes; it went to confirm my mind that nothing else would do.
49. So that those whose lands would be benefited by such operations should be compelled to join in some common measure for drainage? Yes, in some common just measure.
50. *By Mr. Hay*: In order to ascertain who would really benefit by any particular scheme of drainage, I suppose it would be necessary to have an accurate survey of the land in the first instance? Yes.
51. To ascertain the amount of land requiring drainage? Yes; and it should afterwards be valued by a competent valuator.
52. It would also be necessary to ascertain the damage which particular individuals might suffer from carrying out this scheme? Yes; to make some compensation to those who might be losers for benefiting others, and those who were benefited should pay in proportion to the benefit derived from the system of drainage.
53. You are not aware, with regard to this new cutting at East Maitland, whether the bottom of the water-course there is left at a higher level than the spring tides? It is considerably higher than the spring tides. I believe it would be a benefit, provided it were brought to the original level of the creek, and had flood-gates. For instance, when the river rises at the Falls, it breaks away to Wallis' Creek. If there were sufficient flood-gates of proper dimensions it would be a benefit, for it would prevent Dagworth, and away to Ravensworth, being flooded.
54. Would the spring tides go up there? No.
55. Then, of course, it would be no advantage to the people of East Maitland for the purpose of supplying them with water? They might have fresh water at some low spot where there might be a reservoir of easy access for horses. Now, where the high embankment is they cannot get access to the water, unless by throwing down a bucket.
56. Do you know that a resolution was passed by the Assembly approving of a dam being made at Wallis' Creek? Yes.
57. You do not think your friends did you any good there? I am sure they (*i. e.*, our East Maitland friends,) by their petition, did a great deal of evil.
58. *By Mr. Jones*: Do you know exactly the nature of the resolution passed at the Assembly? Yes: I could not help laughing at it at the time.
59. What was the nature of the resolution respecting the Falls and Wallis' Creek? To make a dam at the Falls, and something similar at Wallis' Creek.
60. Did you ever hear the resolution, or have you a clear recollection of the exact terms of it? No; my memory is defective.
61. You are not aware that the resolution simply pressed upon the Government the necessity of making a survey to ascertain the practicability and the cost? Now you have reminded me, I do.
62. Do you think that has been at all properly carried out? I am sure it has not.
63. Do you think if a proper survey had been made the Commissioners would have adopted an arrangement which practically resulted in injuring many acres of land—in destroying some £2,000 or £3,000 worth of property within the last few months? I do not think if they had taken proper steps they would have done so.
64. If they had made such survey as they ought before undertaking such a work as this, the evils that have resulted would have been obviated? Yes.
65. You are aware that the resolution of the Assembly did not commit the Commissioners, or the Government, to the placing a dam across Wallis' Creek without first ascertaining the probable consequence? Yes.
66. *By Mr. Hay*: Are you clear about that? Yes, I think so.
67. Do you think the dam, if sufficiently high to exclude the spring tides, would provide fresh water for the people of Maitland? It might, to the injury of others.
68. A dam not sufficiently high to exclude spring tides would not prevent the water from becoming brackish? I believe it is not brackish at the junction where it goes into the river, unless in very dry seasons.
69. Do you know if there was any allusion made to the flooding of this land in the resolution, or in the course of the arguments upon it? Yes. Mr. Robertson made some allusion to it, and I quite agreed with him at the time.
70. That the dam would have that effect? Yes; especially at Wallis' Creek and East Maitland, and I quite acquiesced in his remarks.
71. That any dam would necessarily have that effect? Yes.
72. Your idea is, that the flooding has been caused by attempting to do with a dam what should have been done by flood-gates? Yes, just so.
73. *By the Chairman*: If the level of this were made lower, and a flood-gate were placed, would it affect the fresh water at Wallis' Creek? It would not.
74. Would it not leave the water in Wallis' Creek very much reduced in depth? Yes; but there would be still sufficient for domestic purposes.

Mr. Joshua
Anderson.

22 June, 1853.

Mr. Joshua
Anderson.

22 June, 1858.

75. In dry seasons? Yes. Even provided that were carried into effect there might be a reservoir in some low land where horses and carts might have access to it.
76. *By Mr. Piddington*: Is there any place at Wallis' Creek to which horses and carts now go? No; there is not since the Victoria Bridge was erected.
77. *By Mr. Hay*: Do you think by cutting a canal from Bolwarra to Largs, which is about two miles, I think, instead of three-quarters —? (*The witness referred to a map, and admitted that the distance exceeded two miles.*)*
78. Do you think there would be no danger, if you were to open this new channel for the river, of increasing the liability to flood of the country below? The probability of that has been discussed; but I think improvements might be made in the river, so as to give it a straighter passage. The river now works itself to force its course in a straight direction, by working into the banks where there is a bend in the river.
79. Is not the tendency also to increase the bends by depositing sand on the points? Yes, it has that tendency.
80. Do you not conceive that if the river were driven with this great celerity through this short cut that it would increase—unless some provision were made through the rest of the course of the river to the sea—the liability to flood the country below? It might, but it would not do so much harm as at present, as the waters are now accumulated in a heap in these serpentine reaches. The water would then pass on with great rapidity, and discharge itself at Newcastle, and thence into the sea.
81. When it is detained in these long reaches it cannot reach Hinton with the same velocity as it would if it went through the short channel you propose to cut there? I think it is worse as it is now, because it accumulates in a heap, whereas if there were a short cut, it would be rapidly discharged.
82. How far up the river is the effect of the tide felt? It is reflected back a little piece past Maitland.
83. At Maitland how high does the spring tide rise? It may rise a foot or a foot and a half.
84. When you speak of the water being discharged into the sea, do you take into account that the sea is backed up by tides right to Maitland? Yes; but of course the storm water is higher a deal than the level of the tide; the water would work its own level, but the height of the tide is the height of the sea.
85. Do you not think that the effect of the tide and of the flood meeting is to raise the water higher? I think, unless there were a hurricane, or something of that kind, to affect the sea, it would not be so.
86. Do you not think that the backing up of the water by the tide in time of flood must, so to speak, heap up the water and raise it higher? It would retard the course of it if there were a storm, but not if it were calm: it would depend upon the weather; if the wind was southward it would raise the water higher.
87. *By Mr. Piddington*: If a canal were cut from Bolwarra House to Largs, what would be the saving of distance, taking all the windings of the present course of the river? About eighteen miles.
88. The distance by the proposed canal you speak of would be about two miles and a half? So Mr. Hay says.
89. What reason have you to suppose that if such a canal were cut that the property on both banks of the river below Largs would be more liable to flood than at present? I think it would not come on it with such force, because it would come more gradually.
90. A straight canal at the place you speak of would carry down the water caused by rain during floods more quickly into the sea than the circuitous course through which it flows at present? Yes.
91. Are there any impediments to the course of the river below Largs, from bends in the river? Yes. I think many bends could be taken off. There are two or three—one opposite Morpeth.
92. These curves in the river are by no means so numerous below Largs as above it, between Largs and Bolwarra? No.
93. With respect to Oakhampton Estate, how many proprietors do you think are interested in that part of the estate liable to floods? About four.
94. Is there any communication between Oakhampton Estate and any other low land in the neighbourhood of Maitland? There is a part, which is only connected in times of high floods, what is called Mr. Cann's Paddock; there is a large lagoon. There is a party between that and the river who will not be benefited (Mr. Hall); he will have to be compensated.
95. How much land is there in the Oakhampton Estate not secured from flood? I think about fifty or sixty acres.
96. The expense of draining the Oakhampton Estate would not then be a very heavy charge? No; it could have been done at first for £200, provided the plans had been carried into effect, and there had been no dissenting party.
97. That is not connected with other extensive swamp land liable to injury from ordinary floods? No.
98. The parties interested would be quite capable, if there were some law authorising a joint contribution, to drain their lands? In Oakhampton they would.
99. You have no experience of other tracts of swamp land on the lower part of the Hunter River, at Miller's Forest? No, I have not.
100. In any case where a considerable quantity of land, such as that required to be drained, belonging to different proprietors, could you suggest any mode by which it could be effectually done?

* I adhere to my former statement—from $\frac{3}{4}$ to one mile. I must have been mistaken to have supposed such a thing as two miles.

- done? I see distinctly how it could be drained, in a variety of ways—either by draining it into dry creeks, or by tunnels under ground.
101. I do not refer to mechanical means, but to the method of raising the money? I have referred to that before; it is a very plain thing. I would have Commissioners, or valuers, competent to do justice between man and man. The lands that would be reclaimed would far more than pay the cost. There are some lands for which £100 an acre would be no value, if they were drained, that are now lying barren and useless.
102. Would you propose to raise funds by a contribution of the entire amount in one year? No, I would not at all agree to that; it would be no matter to those who had money lying idle by them whether it were paid in one year or in ten, but there are many who would require time to pay it in.
103. The money that would be necessary to drain a large acreage, such as I speak of, would be required immediately, would it not? It might not be required immediately if the Government would lend, and charge a reasonable per centage, the principal to be repaid in a certain number of years.
104. It would be requisite in such cases to raise the money by loan, would it not? Yes.
105. In cases of the kind where, as you describe it, the land is of considerable improvable value, do you think the land would be a sufficient guarantee to the Government for the amount expended in the making of such improvement? Yes, I think so.

Mr. Joshua
Anderson.

22 June, 1858.

WEDNESDAY, 30 JUNE, 1858.

Present:—

MR. SCOTT.
MR. WEEKES,

MR. JONES,
MR. GORDON.

A. W. SCOTT, Esq., IN THE CHAIR.

Mr. Joseph Neville called in and examined:—

1. *By the Chairman*: Where do you reside, Mr. Neville? At Miller's Forest.
2. That is in the Lower Hunter, opposite Raymond Terrace? Yes.
3. Do you occupy a farm there? Yes.
4. Is it your own land? Yes.
5. Are there many people occupying their own lands about you? Yes, a good many.
6. And the whole of the lands are low? Yes, all low lands.
7. A good deal subject to be injured by rainy weather? Yes; very much so.
8. Would these lands be improved by the adoption of any system of drainage? Yes; I think it would be of the greatest benefit to them.
9. Have you adopted drainage yourself? Yes.
10. Will you state to the Committee whether the drains that you have constructed have been beneficial to yourself, and to what extent? My land would be useless if I had not drained it.
11. A portion of it? Yes. When I purchased my farm it was considered as wet as any, now it can grow crops as good as any around.
12. Your land was wet when you purchased it? Yes. Mr. Jacobs purchased land aside of me, and is letting his land at £2 per acre. Mr. R. Jacobs offered me the same price for mine. I purchased mine at £13 and £15 per acre less than Mr. Jacobs did, and mine is now as valuable as his.
13. Your land was previous to the drainage of less value than Mr. Jacobs', but owing to your draining it is now of equal value? Yes.
14. *By Mr. Jones*: What price per acre did you pay for your farm? £30.
15. What price did Mr. Jacobs pay? He paid £13 per acre for one lot, and for another contiguous he paid £45 per acre.
16. Owing to the arrangements made for draining your land, you can get as much per acre for your land as Mr. Jacobs can for his? Yes. Mr. R. Jacobs purchased another lot side of me, for which he gave £37.
17. So that, I suppose, you infer by the arrangements you have adopted for draining your land you have added £7 to £8 per acre on its value? Yes.
18. Judging from the rental offered, as compared with the rental of the higher purchases made there? Yes.
19. *By the Chairman*: How much land is there like yours—low lands—improved about Miller's Forest? I could hardly give a rough guess. There is a deal of land.
20. The whole of which might be improved? Yes; after you leave the river's banks.
21. The whole is very low land? Yes.
22. And which, by a system of drainage, might be brought into use and cultivation? Yes, it might, certainly—it could.
23. However, if it is of advantage to people to drain, why is it they do not drain? It is expensive—draining; besides, one would hinder another—another person would not admit the other to carry the water through his premises. In fact, there have been law suits respecting the same thing.
24. You say one would prevent another from draining, and there have been law suits in consequence? Yes, there have.
25. Do you think it desirable that some kind of law should be made to compel people to drain the lands? Yes, I do. I think without that it could never be done.
26. Have you thought of any system that you would recommend to be adopted by the Government?

Mr. J. Neville.

30 June, 1858.

- Mr. J. Neville. Government? I have thought of different ways. I consider if they put an assessment on it according to the improvement the land derived from draining, it would be beneficial.
- 30 June, 1858. 27. And who would have the disposal of the money raised by assessment—who ought to have it? There ought to be a sort of committee in the neighbourhood.
28. A local committee? Yes, who should have the management of it.
29. You think that would be a better system than trusting the Government entirely with it? It might save expense, because sometimes the committee in the neighbourhood would see where the drains were needed more than the Government could. I think the residents would know more about it than the Government.
30. At any rate, it would be more satisfactory to yourselves? Yes.
31. The drainage, I presume, would be of no use unless you had some authority to keep those drains continually open? No, they would be of no use unless they were kept open, and made to be cleaned out once a-year or so.
32. Have you directed your attention to flood-gates on low lands? I never use them, but I intend to as soon as my means will allow me.
33. Do you think the adoption of flood-gates for draining Miller's Forest would be of advantage? Yes. They would keep the tide from running in, and the main drains would be docked down to something like low-water mark. If the flood-gate kept the tide from going in, the drains would be dry and healthy, except at flood times.
34. Is there any creek—of course I allude to Miller's Forest—that has a natural tendency to drain the whole land? Yes, there are two creeks; there is one on Hickey's Farm, and one on Miller's Forest.
35. There is one on Miller's Forest? Yes.
36. If these two creeks were kept open, with flood-gates attached, would that be sufficient effectually to drain a large portion of Miller's Forest, so as to keep it in cultivation? I don't know what to say. To keep them clean would be more expense and trouble than to dig new drains, and have straight courses with them.
37. Are you acquainted with the wishes of any other district but your own, and whether a system of drainage would be useful? I have heard some neighbours say they would like to carry out the drainage, but there are some who are more convenient to the river, and whose land is lower, who do not wish it to run through their land. I am, so far, safe myself; I have a good river frontage, and can drain my own land at little expense, and had no other to consult with.
38. Would the drainage of this land do any injury to the higher portion of the agricultural lands, or make them drier in summer? No, I think not.
39. *By Mr. Weekes:* Is not that a natural tendency of draining from a lower level to make the higher lands drier? Yes; but it would not make them useless; the land does not run so high.
40. Would it injure them at all? No, I think not.
41. Is your land swampy or marshy from fresh or salt water? From fresh water.
42. In the plan you suggested of draining, are you keeping in view a due regard to the floods, or was it simply the drainage of land from the natural wet? The drainage of land from surplus water is what I am alluding to; it is no use when heavy floods come—a general deluge like last August.
43. Is the district you live in of that character to enable it to be formed in separate draining local sections? Yes, I think so.
44. You think all should pay an equal rateable amount? According as they derive the benefit from the drainage. Some do not need draining as much as others; it is not right to tax them, except in proportion to the benefit they receive.
45. What mode would you devise for ascertaining the amount of injury sustained or benefit derived? That ought to be decided by a competent surveyor examining the land before draining, and proving the value of it afterwards.
46. Have you made any estimate of what amount per acre you conceive sufficient to carry out and maintain a thorough system of drainage for the district you reside in? No.
47. Can you form any approximation? Not at present; I might if I had a little time.
48. Do I understand you to say you would have this vested in a kind of corporation or body of some kind to dispense the funds? Yes.
49. How would you have that body elected: would you have it simply a representation of the residents, or would it be a representation of acres,—that is, would you give the same influence or votes to a man farming 20 acres as you would to a man who had a farm of 1,000 acres? No.
50. Then, you would give a man with a larger portion—a larger extent of land—a greater influence than the small one? Yes.
51. Then it would be the influence of per acre instead of per man? Yes, per acre.
52. Is it not in that case likely that some large landed proprietors might entirely swamp the influences of the smaller ones in any works that might be carrying out? It might be so; very likely it would.
53. And therefore it would be the means of the works being carried out more for the benefit of the large proprietors than for the benefit of the small proprietors in the district, if the influence or votes were according to the number of acres? It would be carried out like that if we go by the number of acres.
54. That is your suggestion? Yes.
55. Then don't you see some objection to it? Yes, there might be this objection,—that small proprietors would be over-borne by large proprietors. You see where there is a freehold property there is a difference there. In Miller's Forest there are 2,000 acres with some 50 or 60 proprietors. When you come to Hickey's or Eales' land, it would be no use to have the mechanics' opinion there, because they would rule the tenants.

56. The landlord rules his tenants? I mean by ruling their tenants, that they could make them do as they thought proper if it came in their way. Mr. J. Neville.
57. Do you think, as a general rule, that the landlords have influence over their tenantry— 30 June, 1858.
are their leases so short as to give them that power? They are yearly tenants, and do not take so much interest in the land.
58. Are the leases for one year's term? Yes, they are lately, on Mr. Hickey's side.
59. Do you know whether that is the practice on the Hunter generally? No.
60. Is it possible for a tenant to undertake any work of improvement on a lease for a year? No. I think the leases of Mr. Hickey's were for four years.
61. And then for four years afterwards? They stop as yearly tenants afterwards.
62. Does it not strike you there would be some difficulty about the assessment of the respective benefit or injury that might accrue to the different farms from this drainage? I cannot see what injury it would do.
63. I understood you to say the benefit derived might not be equal? Some would not benefit so much as others.
64. Then it would not be fair to call on them for the same amount of contribution as those who benefited very largely? Of course I should not think it fair to subscribe the same amount of contribution as those did who were benefited more than me.
65. A man in the district might require no drainage of any kind, but in the district where the assessment was levied he would have to pay his quota: is it not difficult to ascertain his proportion—you would estimate it from what—on what grounds could it be estimated? I could hardly estimate such a thing as that without consideration.
66. Should a man that derives no benefit pay anything? There are no such cases. There would not be one of that sort, that would not derive any benefit. Some would derive more benefit than others; to some it would be almost useless.
67. Your farm is on the bank of the river? Yes.
68. Was this drainage of your farm a simple work? Yes, very simple.
69. The drainage you carry on in your farm is enough for all your purposes and to make it all you wish? Yes.
70. Then, for you, the other system of drainage would be unnecessary? It would be no use to me.
71. You would be an instance in your own person of its unfairness—because if a rate were levied for the whole, although you were not benefiting by it, you would have to contribute to it? Yes.
72. How would you suggest the funds collected for this purpose should be expended—under what control—a body appointed by the contributors? Yes, I should say so.
73. By election? Yes.
74. And, in that election, I think you said you would give an influence to the number of acres rather than to the tenantry or men? Yes. There is a different thing to be considered: a number of large landed proprietors might overwhelm the small ones, but it would only be but fair that the amount of acres should carry the majority. But if drainage is an improvement, he would have the improvement on a large number of acres in the same proportion as the small proprietors. The improvement per acre would be the same for a farm of 1,000 acres as it was for a farm of 100 acres.
75. But the large proprietors would have greater influence in the disposal of the funds, or any other money that might arise? You generally see they want to take that influence in most cases.
76. They want to take it? Yes, you generally find it so.
77. In starting a practice of that kind, do you think that each man should have one vote? I am hardly competent to give that opinion.
78. Would you like, you having a vote, to be overruled by a man who had double the land you have yourself? No, Sir, I should not.
79. *By Mr. Jones:* What is the extent of the Miller's Forest Estate? I believe somewhere about 2,000 acres.
80. That estate you said is cut up amongst some fifty or sixty proprietors? Yes.
81. How much of this estate is subject to be swamped from ordinary rains? I should say about 700 or 800 acres.
82. Out of the 2,000 acres? Yes.
83. Are these 700 or 800 acres which are pretty generally under water of good quality? First rate quality.
84. Some of the best land? Yes, if drained—if it is not under water. It is useless for cultivation if there are no drains.
85. It is so thoroughly under water that cultivation is impossible? Yes.
86. What additional value would be given to the land by this system of drainage? Some would be worth as much again as it is at present.
87. But we want to know what as much again would come to: say the present value is £10 or £12 per acre, what would land under water worth £10 or £12 per acre be worth if it were drained? I should say it would be worth £20 per acre.
88. It would double its value? Yes, it would.
89. Do you think it would be expedient to pass a law that some kind of compulsion should be exercised to neighbouring proprietors to carry out drainage on land contiguous to each other? I don't think it could be done without.
90. Under what circumstances would it be right to exercise such compulsion—would you require a majority of persons agreeing to drain? Yes, a majority agreeing to drain.
91. You conceive that if the majority of the proprietors are in favor of a certain system of drainage—if they come to the conclusion that the land should be drained—that the minority should be compelled to fall in with the views of the majority? Yes.
92. Having arrived at that point, some arrangement should be made under which a competent surveyor

Mr. J. Neville. surveyor should be appointed to value or estimate the additional value given to the lands of the respective parties by this system of drainage? Yes.

80 June, 1858. 93. Then that each party should be assessed according to the additional value given to his land? Yes; I think that would be fair.

94. I understood you to say, in reply to a question from Mr. Weekes, that you thought persons who had a large quantity of land should be compelled to pay a larger amount of assessment and have more votes than the smaller owners of lands who are assessed at smaller rates? Yes.

95. Would you carry this increased power of voting to an indefinite extent, or adopt the system of Joint Stock Companies, giving the holder of shares a proportionate number of votes up to a certain point? I would limit it to a certain point.

96. Suppose a man held 100 acres, and paid 5 per cent. on the value of these acres, you would give him one vote, and an additional vote for 150 acres, and so on, up to a certain number, and then stop, no matter how large the quantity of land one person might hold—you would not give him one vote for every additional number of acres, but you would stop at a certain number of votes; and, by this arrangement, you would prevent two large proprietors swamping a number of small proprietors, and so check any abuse in carrying out the drainage by one or two individuals? Yes.

97. I suppose that, without any drainage, the higher land is drained practically by the lower land? Yes.

98. Suppose they made artificial drains, I suppose the higher lands would not be much more drained than they are now? No.

99. And would not be likely to sustain any injury from the system of drainage? No.

100. Do you believe it would be much cheaper to drain a tract of country, say 1,000 or 2,000 acres, by a number of persons joining together than if each person drained his own land? Yes.

101. What do you estimate the saving to be? I could not estimate it; it would make so much difference.

102. As a rule, do you think it would not cost a man one-third as much if he joined with others as if he drained himself? Not more than one-third.

103. In some cases it would not equal that? No; not more than a quarter.

104. In Miller's Forest Estate is it so placed that one drain would be effectual for draining the great bulk of the estate—is it all in one watershed? No.

105. Is it so placed that one main drain would do for the whole estate? No. There are intervening ridges which would prevent it: the banks of the river would prevent it.

106. Could the whole of the proprietors of Miller's Forest be associated as a company for the purpose of draining Miller's Forest, or would you require three or four bodies? A company of one body would be the best.

107. Do you think it is for the common interest that the whole of the proprietors should be associated for the purpose of draining Miller's Forest, and that one assessment should be levied according to the benefit each proprietor receives? Yes.

108. I suppose there would be no practical difficulty in determining the benefit each person receives from drainage, and so determining the amount to be paid? No difficulty for a competent person.

109. Do you think he could ascertain it satisfactorily to the great body of those interested? It would require more than one to please all—I should say the majority of two out of three.

110. Your view is, that altogether you would employ one surveyor to make the plan, and estimate how much the land was benefited by the drainage carried on, but you would prefer having three valuers to determine the rate per man at which the parties should be assessed? Yes.

111. *By the Chairman:* I wish to know, from your own personal knowledge of your own district, what injury did you receive from those extremely heavy floods that we had last year—what amount of injury has it done—did it destroy all your crops, or only partially? It destroyed the whole of the crops.

112. How often have these floods occurred? I never knew but that one.

113. In how long? In fourteen years.

114. In fourteen years? Yes.

115. In that time you had the whole of your crops destroyed? Yes.

116. *By Mr. Jones:* Had you before any considerable portion of your crops destroyed? I have had portions destroyed.

117. *By the Chairman:* With respect to ordinary floods, what injury have you received? I have received injury at different times from the water lying there, and the water being stagnated, and there being no drains to drain it away.

118. I mean if the drains were carried out, I suppose the crops would be destroyed from the floods? No, I think not. I never saw crops destroyed where the land was drained until the last flood.

119. *By Mr. Jones:* I suppose the distinction you draw in what you speak of is between the heavy flood of last year and ordinary floods—the heavy flood breaks over the banks of the river and covers your ground, and the ordinary flood is the drainage from the watershed from the high land? Yes.

120. That is the destruction you suffered from ordinary and heavy floods? Yes.

121. And you said that once in fourteen years was the only time the water broke over your property? Yes.

122. *By the Chairman:* What proportion of your crops were destroyed by the ordinary floods? I can hardly say.

123. Can you guess—did it destroy one-quarter, or one-half? I might lose one-eighth, sometimes one-quarter.

124. And how often do these ordinary floods occur? I have known one about seven years ago; then we had no flood again until last year.

125. One in seven years? Yes.
126. Now, taking these heavy rains—the continual rains—that happen every year, do you receive any injury from them? Yes, a great deal of injury.
127. What proportion of your crops are destroyed by them? Sometimes one-eighth, or one-quarter, of the crops are destroyed through these rains.
128. How often do these rains occur? We may get it two years following, and then we may not get it for two or three years. It comes at different intervals of three or four years.
129. Then the greatest damage you receive is from ordinary rains? Yes.
130. I think you stated, if you had proper drainage from flood-gates you would receive no injury from floods, ordinary floods, or continual rains? No, very little, except in very heavy floods.
131. Now, of your own knowledge, with respect to Miller's Forest, are there any large proprietors of land? Not very large; nothing larger than 50 or 60 acres.
132. These are small farms? Yes.
133. Then, if the assessment were per acre, the large proprietors would not be able to overbear the small proprietors? No. The farms are pretty equally divided; one would have as much influence as the other.
134. I think you stated your own drains are sufficient for your own farm: you would, therefore, not receive so much benefit by this system of drainage as others? No, not by this system of drainage—I would not receive so much benefit.
135. If a proper system of drainage were adopted, would you not receive benefit by the drains being kept open and cleaned out annually? I would receive benefit for what I paid for.
136. For keeping in repair these drains for you and others? Yes.
137. And for keeping in order any flood-gates that might be damaged, would you not necessarily receive benefit? I should receive my share of benefit, in one way or the other.
138. You would not grudge paying any fair share of the assessment that might be made? No.
139. Have you any further suggestions to make on matters which we have omitted to ask any questions? I think, if the system of main drains were carried out—if there were flood-gates put in the mouths that go into the river—then you see the landed proprietors could make drains round about the boundaries, to empty into the big ones, at their own expense. If this system of drainage were carried out, it would be fair for every one to make a sort of ditch-drain to empty into the by-ones.
140. Supposing one person's farm intervened between the big drains, how could you make him put your ditch-drains? All should be included.
141. *By Mr. Jones*: This system of drainage would be determined by the particular features of the country? Yes. If a man's drain came here, and I had a farm here, and he wanted a drain between me, it would not be right for him to run a drain all alongside of me; he should run a part on my side, then a part on his side, so that each party should bear a portion of the other man's drain.
142. That could only be determined by a surveyor, who would determine on what plan the tract of country should be drained—all that would have to be determined by a competent man? Yes.

Mr. J. Neville.
30 June, 1858.

Mr. Henry Macnamara called in and examined:—

1. *By the Chairman*: Where do you reside, Mr. Macnamara? In Miller's Forest.
2. How much land do you occupy there? A trifle short of forty acres.
3. Are you a tenant, or is the land your own? I am a freeholder.
4. Is your land low or high? It is swampy land. There is a part high and a part bad. Part is high land—sound land.
5. Are you injured at all by water lying on that farm? There are about five acres of it I do not cultivate in consequence.
6. Subject to the flood and wet? I cultivate the remainder, and receive no injury by the wet, that public drainage would benefit.
7. Would these five acres, or one-eighth of your farm, be improved by any drains—could you then bring it into cultivation? Yes.
8. What is the value of that land? The five acres?
9. Yes—if brought into cultivation? I purchased the whole block at £31 per acre; I got the five acres included. Heaslip bought his for £6. I consider mine, that is the five acres, of no more value than his. There is a little ridge in the centre which is not wet. It is the same as Heaslip purchased at £6; I don't think he would sell it for more in the state that it is in.
10. *By Mr. Jones*: You could not sell it for more than £6? Yes.
11. What would be the additional value above £6 if the land were properly drained? At the present time it is not worth much. It would not let. I think, if drained, it would let for 20s. to 25s. per acre annually. I could not say the value; I think that is what it would be worth annually. There is more land let than sold. It is easier to determine the annual value than the market value.
12. Do you know Heaslip's land? Yes.
13. How much land has he? Mr. Heaslip has got 55 acres, of which about 40 acres are useless for cultivation at present. In a dry season he might be able to grow a crop of wheat on it.
14. It is useless, from its being liable to be flooded? It is not safe for cultivation.
15. From that cause would it be generally saturated when heavy rains occur? It is sometimes too dry; when dry it takes twice the quantity of rain to saturate it that the land does at the river bank.

Mr. Henry
Macnamara.
30 June, 1858.

Mr. Henry
Macnamara.
30 June, 1858.

16. *By the Chairman*: Would that land of Heaslip's be improved by drainage? Certainly it would; we ran a bit of a drain of eight feet wide into Nally's Creek.
17. What was the result of it? We did not finish it; we only did it in part; we ran it up to Heaslip's Lagoon, and the result was a sinking of nearly eight inches of deep water in about twenty-eight or thirty hours.
18. That caused the water to sink one foot deep—what would be the result if the drain were done properly? No more than it would drain the lagoon.
19. *By Mr. Jones*: That is, it would drain the 40 acres of Heaslip's land? That is only a portion of his land.
20. It would drain the 40 acres? It would drain the bulk of it.
21. *By the Chairman*: How much land is there in the lagoon? I think there are about two hundred acres.
22. Would that lagoon be benefited by drainage? No doubt about it.
23. What is the value, undrained, of that land? It would be let at 5s. an acre. I don't think, for the 40 acres, he would let it for much more. There are 15 acres of middling land. I think he would scarcely get £20 a year for the whole farm.
24. *By Mr. Jones*: Suppose the lagoon of 200 acres belonged to one person, and he wished to let it at the present time in its present condition, what rental would he get for it? I think it was let for £3 previous to the sale of the forest.
25. The whole lagoon? Yes.
26. Suppose it belonged to one proprietor, what rent would he get a year for the whole of it? I think, as a yearly tenement it would not fetch above £10.
27. One shilling per acre? Very little more. The wet portion a man would not think fit to cultivate.
28. Suppose these 200 acres were made fit for cultivation by drainage, what would they be worth then? If it were fit for cultivation, from being drained, I think there would be no difficulty of letting it at 25s. an acre.
29. So that the rent of 1s. per acre would be increased, from drainage, 24s. an acre? Yes, certainly.
30. *By the Chairman*: Has Mr. Heaslip, or any person, any objection about drainage? No; he would be very glad to see his farm so much benefited by drainage. You will excuse me if I give my view on the subject. I have got a copy of what I think a good system of managing the thing.
31. You approve of a system of drainage? Yes, under particular circumstances.
32. Will you give us your opinion how that system ought to be carried out? (*Witness handed in and read the following statement.*) Sir,—In the first place, it is my opinion, that the farmers in the locality where I reside are not at present in a position to make sufficient permanent drains and flood-gates for to drain the lands. Secondly, in my opinion the Legislature should authorize the appointment of a Local Board in Committee in each district, whose duty it would be to approve of any proposed drain, before such drain would be opened; also that such Local Board should be empowered by the Government to assess such lands as shall be benefited by such drains, for the making and keeping of such drains in repair, and only such lands as are benefited by the public drains; also, that there should be no person eligible as a member of such Board or Committee but a freeholder residing in the district, or a leaseholder with not less than five years of his lease to expire, and residing in the district. In my opinion the said Board should be elected, and that no person should have a vote in the election but a person holding the qualification of a member.
33. You state that you would have the Government to appoint this Local Board? No; I should have it elective. The Board I meant should be elected.
34. Your idea is, that the Board amongst yourselves should be elected? Yes.
35. *By Mr. Jones*: You mean, that under an Act passed by the Legislature people might incorporate themselves under a Board, and making the Board to be elected by those contributing to the assessment? Yes.
36. *By the Chairman*: Would there be much opposition in your own neighbourhood? There would be no opposition, in my opinion, to such a thing as that; or, at least, not very much.
37. You are very badly off for fresh water to drink? Yes; when there comes a lengthened drought we are. The means of getting fresh water should be improved.
38. Do you think if the system of drainage was improved you would be able to get fresh water? No; it is only the higher portions of the land in which we get fresh water.
39. By wells? No, by reservoirs; digging holes until you get a good clay bottom, which holds the rain water and keeps it fresh.
40. You, for one, would be willing to contribute your portion of the assessment for the purpose of an equitable drainage? Yes. I would be satisfied so far as the thing was equitable.
41. And received, as well as others, a benefit? I would be as willing to contribute for the benefit I received as any man, but not more.
42. *By Mr. Jones*: Who do you think should elect this Board to which you would confide the management of this system of drainage? The Board, in my opinion, should be elected either by freeholders or leaseholders, who have an interest in the place.
43. You mean by that, that the landowners who were benefited by the drains should be assessed to bear the expenses? There are very few who are not interested in the matter. No Board would think of putting an assessment on the persons who derived no benefit from it. It would not stand to either sense, justice, or reason.
44. You would not let any person be elected to the Board who had not land to be drained by the system of drainage, or who did not contribute to the same? I don't see what they would want to be elected for.
45. All persons who had leases for five years and had got land to drain, and contributed to the assessment, you would let be elected? Yes.

46. Would you give a person holding a larger quantity of land than others more votes—would you give them votes according to the proportion of land they held, or the amount of assessment levied? No, I would not give them any more votes.

Mr. Henry
Macnamara.

47. Supposing a person had five hundred acres, and that he contributed £500 towards the expense of drainage, would you only give him the same amount of influence in an election as a person who had fifty acres, and who only contributed £50? I would only give him a vote, for I don't think such a case would apply to my neighbourhood.

30 June, 1858.

48. You are applying your remarks to Miller's Forest, where the farms are about fifty or sixty acres? Yes.

49. In that locality this state of things does not exist—there are no very large proprietors?
No.

50. By the Government appointing this Board, I understand you to mean—you think an Act ought to be passed to enable the persons residing in Miller's Forest, who have land, to join together to carry out the system of drainage? Yes. There is no use in the Board framing rules unless they have some power or authority from the Government to take and pass the drains along.

51. You don't mean by that, that the Government should directly interfere with the arrangements? I think not, further than to make a law giving power to the Local Board.

52. All you want is Legislative sanction for the persons you appoint to carry out drainage arrangements? I don't know what the people want—that is what I think ought to be done.

53. You don't approve of the Government interfering with surveyors? No. I would not give three pins for the opinions of the surveyor, merely. There is not a farmer who does not know what is required. What would pay the surveyor would pay a lot of navvies to do half the work.

54. You would leave it then in the hands of those who are interested? Yes, I think so. So far as the drainage of the land goes, I don't see any instructions are required. Any old farmer knows how to drain the land. If there was a large drain run up the centre of Heaslip's Lagoon—it is the lowest ground in the Forest—if this were drained, the result would be to drain all the higher grounds. There would also be two or three small drains required.

55. *By Mr. Gordon:* In your opinion, Heaslip's Lagoon is the only portion of the Forest that requires draining? I think if it is properly drained all the rest would be benefited. When that lagoon fills up it spreads and rises until it covers the good land.

56. Don't you think the system of drainage in the dry seasons injurious to the high land? No; from experience I think it would not.

57. *By the Chairman:* Have you anything to suggest about which we have not asked you any questions? No, I don't think I have; without it be whether the Government should not grant us some assistance in making these drains—in the shape of a loan.

58. And the interest to be paid by the assessment? I think so; but it would be better if we got the money without interest, rather than pay it.

TUESDAY, 6 JULY, 1858.

Present :—

MR. JONES:

MR. PIDDINGTON.

MR. SCOTT.

A. W. SCOTT, ESQ., IN THE CHAIR.

Mr. George Weakley called in and examined:—

1. *By the Chairman:* Where do you reside? At Hexham.

2. Have you lands of your own there, or are you a tenant? I am a tenant of Mr. Flood, and have lands of my own besides.

Mr. George Weakley.

3. Where are those lands situated? Some in Alnwick, and some in Miller's Forest.

6 July, 1858.

4. Have you been long in the district? About seventeen years.

5. Are your lands high or low, or both? Principally low.

6. Cultivation lands? Yes

7. Subject to floods? In a great measure. The whole is subject to flood when there is an extraordinary flood in the Hunter.

8. Are they injured at all by ordinary floods? About a fourth of the low lands are injured by ordinary floods.

9. Do you suffer much injury from continual rain without there being so much as to cause an ordinary flood? I do not, a great deal; but there is a great deal of land flooded by rain from the want of flood-gates and proper drains to take it away from the swampy land.

10. What is your opinion with respect to the drainage, as to its effect on the adjoining lands, suppose a general system of drainage were carried on? It would do a great deal of good to have a system of drainage—flood-gates, and large drains for taking off the water quickly. It would not then do nearly so much damage.

11. Of the land belonging to yourself, and that tenanted by you from Mr. Flood, how many acres would be benefited by drainage—how many would be brought into more permanent cultivation? About a hundred or a hundred and fifty acres.

12. That are now useless? That are now useless for cultivation.

13. What is the value of these low cultivation lands per acre, either to purchase or in the shape of rent? In their present state they are not worth more than five shillings an acre rent.

14. What would be their value if an efficient system of drainage were adopted? I suppose about £1 an acre rent.

Mr. George
Weakley.

6 July, 1858.

15. It would increase their value about four-fold? Yes.
16. Would the drainage in your own neighbourhood be expensive, or otherwise? It would be expensive.
17. How much an acre do you think it would cost: you say about a hundred acres would be rendered available by this drainage—what would the drainage cost in proportion to the value? A mere trifle for the value of the land.
18. What do you think would be the expense? That would require some consideration.
19. It would be trifling, compared with the increased value of the land? Yes.
20. Would you recommend that there should be a general system of drainage adopted? Yes. I think it would be very beneficial to most part of the inhabitants.
21. How would you propose that the expense should be met? I should think myself that the proprietors of the land would do their best to see to it: that there should be Local Boards, and the proprietors of lands benefited should bear the expense.
22. You would have a kind of assessment upon the lands? If one party were agreeable to drain and another were not, a law would be required to compel the parties who were not agreeable.
23. Supposing such a law to be passed, you would have a Local Board appointed? Yes.
24. And this Local Board should have power to assess the land? Yes.
25. How would you have that Board appointed—by the Government or by the proprietors of the district? The Board should be appointed from among the inhabitants of the place where the drainage was required.
26. You would not have a general system, so that one Board should manage all the various places, but would have Local Boards for each spot requiring drainage? Yes.
27. Have you spoken upon the subject with any of your neighbours? No, not a great deal; I have spoken to Mr. Bradley respecting the drainage of Mr. Christie's estate.
28. You mean Mr. Barton Bradley, the solicitor? Yes; he is the agent of Mr. Christie, who has something like 800 acres of swamp land which is of no value in its present state, and it might be drained for something like £600 or £700.
29. *By Mr. Jones:* What rent is he now receiving for these 800 acres? Not two shillings and sixpence an acre, I suppose.
30. What rent do you suppose he would be able to get for this land if it were thoroughly drained? £1 an acre.
31. *By the Chairman:* But Mr. Bradley has no small proprietor to interfere with him at all? No.
32. *By Mr. Jones:* Are you acquainted with Ash Island? Yes.
33. Is any of the land there subject to be swamped and flooded from heavy rains? Yes.
34. What quantity do you suppose is liable to be swamped? It is liable to be swamped by spring tides as much as by rains.
35. What quantity of land is liable to be flooded by these causes? About two-thirds of the land—nearly two thousand acres.
36. Is the land liable to be flooded of good quality for cultivation purposes? I believe it would be of good quality provided the water were kept off; but the water lying on it, the land becomes sour and salt.
37. Would it be very costly to drain the portion that is liable to be flooded? Not expensive in proportion to the value of the land.
38. What do you suppose to be the annual value of the land in its present condition? In its present condition a great portion is not worth two shillings and sixpence an acre per annum—I am alluding to the swamps.
39. What do you suppose would be the value if it were drained? From £8 to £10 per acre.
40. What annual rental do you suppose it would bring in? Putting it at the lowest, £1 an acre.
41. What do you suppose the cost of draining this estate would be? Something like £600, I should think.
42. That, of course, is more favorably placed for draining purposes than the ordinary lands on the Hunter liable to be swamped? It could be effected more easily, because there are no mountain creeks on Ash Island.
43. It therefore can be drained more cheaply than the ordinary lands? Yes.
44. Do you know whether, apart from the lands with which you are immediately connected, whether there is any great quantity of land on the Hunter and its tributary rivers—the Paterson and the Williams—liable to be flooded by heavy rains? Yes, an immense quantity; on one side there is Mr. Windeyer's swamp at Tomago, and on the Williams River there is a very extensive swamp, adjoining Mr. Mossman's.
45. On the eastern bank of the Williams, the right bank going from the mouth of the river? That is in Gloucester. On the Paterson there is not any swamp that I am aware of. On the south-west side of the Hunter from Newcastle the first is Wentworth's Swamp, or Hexham Swamp, which is very extensive; the next is Hickey's—part Hickey's and Eales'—and Mr. Flood's, and Christie's.
46. Are there any on the Durham side of the Hunter behind Nelson's Plains, between the Hunter and the Williams? Barty's Swamp lies between the two rivers.
47. Can you form any rough estimate of the total quantity of land subject to being flooded by ordinary rains, and which is capable of being drained, on the Lower Hunter, from Maitland downwards? Taking the south-west side of the Hunter, from Maitland to Newcastle, I should think there are 20,000 acres.
48. That is only on the Northumberland bank of the Hunter? Yes.
49. If that land were drained would it generally be of good quality? Yes.
50. What would it produce chiefly? Maize. I do not consider that wheat would be safe, as the land there will always be subject to floods for a short time, even if it were drained, on account of the mountain creeks.

51. The mountain creeks bring down more water than the outlet of the narrow channel would let off, and it would flow on to the land? Yes.
52. *By the Chairman*: Drainage would improve the grass for the cattle? Yes.
53. *By Mr. Jones*: Would the land produce potatoes and other vegetables? Yes, great portions of it. Mr. George Weakley.
6 July, 1868.
54. These lands are favorably situated for the conveyance of produce to market? Yes, either by the river or by railway.
55. Produce could be sent with very great facility to Sydney? Yes.
56. You are aware that there is a great quantity of land on the Durham and Gloucester bank of the river liable to swamp from the same causes? There is more on the northern than on the southern bank.
57. Are you aware whether these lands would be of good quality, supposing they were drained? I believe they would be of good quality, after two or three years, when they had been sweetened by the rains.
58. They are also almost equally favorably placed for the produce being shipped to Sydney and other markets? Yes, the whole of them.
59. So that if these lands were thoroughly drained and brought into cultivation they would add very largely to the annual produce of the district? Yes.
60. And in a corresponding degree would add to the supply sent to Sydney and elsewhere? Yes.
61. Which would be a great advantage to the district itself and also to the metropolis, by giving larger quantities of supplies to the latter, and benefiting the tenants and owners of the land? Yes.
62. *By Mr. Piddington*: Have you any idea of the comparative quality of the land on these swamps—do you think, for instance, the land on Wentworth's Swamp is equally as good as the land on Barty's Swamp? I think it is nearly of one quality.
63. As you approach the sea, do you think the character of the swamp land either deteriorates or improves? No, it is all alike, I think.
64. With respect to Mr. Flood's land, which you have spoken of, you say about a hundred acres are reclaimable? Yes.
65. Is not Mr. Flood in a position to drain that land now if he chooses? No; he would be obliged to drain Mr. Hickey's and Mr. Eales' land, as well as that of other parties.
66. Messrs. Eales and Hickey are owners of large portions of land,—are you not of opinion, if a law were passed enabling these large proprietors to drain the land, the expense should be borne by the various landowners concerned? Yes.
67. *By the Chairman*: You could not drain Mr. Flood's land, or Woodford, without passing through the land of other proprietors? No.
68. To get that outlet through whose lands do you pass? Mr. Eales' and Mr. Hickey's.
69. Do you think Mr. Eales, Mr. Hickey, or others, would agree to have their land drained unless there were some proper system enacted by Government? They would refuse: they would make some objection; and, I believe, that would be the case wherever there were a number of small proprietors.
70. You think one obstinate person might injure a number of neighbouring proprietors by refusing to drain, unless it were made compulsory? Yes; one might injure ten or dozen.
71. *By Mr. Piddington*: I think you said you are not acquainted with any swamp at the back of the Paterson? No, I am not acquainted with the Paterson at all.
72. *By the Chairman*: Have you anything further to suggest to the Committee on the subject of drainage? There is one point to which I have not referred, namely, the outlets for the water connected with the mountain creeks. These would require to have very large flood-gates to give the water vent. The water comes from an immense distance back from the mountain lands, and unless there are ample outlets it overflows the land.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ASSESSMENT ON STOCK.

(CERTAIN INHABITANTS OF THE DISTRICT OF NEW ENGLAND.)

Ordered by the Legislative Assembly to be Printed, 22 June, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Agriculturists, Gold Miners, Town Residents, and other Inhabitants of the District of New England,—

HUMBLY SHEWETH:—

That your Petitioners are of opinion that any Assessment on Stock Bill that may be passed by the Legislative Assembly should have a retrospective aspect, beginning from the date at which the assessment formerly levied expired, viz, the 31st December, 1857.

That your Petitioners are also of opinion, that in consequence of several months having elapsed during which no assessment whatever on stock has been levied, the late period of the Session, and the deficiency in the revenue to meet the estimated expenditure, a uniform rate of £7 10s. per 1,000 sheep, or an equivalent in cattle, for the year 1858 *only*, would not be too high a rate to be levied during that period.

That your Petitioners would likewise humbly suggest for consideration by your Honorable House, with reference to any measure that may be introduced for the purpose of fixing the rate of assessment from the termination of 1858 to the expiration of the existing leases in the unsettled districts, the propriety of classifying districts according to their relative pastoral capabilities; and they also feel justified in advocating the principle of dividing the runs in each district into distinct classes, through the agency of sworn assessors appointed by the Government; and that the said runs, after being so classed, should be valued according to their district class and area, by the Government, in conformity with the rate or rates of assessment authorized by the Parliament.

That your Petitioners having the interests of the Colonists generally at heart, humbly suggest that the views which they have advanced may meet with favorable consideration at the hands of your Honorable House.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 215 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ASSESSMENT ON STOCK.

(PETITION FROM NEW ENGLAND AND MACLEAY.)

Ordered by the Legislative Assembly to be Printed, 30 June, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Graziers, holding Squatting Licenses in the Districts of New England and the Macleay, and other Residents therein,—

SHEWETH:—

That your Petitioners have heard with alarm, that it is proposed to levy an assessment of £7 10s. per 1,000 sheep, or 160 head of cattle, upon all stock depastured in the Squatting Districts, in addition to the license fee, making a total of nearly 2½d. per head upon sheep, and 15 pence upon cattle per annum.

That your Petitioners would beg to bring under the notice of your Honorable House, that both from their distance from Sydney and the nature of their climate and soil, they are unable to fatten stock fit for slaughter, and are therefore compelled to sell them as store stock for Port Phillip, or other districts where they can be fattened, and obtaining an average price of 30s. per head for cattle and 7s. 6d. for sheep, when four years old,—an amount which will not enable your Petitioners to pay the proposed assessment.

Your Petitioners therefore pray that such an assessment may not be imposed upon these districts, but such smaller amount as to your Honorable House may seem fair and just, and which your Petitioners will cheerfully pay.

And your Petitioners will ever pray.

[Here follow 365 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

PASTORAL LANDS ASSESSMENT AND RENT ACT.

(PETITION FROM MR. F. GARDINER.)

Ordered by the Legislative Assembly to be Printed, 19 October, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned Squatter and Sheepholder in the Darling
Downs District,—

HUMBLY SHEWETH :—

That your Petitioner for the last five years has been in possession of country on the Mooney River, in the Darling Downs District, and estimated to depasture twenty thousand sheep; but, during that period, from the nature of the country, he has been unable to keep half that number.

That, during the early part of that period of five years he suffered much from drought, and, eventually, from floods, which carried off a large number of sheep.

That great scarcity of labor, high wages, and carriage of produce, have barely permitted Petitioner to meet expenses at the year's end under the old Assessment Act.

That the nature of the country on that part of the Mooney where Petitioner resides, and for some considerable extent beyond, will never allow sheep to be depastured to the same extent—by one-half, or one-third—that can be done on the richer and more open parts of the Darling Downs District.

That your Petitioner is aware during his three years residence on the Mooney, and travels and observations on the surrounding country, that many stations in the Darling Downs District are capable of, and have, and do depasture one-third and one-half more in number of sheep than the run has been estimated for.

Your Petitioner, therefore, humbly prays that your Honorable House will take into your serious consideration that clause which imposes an uniform rate of Assessment, detrimental to the small squatter and legitimate occupier, but which the large squatter may consider a boon.

That, although the increased Assessment and Rent Act for 1858 has now passed your Honorable House, Petitioner prays that a clause may be introduced for the re-assessment or adjustment of such lands as he now holds, or so modify the present Act that it may not prove ruinous to him.

And your Petitioner, as in duty bound, will ever pray.

FREDERIC GARDINER.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ASSESSMENT ON RUNS.

(CORRESPONDENCE RELATIVE TO ASSENT TO BILL AUTHORIZING.)

Ordered by the Legislative Assembly to be Printed, 19 November, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 16 November, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“Copies of any Correspondence which may have taken place
 “between His Excellency the Governor General and the Law
 “Officers of the Crown, or any Minute or written opinion which
 “may have been made or given by the present or the late
 “Attorney General, or both, upon the subject of the Assent
 “which it has been announced has been given to the Act
 “authorizing an Assessment on Runs.”

(Mr. Donaldson.)

SCHEDULE.

No.		Page.
1.	Private Secretary to the Crown Law Officers, submitting copies of two Bills. 9 October, 1858	2
2.	Minute by the Honorable Alfred P. Lutwyche (late Solicitor General) on the “Increased Assessment and Rent Act of 1858.” 18 October, 1858.. .. .	2
3.	Minute by the Honorable James Martin (late Attorney General) on the same subject. 6 November, 1858	3

ASSESSMENT ON RUNS.

No. 1.

THE PRIVATE SECRETARY to THE CROWN LAW OFFICERS.

*Government House,**Sydney, 9 October, 1858.*

GENTLEMEN,

I have the honor, by command of His Excellency the Governor General, to transmit to you the accompanying copy of a Bill, passed by the Legislative Council and Legislative Assembly, and presented to His Excellency for the Royal Assent, intituled, "A Bill to impose an Assessment on Runs in the Unsettled and Intermediate Districts, and to increase the Rent of Lands leased for pastoral purposes within the Settled Districts of New South Wales." Also—
 "A Bill to authorise additional works by the Pyrmont Bridge Company, and to amend their Act of Incorporation."

2. The Governor General requests that you will carefully peruse these Bills, with the view of ascertaining whether, in your opinion, there is any objection to His Excellency giving his assent thereto, or whether he is required, under the provisions of the Constitution or any other Acts, or the Royal Instructions, to withhold his assent to them, or to reserve them for the signification of Her Majesty's pleasure.

I have, &c.,

THE HONORABLE

ALFRED DENISON,

THE ATTORNEY GENERAL and

Private Secretary.

THE SOLICITOR GENERAL.

No. 2.

Minute on the "Increased Assessment and Rent Act of 1858."

The Law Officers having been called upon, in the ordinary course of their duty, to report to His Excellency the Governor General whether there is any objection, in their opinion, to His Excellency giving his assent to the "Increased Assessment and Rent Act of 1858," or whether he is required, under the provisions of the Constitution or any other Acts, or the Royal Instructions, to withhold his assent to it, or to reserve it for the signification of Her Majesty's pleasure,—it seems desirable, having regard to a protest signed by six Members of the Legislative Council, to place upon record the grounds which have induced the Attorney General and Solicitor General to recommend His Excellency to give his assent to the Bill, notwithstanding the protest in question.

2. That protest is couched in the following terms:—

"Protest against the passing of the Pastoral Lands Assessment and Rent Bill.

"Dissentient:—

"Because, although it be admitted that such an administration of Crown Lands is
 "desirable as would tend to restrain the abuse commonly known as 'Run hunting,'
 "and although it be also admitted that the mode of assessment contemplated
 "by this Bill is adapted to this purpose, no such Bill can be passed in respect
 "of Runs already taken up, without involving a breach of contract, and that of
 "a contract excluded from the interference of this Legislature by the terms
 "of its own Constitution, inasmuch as,—

"(1.) The Runs held in respect of Leases within the Unsettled and Intermediate
 "Districts are so held by virtue of Her Majesty's Order in Council of 9th
 "March, 1847, Chap. II, under a rent thereby fixed for the full term of lease;
 "and although such rent is by the same Order declared to be without prejudice
 "to assessments of the Colonial Legislature, these are manifestly limited by the
 "context

" context to assessments on actual sheep and cattle of like nature with the
 " assessment which then subsisted ; or at all events to assessments which can be
 " distinguished, in something beyond the mere name, from a direct increase of
 " rent."

" (2.) This view of the case is rendered conclusive by the established rules of legal
 " interpretation, which require that the language of a Lease shall be construed
 " favorably to the Lessee, and against the Lessor ; and that an exception shall
 " be construed in its most limited sense, so as to give the fullest effect to
 " the affirmative part of the instrument.

" (3) The Colonial Act 17 Victoria, No. 41, under which, as ratified by the
 " Imperial Statute 18 and 19 Victoria, cap. 54, the powers of this Legislature
 " alone subsist, excludes in express terms from its interference the rights of
 " Licensed Occupants or Lessees of Crown Lands under the then subsisting
 " Crown Lands Act, or Her Majesty's Orders in Council, and the same
 " restriction on the power of this Legislature is imposed by the Imperial Act
 " 18 and 19 Vict., c. 56, transferring thereto, in other respects, the control
 " of the Colonial Crown Lands.

" E. DEAS THOMSON.

" G. K. HOLDEN.

" FRANCIS L. S. MEREWETHER.

" JAMES MITCHELL.

" J. NORTON.

" ARTHUR M. A'BECKETT."

3. The Law Officers are of opinion that the Bill can be passed in respect of runs already taken up, without either involving any breach of contract on the part of the Crown or any extra constitutional assumption of power by the Legislature. They think that the language of the Orders in Council of 9th March, 1847, Chap. II, s. 4, plainly shows that an assessment on runs was contemplated by those Orders as well as on sheep and cattle. If the framers of those orders had had nothing but sheep and cattle in view as subject matters for assessment, they would have stopped short at the end of the 4th line of the section, or, at all events at the word " assessments," in the 6th line of it. " Such assessments " might then have been construed " such assessments as aforesaid," that is to say, " the existing or any " future assessments of taxes or rates on sheep and cattle." But when the Orders in Council, after providing not only for *existing* but *future* assessments on sheep and cattle, go on to say that the payment of rent shall in no way interfere with the right of the Colonial Legislature to impose from time to time such assessment *as may be deemed advisable*, it is evident that a power was reserved to the Colonial Legislature to assess something more than sheep and cattle, namely, the runs on which those sheep and cattle were depastured.

ALFRED P. LUTWYCHE,

Solicitor General.

Crown Law Offices,
 Sydney, 18 October, 1858.

No. 3.

I am unable to agree in the above opinion of the Solicitor General. It appears to me to be quite clear that the 58th section of the Constitution Act prohibits the Parliament of New South Wales from passing an Act to levy on runs taken up at the time of the passing of that Act any assessment different in character from the assessments then existing.

JAMES MARTIN,

Attorney General.

6 November, 1858.

1858.

Legislative Assembly.
NEW SOUTH WALES.

SCAB AND CATARRH IN SHEEP.

REPORT FROM THE SELECT COMMITTEE
ON
SCAB AND CATARRH IN SHEEP,
TOGETHER WITH
THE PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE, AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
26 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. 20. FRIDAY, 23 OCTOBER, 1857.

5. Scab and Catarrh in Sheep:—Mr. Lang moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to inquire into, and Report upon, the working of the existing Acts of Council referring to Scab and Catarrh in Sheep.
- (2.) That such Committee consist of the following Members:—Mr. G. Macleay, Mr. Robertson, Mr. Lee, Mr. Flood, Mr. Hargrave, Mr. F. T. Rusden, Mr. Suttor, Mr. Osborne, and Mr. Donaldson.
- Debate ensued.
- Question (1)—That a Select Committee be appointed to inquire into, and Report upon, the working of the existing Acts of Council referring to Scab and Catarrh in Sheep—put and passed.
- Mr. T. G. Rusden then required that the Committee be appointed by Ballot,—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. Flood, Mr. Cox, Mr. Donaldson, Mr. Hargrave, Mr. Lee, Mr. G. Macleay, Mr. Robertson, Mr. Suttor, and Mr. Osborne.

VOTES No. 24. FRIDAY, 30 OCTOBER, 1857.

5. Scab and Catarrh in Sheep:—Mr. T. G. Rusden moved, pursuant to notice, That the following Papers be referred to the Select Committee for investigating the present Laws relating to Scab:—
- Return relative to Scab in Sheep Act, 1854; printed 21st June, 1855.
- " " " printed 3rd July, 1855.
- " " " printed 5th July, 1855.
- Accounts of Receipts and Disbursements, 1855; printed 3rd June, 1856.
- Sheep Assessment and Compensation Returns; printed 11th March, 1857.
- " " " printed 13th March, 1857.
- with a view of exposing the contradictions contained in these documents, and of ascertaining the inequality of the working of the present Acts.
- Question put and passed.

VOTES No. 25. TUESDAY, 3 NOVEMBER, 1857.

9. Scab and Catarrh in Sheep:—Mr. T. G. Rusden moved, pursuant to notice, That the Petitions relative to the destruction of sheep under the Scab Acts, (which were ordered to be printed by this House on the 9th and the 23rd of January last), be referred to the Committee on the Scab and Catarrh Acts.
- Question put and passed.
12. Diseases in Sheep Laws Consolidation Bill:—Mr. T. G. Rusden moved, That this Bill be now "read a second time."
- Mr. Cox moved, That the Question be amended by the omission of the words "read a second time," with a view to the insertion in their place of the words "referred to the Select Committee on the Laws relating to Scab and Catarrh in Sheep."
- Question—That the words proposed to be omitted stand part of the Question,—put and negatived.
- Question—That the words proposed to be inserted in place of the words omitted, be so inserted,—put and passed;—
- Whereupon Question—That this Bill be now referred to the Select Committee on the Laws relating to Scab and Catarrh in Sheep,—put and passed.

VOTES No. 28. FRIDAY, 6 NOVEMBER, 1857.

13. Mr. Arthur Charles Bartlett:—Mr. Lang moved, pursuant to notice, That the Petition of Mr. Arthur Charles Bartlett, praying compensation for Sheep destroyed under the provisions of the Scab Act, 18 Victoria, No. 26, and ordered to be printed on the 23rd October, 1857, be referred to the Select Committee now sitting to inquire into the working of that Act.
- Question put and passed.

VOTES

VOTES No. 41. TUESDAY, 1 DECEMBER, 1857.

8. Scab and Catarrh in Sheep Acts :—Mr. T. G. Rusden moved, pursuant to notice, That the two Petitions ordered to be printed by this House on the 10th November, 1857, relative to the destruction of Sheep, be referred to the Select Committee on the Scab and Catarrh Acts.
Question put and passed.

[*Further Proceedings stopped by Prorogation.*]

1858.

VOTES No. 18. TUESDAY, 27 APRIL, 1858.

13. Scab and Catarrh in Sheep :—Mr. Hodgson moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into, and Report upon, the working of the Act 19 Victoria, No. 27, and to prepare a Bill for the prevention of the disease called Scab in Sheep, and that all proceedings of the Select Committee of last Session be referred to this Committee.
(2.) That such Committee consist of Mr. Cox, Mr. Donaldson, Mr. Flood, Mr. Lee, Mr. Lloyd, Mr. George Macleay, Mr. Robertson, Mr. Suttor, Mr. Taylor, and the Mover.
Debate ensued.
Question put and passed.

VOTES No. 34. WEDNESDAY, 26 MAY, 1858.

2. Scab and Catarrh in Sheep :—
(1.) Mr. Hodgson, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 27th ultimo, to inquire into and report upon the working of the Act, 19 Vict., No. 27, and to prepare a Bill for the prevention of the disease called Scab in Sheep.
Ordered to be printed, together with the Minutes of Proceedings and Appendices.
(2.) Scab in Sheep prevention Bill :—Mr. Hodgson then brought up the Bill as prepared by the Committee, and moved, That it be now read a first time.
Question put and passed.
Bill intituled, "*A Bill for the prevention of Scab in Sheep*;"—read a first time; ordered to be printed, and read a second time on next Friday week.
-

1858.

SCAB AND CATARRH IN SHEEP.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on 27th ultimo "to inquire into and report upon the working of the Act 19 Vict., No. 27, and to prepare a Bill for the prevention of the disease called Scab in Sheep," and to whom were referred "all proceedings of the Select Committee of last Session;"—have agreed to the following Report:—

Your Committee having carefully considered the evidence of various sheep farmers and other persons examined before the Committee of last Session, and having deliberated on the Scab in Sheep Act, 19 Vict., No. 27, have prepared a Bill for the better prevention of Scab in Sheep, which they now beg leave to submit for the consideration of your Honorable House.

Your Committee have considered it unnecessary to include "Catarrh" in this Bill, believing that the interests of the Colony would be best consulted by the introduction of a Bill, the provisions of which should be exclusively confined to this disease. They are, however, of opinion, that the enactments still in force relative thereto are for the present amply sufficient to meet all probable requirements.

It has been proved to the satisfaction of your Committee that the late Act was based upon sound principles, and has most effectually tended to eradicate a disease which at one time threatened to overrun the whole Colony, and involve in its progress the decrease of sheep, and deterioration of the fleece.

After a careful consideration of the evidence, and all the facts brought under the notice of your Committee, the following alterations in the Act 19 Victoriae, No. 27, have suggested themselves:—

- (1.) That the compulsory destruction of sheep infected with "scab" be extended from 14 to 28 days, and that sheep thus infected may be boiled down, shorn, or skins felled upon the station of their owners, or securely packed in bales, and forwarded to the port of destination; but under such circumstances the proprietors of the diseased sheep will not be entitled to any compensation.
- (2.) That the penalty for driving sheep unbranded be reduced from "not exceeding two shillings" to "not exceeding sixpence."
- (3.) That the penalty for removal of imported sheep from any seaport in the Colony without the certificate of an Inspector be increased from £20 to £30 per head; and that such imported sheep, although infected with scab, (so long as they are kept in a secure stable or shed approved by such Inspector), shall not be liable to be destroyed until the expiration of three months subsequent to their importation.
- (4.) That your Committee are unanimously of opinion that the appointment of Inspectors in the Country Districts has not been found to work satisfactorily, whilst, at the same time, this system involved a very considerable outlay of the funds assessed under the late Act; and they therefore recommend that any

1857.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 3 NOVEMBER, 1857.

Members Present:—

Mr. G. Macleay,

Mr. Cox.

Mr. Hargrave,

Committee appointed Mr. Lang to be their Chairman.

Mr. G. Macleay, in the absence of Mr. Lang, was called to the Chair.

By direction of the Chairman, Resolution of the House referring to the Committee, on 30th ultimo, the following Papers,

"Return relative to Scab in Sheep Act, 1854; printed 21st June, 1855.

" " " " " printed 3rd July, 1855.

" " " " " printed 5th July, 1855.

"Accounts of Receipts and Disbursements, 1855; printed 13th February, 1856.

"Sheep Assessment and Compensation Returns; printed 11th March, 1857,

" " " " " ; printed 13th March, 1857,

"with a view of exposing the contradictions contained in these documents, and

"of ascertaining the inequality of the working of the present Acts,"—

read by the Clerk.

Committee deliberated as to their course of proceeding.

Motion made and *Question*—"That Henry Lane, Esquire, Secretary to the Treasury, be summoned before this Committee, as a witness, for Thursday next, to be then examined with respect to the contradictions appearing in these documents"—*agreed to*.

[Adjourned till Thursday next, at Eleven o'clock.]

THURSDAY, 5 NOVEMBER, 1857.

Members Present:—

Gideon Scott Lang, Esquire, in the Chair.

Mr. Cox,

Mr. Hargrave,

Mr. Suttor,

Mr. G. Macleay,

Mr. Lee,

Mr. Robertson.

By direction of the Chairman, Resolutions of the House referring to the Committee on 3rd instant,—

"1. Two Petitions from Messrs. John Giblett and William Bowman, respectively, relative to the destruction of their sheep under the Scab Act, ordered to be printed on the 9th and 23rd January last.

"2. Diseases in Sheep Laws Consolidation Bill,"

read by the Clerk.

Committee considered the papers referred to them under the Resolution of the House, dated the 30th ultimo, in which certain contradictions apparently existed.

Mr. Henry Lane, Secretary to the Treasury, examined.

Motion made, and *Question*—"That Thomas Lang, Esquire, be summoned before this Committee, as a witness, for Wednesday next, to be then examined in reference to the discrepancies in these papers"—*agreed to*.

Committee then proceeded to consider the Petition of Mr. John Giblett.

Petition read.

The Chairman having brought under the notice of the Committee that by the last paragraph of a Report of the Select Committee of the late Legislature on the "Scab in Sheep Act of 1854," it would appear that Petitioner's case had been previously adjudicated on, read the evidence given by Mr. Giblett before said Committee. (*Vide Minutes of Evidence taken before Select Committee on Scab in Sheep Act of 1854, page 33.*)

Committee deliberated thereon.

Motion made (Mr. G. Macleay) and *Question*—"That E. Cox, Esquire, J.P., be summoned before this Committee, as a witness on this Petition, for Wednesday next"—*agreed to*.

Committee then deliberated on the principles of the Act, 19 Vict., No. 27.

The names of several persons whose evidence, it was stated, would be found very serviceable in furthering this inquiry, more particularly as regards the working of the present Act, having been submitted by various members of the Committee then present, the Chairman instructed the Clerk to make a list of such names, as a datum to guide the Committee in the future selection of witnesses; and

The Clerk having taken such list accordingly,—

Motion made (Mr. Hargrave) and *Question*—"That M. Goggs, Esquire, be summoned before this Committee, as a witness, for Wednesday next"—*agreed to*.

[Adjourned till Wednesday next, at Eleven o'clock.]

WEDNESDAY,

WEDNESDAY, 11 NOVEMBER, 1857.

Members Present:—Mr. Suttor,
Mr. Lee,Mr. Hargrave,
Mr. Cox.

Mr. Suttor, in the absence of the Chairman, was called to the Chair.

By direction of the Chairman, Resolution of the House referring to the Committee, on 6th instant,—“The Petition of Mr. Arthur Charles Bartlett, praying compensation for “Sheep destroyed under the provisions of the Scab Act, 18 Victoria, No. 26, and ordered to “be printed on the 23rd October, 1857”—read by the Clerk.

Petition then read.

Committee deliberated, and determined to take the evidence of the witnesses then in attendance.

Whereupon,—

Mr. T. Lang examined, with reference to the discrepancies in the papers referred to the Committee on 30th ultimo, and the working of the existing Scab Act.

Mr. M. Goggs examined, with reference to the working of the existing Scab Act.

Mr. A. C. Bartlett examined, with reference to his Petition.

Mr. E. Cox, summoned under a Resolution agreed to by the Committee on 5th instant, was not in attendance.

[Adjourned till Friday next, at Eleven o'clock.]

FRIDAY, 13 NOVEMBER, 1857.

Members Present:—Mr. G. Macleay,
Mr. Hargrave,
Mr. Robertson,

Mr. Lee.

Mr. Cox,
Mr. Flood,
Mr. Suttor,

Mr. G. Macleay, in the absence of the Chairman, was called to the Chair.

Committee proceeded to consider the principles of the Scab in Sheep Act, 19 Vic., No. 27, with a view to repeal the same, and frame a new Bill in lieu thereof.

The Chairman, however, pointed out, that the tenor of the Resolution of the House appointing the Committee gave them no power to frame a new Bill, but restricted them to an inquiry into, and Report upon, the working of the existing Acts of Council referring to Scab and Catarrh in Sheep.

Whereupon Committee deliberated, and it was *Resolved*:—

“That application be made to the House for such extension of the powers of the Committee as will admit of the preparation of a Bill to alter and amend the Laws relating to Scab and Catarrh in Sheep, *provided that it shall eventually seem to them expedient to prepare such Bill.*”

The Chairman then, at the request of the Clerk, brought under the notice of the Committee the extensive marginal corrections made by Mr. Henry Lane on the manuscript of the evidence given by him before them on the 5th instant, which, however, were in the wording, and not in the substance thereof, and desired the opinion of the Committee as to whether it would be the more expedient course to print the evidence shewing the corrections, or as in the original Manuscript.

Committee deliberated; and it was *Resolved*:—

“That as the corrections made by Mr. Lane, though considerable, are made with a view to elucidate his evidence, and are not in contravention to the substance of what he stated during his examination before the Committee, his evidence be printed, showing those alterations.”

A letter from Mr. T. G. Rusden, M. P., to the Chairman, recommending that the Committee should either examine, or make written application to certain scientific gentlemen, whose names were set forth in his communication, and suggesting certain Queries for such purpose; together with a copy of a letter addressed by Mr. Holthorne to the Editor of the *Lancet*, on the 11th July, 1857, on the “Existence of the ova of the *Acarus Scabici* in Itch,”—read by the Clerk.

Committee deliberated on the expediency of complying with the recommendation made in Mr. Rusden's letter; and it was *Resolved*:—

“1. That as the Committee conceive that little practical good will result from the examination of these gentlemen, or from written application to them, and much time would be necessarily occupied in such inquiry, to the exclusion of more serviceable evidence, they deem it inexpedient to accede to the request made in Mr. Rusden's communication.”

“2. That Mr. Rusden be informed of the tenor of this Resolution.”

A further letter from Mr. T. G. Rusden, M. P., to the Chairman, suggesting the advisability of examining or making written application to Mr. Thomas Rutledge, of Carwoola, Bungendore, for his opinion relative to the existing laws relating to Scab and Catarrh in Sheep, as a person eminently qualified, by experience, to give valuable information on the subject,—read by the Clerk.

Motion made (Mr. Robertson) and Question—“That Thomas Rutledge, Esquire, be summoned before this Committee, as a witness, for Thursday next”—*agreed to.*

Committee then proceeded to consider the “*Diseases in Sheep Laws Consolidation Bill*,” referred to them under a Resolution of the House, dated 3rd instant.

Motion

Motion made (Mr. Flood) and Question—

- "1. That it is expedient to examine the framer of this Bill prior to agreeing to any course of proceeding with respect thereto.
- "2. That T. G. Rusden, Esquire, M. P., be consequently requested to attend before the Committee, as a witness, on Thursday next."

Agreed to.

Committee further considered the Petition of John Giblett.

Motion made (Mr. Cox) and Question—"That as it appears that Mr. E. Cox will be prevented from attending to give his evidence before the Committee; a communication be forthwith addressed to that gentleman, requesting him to furnish a written statement of the circumstances attending the refusal of a certificate to Petitioner for the destruction of the sheep specified in his Petition,"—*agreed to.*

Committee then further deliberated on the principles of the present Scab in Sheep Act.
[Adjourned till Thursday next, at Ten o'clock.]

THURSDAY, 19 NOVEMBER, 1857.

Members Present:—

Mr. G. Macleay,	Mr. Suttor,
Mr. Donaldson,	Mr. Cox,
Mr. Lee,	Mr. Hargrave.

Mr. G. Macleay, in the absence of the Chairman, was called to the Chair.

Mr. T. G. Rusden, M. P., and Mr. W. Busby, examined.

The Chairman, at the request of the Clerk, informed the Committee that Mr. Rutledge had left Sydney, and consequently had not been able to be served with a summons, under the Resolution agreed to by the Committee on 13th instant.

Mr. G. Macleay then withdrawing, Mr. Suttor was called to the Chair.

Committee considered the Petition of Mr. William Bowman.

Mr. W. Bowman, M. P., the Petitioner, examined.

Committee then further deliberated on the Petition of Mr. John Giblett.

By direction of the Chairman, a Statement from Edward Cox, Esquire, J. P., in reply to a letter addressed to him, in accordance with a Resolution agreed to by the Committee on the 13th instant,—read by the Clerk.

Motion made (Mr. Cox) and Question—"That this communication, together with its appendices, be printed in the Appendix to such Report, as the Committee may hereafter think fit to make,"—*agreed to.* (*Vide separate Appendix A.*)

[Adjourned till to-morrow, at Ten o'clock.]

FRIDAY, 20 NOVEMBER, 1857.

Members Present:—

Mr. Suttor,	Mr. Robertson,
Mr. Donaldson,	Mr. Hargrave,
Mr. Lee,	Mr. Cox.

Mr. Suttor, in the absence of the Chairman, was called to the Chair.

Mr. H. Dangar, Dr. Jenkins, and Mr. William Clements, Scab Inspector in Sydney, examined.

Committee further deliberated on the Petition of Mr. William Bowman.

A letter—from Mr. William Bowman to the Chairman, dated 20th instant, relative to his Petition—read. (*Vide separate Appendix B.*)

[Adjourned till Tuesday next, at Ten o'clock.]

TUESDAY, 24 NOVEMBER, 1857.

Members Present:—

Mr. Suttor,	Mr. Donaldson,
Mr. Hargrave,	Mr. Cox,
Mr. Osborne,	Mr. Lee.

Mr. Suttor, in the absence of the Chairman, was called to the Chair.

Committee further deliberated on the principles of the Act, 19 Vic., No. 27.

[Adjourned till Friday next, at Ten o'clock.]

FRIDAY, 27 NOVEMBER, 1857.

Members Present:—

Mr. Suttor,	Mr. Lee,
Mr. Hargrave,	Mr. Cox,
Mr. Donaldson,	Mr. Robertson.

Mr. Suttor, in the absence of the Chairman, was called to the Chair.

Mr. W. Bowman, M. P., further examined, with reference to his Petition.

Witness then withdrew.

In the course of his examination witness having handed in copies of certain depositions taken before the Bench of Magistrates at Cassilis, on the 30 June, 12 September, and 10 October, 1855, relative to the destruction of his sheep, the Chairman read the same.

Committee deliberated.

Motion made (Mr. Robertson) and Question proposed—"That the Petitioner having satisfactorily proved that he took all reasonable means in his power to comply *bonâ fide* with the law, in the matter of the destruction of his sheep—not, however, to the number of 3,400, as set forth in one of the allegations of his Petition, but to that of 3,279 as adduced by the evidence given before them—the Committee recommend that compensation for that number, amounting to £655 16s., be awarded to Mr. Bowman."

Amendment proposed (Mr. Cox)—"That this Question be amended, by the omission of all the words after the word 'That,' at the commencement, with a view to add the words 'compensation only to the amount of £409 8s. be awarded to Mr. Bowman, this being the entire sum to which he is justly entitled, he having failed to make good his claim for the additional amount of £246 8s., proposed to be paid in compensation for the destruction of his first flock, consisting of 1,232 sheep, owing to such destruction not having taken place until five weeks after their infection with scab was known to his overseer.'"

Committee deliberated.

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

Committee divided.

Ayes, 2.

No, 1.

Mr. Lee,
Mr. Robertson.

Mr. Cox.

Whereupon Original Question put, and agreed to.

Motion made (Mr. Robertson) and Question—"That the purport of this Resolution be embodied in the Report"—agreed to.

The Chairman, at the request of the Clerk, informed the Committee that Mr. John Giblett was not in attendance, in compliance with the summons addressed to him, neither had any reply as yet been received thereto.

Mr. Robertson, a Member of the Committee, desired permission to put in a certain Statement from Mr. Meston, with reference to Scab and Catarrh in Sheep.

Motion made (Mr. Lee) and Question—"That this Statement be received and printed in the Appendix to the Report of the Committee"—agreed to. (*Vide separate Appendix C.*)

Committee further deliberated on the papers referred for their consideration on the 30th ultimo; and it was Resolved:—

"1. That in the opinion of the Committee, the discrepancies apparently existing in these documents are satisfactorily explained by the evidence of Mr. Henry Lane on the 5th, and Mr. Thomas Lang on the 11th instant."

"2. That the purport of this Resolution be embodied in the Report."

Committee then further considered the "Diseases in Sheep Laws Consolidation Bill"; and it was Resolved:—

"1. That as the main principles of this Bill differ so essentially from the opinions entertained by the majority of the Committee, it is advisable, so as to avoid any unnecessary waste of time, to at once decide on its rejection."

"2. That the purport of this Resolution be embodied in the Report."

Committee then deliberated on the expediency of referring the framing of certain Resolutions to form the basis of their recommendations with respect to the proposed alterations in the existing Laws relating to Scab and Catarrh in Sheep to a Sub-Committee.

[Adjourned till Wednesday, 9th proximo, at Ten o'clock.]

WEDNESDAY, 9 DECEMBER, 1857.

Members Present:—

Mr. G. Macleay,
Mr. Cox,

Mr. Hargrave.

Mr. Robertson,
Mr. Suttor,

Mr. G. Macleay having informed the Committee that, owing to continued severe indisposition, Mr. Lang would be unable to resume his duties as Chairman,—

Mr. Robertson was called to the Chair.

By direction of the Chairman, Resolution of the House referring to Committee on 1st instant,—"Two Petitions from Mr. T. G. Rusden, M.P., and Mr. A. B. Lawson, respectively, relative to the destruction of Sheep under the Scab in Sheep Act,"—read by the Clerk.

Petitions then read.

Committee deliberated thereupon; and it was Resolved:—

"1. That the Committee are unable to entertain favorably the prayers of these Petitions, in consequence of their being contrary to the provisions of the Scab in Sheep Act."

"2. That the purport of this Resolution be embodied in the Report."

The Chairman laid before the Committee an analysis of "An Act for preventing and getting rid of Scab and Catarrh in Sheep."

Committee deliberated.

Motion made (Mr. Suttor) and Question—"That twenty proof copies of this Analysis be printed as speedily as possible for the information of Members of the Committee"—agreed to.

Committee further considered the Petition of John Giblett.

Motion

Motion made and *Question*—"That a summons be *again* addressed to Mr. Giblett, directing him to appear before the Committee in support of his Petition on Thursday, the 17th instant"—*agreed to*.

Committee further considered the Petition of A. C. Bartlett.

Motion made and *Question*,—

"1. That the Committee, in the absence of the Certificate with which Mr. Bartlett was directed to furnish them, are unable to arrive at any definite decision with reference to his Petition, though from the facts respecting it, which *have* come under their knowledge, they feel disposed favorably to regard its prayer."

"2. That the purport of this Resolution be embodied in the Report."—*agreed to*.

Committee then deliberated on heads of Report.

Motion made (Mr. Hargrave) and *Question*—"That the Chairman be now requested to prepare a draft Report for the consideration of the Committee, in accordance with the Resolutions agreed to by them"—*agreed to*.

[Adjourned till to-morrow, at Ten o'clock.]

THURSDAY, 10 DECEMBER, 1857.

Members Present:—

J. Robertson, Esquire, in the Chair.

Mr. G. Macleay,
Mr. Hargrave,

Mr. Flood.

Mr. Lee,
Mr. Suttor,

Mr. J. Butchart examined.

Committee deliberated.

[Adjourned till Thursday next, at Eleven o'clock.]

THURSDAY, 17 DECEMBER, 1857.

Members Present:—

J. Robertson, Esquire, in the Chair.

Mr. G. Macleay,
Mr. Lee,

Mr. Suttor,
Mr. Cox.

The Chairman stated that he had called a meeting of the Committee this day, for the purpose of laying before them, for their consideration, a certificate in the case of Mr. A. C. Bartlett, received since their last meeting from the Bench of Magistrates at Wee Waa, which was to the effect that, on the day upon which Mr. Bartlett applied to the Bench at that place for compensation for 1,927 sheep destroyed under the Scab Act, no Magistrates were present.

Certificate then read.

Committee deliberated.

Motion made (Mr. G. Macleay) and *Question*—"That, as the Certificate of Mr. Bartlett is now in the hands of the Committee, it is expedient to re-consider the Resolution agreed to by them on the 9th instant, with reference to his Petition"—*agreed to*.

Committee then further considered the Petition of Mr. Bartlett.

Motion made (Mr. G. Macleay) and *Question*—

"1. That in the opinion of this Committee the allegations contained in the Petition of Mr. A. C. Bartlett are now fully substantiated, and the Petitioner is therefore clearly entitled to compensation for the 1,927 sheep, destroyed under the Scab Act of 1854."

"2. That the purport of this Resolution be embodied in the Report."

Agreed to.

Whereupon Motion made (Mr. Cox) and *Question*—"That the Certificate furnished by the Bench of Magistrates at Wee Waa, with reference to this Petition, be printed in the Appendix to the Report of the Committee"—*agreed to*. (*Vide Appendix D, 1 and 2*.)

The Chairman then laid before the Committee proof copies of the "Analysis of an Act for preventing and getting rid of Scab and Catarrh in Sheep," ordered to be struck off under a Resolution agreed to by the Committee on the 9th instant.

Motion made and *Question*—"That this Analysis be printed in the Appendix to the Report of the Committee"—*agreed to*. (*Vide Appendix E*.)

The Chairman then informed the Committee that Mr. J. Giblett had been again summoned to be examined with reference to his Petition, but that he was neither in attendance nor had he made any reply to the summons thus addressed to him.

Committee deliberated.

Motion made and *Question*—"That as the Petitioner has not appeared in answer to the two summonses addressed to him, nor stated any reasons for his not appearing, no further steps can be taken by the Committee with reference to his Petition"—*agreed to*.

[Adjourned.]

[Further Proceedings stopped by Prorogation.]

1858.

THURSDAY, 29 APRIL, 1858.

Members Present:—

Mr. Hodgson,
Mr. G. Macleay,
Mr. Cox.

Mr. Suttor,
Mr. Taylor,
Mr. Lloyd.

Mr. Hodgson was called to the Chair.

By direction of the Chairman, Resolution of the House appointing the Committee, and the Minutes of Proceedings taken at the Meetings of the Committee held during last Session, read by the Clerk.

Motion made (Mr. Cox) and *Question*—"That these Proceedings be now adopted by this Committee"—*agreed to*.

Committee deliberated.

Motion made and *Question*—"That the Evidence taken before the Committee during the last Session is sufficient for the purposes of this inquiry"—*agreed to*.

Committee then considered the expediency of forthwith proceeding to the preparation of a new Bill, and were of opinion, that it would be advisable to defer entering upon its preparation until certain Members of the Committee who were not on the Committee of last Session had had an opportunity afforded them of perusing the Minutes of Evidence.

[Adjourned till Wednesday next, at Eleven o'clock.]

WEDNESDAY 5 MAY, 1858.

Members Present:—

A. Hodgson, Esquire, in the Chair—

Mr. Donaldson,
Mr. Suttor,
Mr. Taylor,

Mr. Cox,
Mr. Robertson,
Mr. Lee.

Committee deliberated relative to the principles of the Bill to be prepared by them.

Motion made (Mr. Suttor) and *Question proposed*—"That this Committee do now consider the Scab in Sheep Act, 19 Victoria, No. 27, with a view to determine what portions thereof may be advantageously retained in the Bill to be prepared by them; and that for this purpose the Committee do at once proceed through the said Act Clause by Clause, and make such amendments therein as they may deem desirable."

Committee deliberated.

Question put and agreed to.

Committee then further deliberated, and it was *Resolved* :—

"That any alterations or amendments made in the Act 19 Victoria, No. 27, though intended as the groundwork for such future Scab in Sheep Bill, as the Committee may eventually think fit to frame, shall nevertheless not be considered as categorically defining the wording of such Bill."

Committee thereupon proceeded to consider the Scab in Sheep Act of 1855; commencing with Clause II thereof.

Clause II read by the Chairman.

Motion made (Mr. Cox) and *Question*—"That this Clause be amended in the Bill to be prepared by the Committee by the insertion after the words 'shall be' in line 1 thereof, of the words 'boiled down or'; and in lines 2 and 6 thereof, by the omission of the words 'fourteen days,' and the insertion of the words 'one month' in lieu thereof"—*agreed to*.

Motion made (Mr. Suttor) and *Question*—"That there be inserted in this Clause, in the Bill to be prepared by the Committee, a proviso enacting 'That all sheep thus infected with scab may be shorn, or skins fellmongered on the stations of their owners, or skins securely packed in bags or bales, and, thus packed but not otherwise, forwarded to their destination for sale or exportation'"—*agreed to*.

Clause III read by the Chairman.

Motion made (Mr. Donaldson) and *Question proposed*—"That under this Clause in any Bill prepared by the Committee, no compensation for sheep destroyed under the provisions of the preceding Clause be awarded those persons availing themselves of the power now proposed to be given to them by the Committee of boiling down their sheep, or saving the skins and wool thereof."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.

Noes, 2.

Mr. Donaldson,
Mr. Cox,
Mr. Taylor.

Mr. Suttor,
Mr. Lee.

Whereupon further Motion made (Mr. Donaldson) and *Question proposed*—"That the compensation to be awarded to those persons destroying their sheep when infected with scab,

"scab, and not availing themselves of the power to be given to them of boiling them down, or preserving their skins and wool, be fixed at 'four shillings' per head."

Amendment proposed (Mr. Suttor)—"That such compensation be fixed at 'five shillings' per head."

Question put—"That such compensation be fixed at 'four shillings' per head."

Committee divided.

Ayes, 3.

Mr. Donaldson,
Mr. Lee,
Mr. Taylor.

No, 2.

Mr. Suttor,
Mr. Cox.

Words 'four shillings' to remain.

Clauses IV, V, VI, VII, VIII, IX, X, XI, and XII then read by the Chairman and considered; and it was agreed to embody the same in the Bill to be prepared by the Committee, with any verbal amendments which may be necessary.

Clause XIII read by the Chairman.

Motion made (Mr. Donaldson) and Question proposed—"That in the Bill to be prepared by the Committee, the penalty under this Clause for not branding travelling sheep shall not exceed 'one shilling' per head, instead of 'two shillings,' as under this Act."

Amendment proposed (Mr. Cox)—"That such penalty shall not exceed 'sixpence.'"

Committee deliberated.

Question put—"That such penalty shall not exceed 'sixpence.'"

Committee divided.

Ayes, 4.

Mr. Cox,
Mr. Lee,
Mr. Suttor,
Mr. Taylor.

No, 1.

Mr. Donaldson.

Word 'sixpence' inserted.

Clause XIV read by the Chairman.

Motion made (Mr. Cox) and Question proposed—"That in the Bill to be framed by the Committee, a proviso be added to this Clause, enacting 'That in no case shall it be compulsory to destroy imported sheep infected with scab.'"

Committee deliberated.

Question put.

Committee divided.

Ayes, 4.

Mr. Cox,
Mr. Lee,
Mr. Suttor,
Mr. Taylor.

No, 1.

Mr. Donaldson.

Whereupon Motion made and Question—"That the penalty for removing imported sheep, without such certificate from the Inspector as is required in this Clause, be fixed in the Bill to be framed by the Committee at a sum not exceeding one hundred pounds, instead of twenty pounds per head, as herein provided"—agreed to.

Clause XV read by the Chairman and considered; and it was agreed to embody the same in the Bill to be prepared by the Committee, with any verbal amendments which may be necessary.

Clause XVI read by the Chairman.

Motion made (Mr. Suttor) and Question proposed—"That this Clause be omitted in the Bill to be prepared by the Committee."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.

Mr. Suttor,
Mr. Lee,
Mr. Cox.

Noes, 2

Mr. Donaldson,
Mr. Taylor.

Clause XVII read by the Chairman.

Committee deliberated.

Motion made and Question—"That this Clause be amended in the Bill to be prepared by the Committee, by the insertion after the word 'seaports,' in line 2 thereof, of the word 'and'; and by the omission after the word 'towns,' in the same line, of the words 'districts, or other places'; and by further enacting at the end thereof, that 'It shall be lawful for any Bench of Magistrates, duly summoned, to appoint such fit and proper person in the Country District, within their special jurisdiction, as they may think expedient, to be Inspector for the purpose of examining sheep, and assisting generally in carrying the provisions of this Act into effect; and such Inspector shall be paid at the rate of one pound per diem, and such reasonable travelling expenses as the Bench may determine'"—agreed to.

Clauses XVIII, XIX, and XX read by the Chairman and considered; and it was agreed to embody the same in the Bill to be prepared by the Committee, with any verbal amendments which may be necessary.

Clause XXI read by the Chairman.

Committee deliberated, and it was *Resolved* :—

- " 1. That in the Bill to be prepared by the Committee, the yearly assessment to be levied on sheep shall be fixed not to exceed 'one pound' for every thousand sheep, instead of 'two pounds,' as enacted in this Act."
- " 2. That such assessment shall not, however, be levied, unless actually required for the purposes of this Act."

After further deliberation ;—

Motion made and *Question*—"That the consideration of the remaining Clauses of this Act be postponed till Friday next"—*agreed to*.

[Adjourned till Friday next, at *Even* o'clock.]

FRIDAY, 7 MAY, 1858.

Members Present :—

A. Hodgson, Esquire, in the Chair.

Mr. Lee, | Mr. Lloyd.

Committee deliberated, and it was *Resolved* :—"That as the Committee are desirous of having a full meeting for the purpose of determining the final principles of the Bill to be prepared by them, it is inexpedient to proceed to business *this day*."

[Adjourned till Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 12 MAY, 1858.

Members Present :—

A. Hodgson, Esquire, in the Chair.

Mr. Donaldson, | Mr. G. Macleay,
Mr. Robertson, | Mr. Lee,

Mr. Lloyd.

Committee deliberated as to the expediency of introducing into the Bill in course of preparation certain Clauses relative to catarrh in sheep, and were of opinion that it was unnecessary to legislate further on this head, as the existing enactments relating thereto were amply sufficient to meet all probable requirements.

The Chairman then read the amendments made by the Committee in the Act 19 Vic., No. 27, on the 5th instant.

Committee considered the same.

Motion made (Mr. Donaldson) and *Question proposed*—"That inasmuch as certain Members of the Committee, constituting the actual majority thereof, were prevented from being present on the 5th instant, when these Resolutions were agreed to, it is expedient to convene a full meeting of the Committee for their reconsideration, and that such meeting be accordingly called for Friday next."

Committee deliberated.

Question put and agreed to.

Committee then proceeded to the consideration of the remaining Clauses of the Act 19 Vic., No. 27, commencing with Clause XXII.

Clause XXII read by the Chairman.

Motion made (Mr. George Macleay) and *Question*—"That the consideration of this Clause and of Clauses XXIII, XXIV, XXV, XXVI, XXVII, and XXVIII, be postponed till Friday next"—*agreed to*.

Clauses XXX and XXXII read by the Chairman, and considered ; and it was agreed to embody the same in the Bill to be prepared by the Committee, with any verbal amendments which may be necessary.

Clauses XXXI and XXXIII read by the Chairman, considered, and postponed.

Schedules A, B, C, D, E, F, G, and H, then respectively read by the Chairman.

Motion made (Mr. George Macleay) and *Question*—"That Schedules A, B, C, D, and E, be adopted by the Committee ; and that the consideration of the remaining Schedules be postponed till Friday next"—*agreed to*.

[Adjourned till Friday next, at *Eleven* o'clock.]

FRIDAY, 14 MAY, 1858.

Members Present :—

A. Hodgson, Esquire, in the Chair :—

Mr. G. Macleay, | Mr. Donaldson,
Mr. Taylor, | Mr. Lloyd,
Mr. Flood, | Mr. Lee,
Mr. Robertson, | Mr. Cox.

Mr. C. K. Murray, Parliamentary Draftsman, present, at the request of the Committee.

Committee met, pursuant to a Resolution agreed to at their last meeting, for the reconsideration of certain Resolutions adopted on 5th instant ; and

The Chairman having informed the Committee that in summoning the Members thereof due notice had been given of the intention to reconsider these Resolutions.

Resolutions, relating to Clause XIV, read,—

Motion made (Mr. George Macleay) and *Question proposed*—"That the Resolution agreed to by the Committee, on motion of Mr. Cox, on the 5th instant, relative to the non-destruction of Imported Sheep, be amended, by the omission of all the words after the word

" word

"word 'That,' at the commencement, with a view to add the words 'all such imported 'sheep, as may be kept in a secure stable or shed, even though infected with scab, shall 'not be liable to destruction for the space of three calendar months.'"

Committee deliberated.

Question put—"That the words proposed to be omitted remain part of the Resolution,"—and *negatived*.

Further Question put—"That the words proposed to be added to the Resolution in 'place of the words omitted, be so added"—and *agreed to*.

Original Question then put and *agreed to*;—and

Words added accordingly.

Deliberation on Clause continued.

Motion made (Mr. Robertson) and Question proposed—"That the further Resolution, relating to this Clause, agreed to by the Committee on the 5th instant, providing 'That 'the penalty for removing imported sheep without such certificate from the Inspector, as 'is required in this Clause, be fixed in the Bill to be framed by the Committee at a sum 'not exceeding one hundred pounds' instead of 'twenty pounds per head,' as herein provided, ought to be retained."

Amendment proposed (Mr. Flood)—"That all the words after the word 'exceeding' in such Resolution be omitted, with a view to the addition of the words 'thirty pounds per 'head' in lieu thereof."

Deliberation continued.

Question put—"That the words proposed to be omitted remain part of the Resolution."

Committee divided.

Ayes, 4.

Mr. Robertson,

Mr. Lloyd,

Mr. Cox,

Mr. Lee.

Noes, 4.

Mr. Donaldson,

Mr. Flood,

Mr. Taylor,

Mr. George Macleay.

Whereupon the Chairman declared himself with the "Noes."

Further Question put—"That the words proposed to be added to the Resolution, in 'place of the words omitted, be so added"—and *agreed to*.

Original Question then put and *agreed to*;—and

Words added accordingly.

Resolution relating to Clause XVI read.

Motion made (Mr. Donaldson) and Question proposed—"That in this Resolution all 'the words after the word 'That,' at the commencement, be omitted, with a view to add at 'the end thereof, the words 'this Clause stand part of the Bill,' with any verbal amendments 'which may be necessary.'"

Committee deliberated.

Question put—"That the words proposed to be omitted remain part of the Resolution."

Committee divided.

Ayes, 2.

Mr. Lee,

Mr. Cox.

Noes, 6.

Mr. Robertson,

Mr. Donaldson,

Mr. George Macleay,

Mr. Taylor,

Mr. Lloyd,

Mr. Flood.

Further Question put—"That the words proposed to be added to the Resolution, in 'place of of the words omitted, be added"—and *agreed to*.

Original Question then put and *agreed to*; and

Clause re-inserted accordingly.

Resolution relating to Clause XVII read.

Committee deliberated.

Motion made (Mr. Robertson) and Question—"That this Clause, as proposed to 'stand in the Bill under the Resolution agreed to by the Committee on 5th instant, be 'amended in line 1 thereof, by the insertion after the word 'Governor' of the words 'in 'Council';—in line 2 thereof, by the omission after the word 'seaports' of the word 'and,' 'and by the re-insertion after the word 'towns' of the words 'or other places';—and by 'the further insertion after the words 'duly summoned' of the words 'assisted by a jury of 'not less than four sheep farmers, or sheep managers, two to be appointed by the Bench, 'and two by any person suspected of possessing sheep infected with scab, to inquire into 'the matter"—and *agreed to*.

Resolution, as amended, then put and *agreed to*.

Resolutions relating to Clause XXI read.

Committee deliberated.

Motion made (Mr. Donaldson) and Question—"That it is expedient to rescind the 'two Resolutions referring to this Clause, agreed to by the Committee on 5th instant, 'and to enact instead thereof, That the payment of all compensation money, salaries, 'remuneration, and travelling expenses under this Bill, shall be defrayed out of any moneys 'paid, raised, or levied, under the provisions of the Acts 18 Vic., No. 16, and 19 Vic., 'No. 27, or either of them"—*agreed to*.

Clauses XXII to XXVIII inclusive, the consideration of which was postponed at the last meeting of the Committee, severally read.

Motion made (Mr. George Macleay) and Question—"That these Clauses, as no 'longer necessary, be omitted in the Bill"—*agreed to*.

Schedules F to H inclusive, the consideration of which was postponed at the last meeting of the Committee, severally read.

Motion

Motion made (Mr. George Macleay) and *Question*—"That these Schedules, as no longer necessary, be omitted in the Bill"—*agreed to*.

Committee then further deliberated, and it was *Resolved* :—

- "1. That the Clerk of Committees do forthwith transmit a copy of this Act, with the amendments made by the Committee duly noted thereon, to Mr. C. K. Murray, Parliamentary Draftsman, intimating to him at the same time the desire of the Committee that he should draw up a Bill for their consideration, introducing the said amendments therein in any form he may consider most desirable, provided he strictly adheres to their actual purport."
- "2. That the Committee meet for the adoption of the Draft Bill on Wednesday next."
- "3. That the Chairman be requested to prepare a Draft Report for their consideration on the same day."

[Adjourned till Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 19 MAY, 1858.

By direction of the Chairman, the meeting of the Committee convened for this day, [Postponed till to-morrow, at *Eleven o'clock*.]

THURSDAY, 20 MAY, 1858.

Members Present:—

Mr. Hodgson. | Mr. Taylor.

A Quorum of the Committee not being present,

[Adjourned till Tuesday next, at *Eleven o'clock*.]

TUESDAY, 25 MAY, 1858.

Members Present:—

A. Hodgson, Esquire, in the Chair.

Mr. Lee, | Mr. G. Macleay,

Mr. Suttor, | Mr. Cox,

Mr. Lloyd.

The Chairman informed the Committee that he had on the 14th instant communicated with the Parliamentary Draftsman, in accordance with the Resolution agreed to at their last meeting, transmitting to him at the same time a copy of the Act 19 Vic., No. 27, having the amendments made by the Committee noted thereon by the Clerk of Select Committees; and that Mr. Murray had in reply thereto forwarded on the 17th instant a Draft Bill framed by him, embodying such amendments, which he now laid before them.

Committee thereupon considered the same.

Motion made (Mr. George Macleay) and *Question*—"That Clause XVIII of the Draft Bill stand Clause 5 thereof, and be amended by the omission in the *third* line of the words 'suspected to possess,' and by the insertion of the word 'owning' in lieu thereof;—by the omission at the commencement of the *fourth* line of the words 'infected with the scab' and by the insertion of the words 'arrested under this Act' in lieu thereof;—by the omission in the *tenth* line, after the words 'mentioned to,' of the words 'such Inspector,' and by the insertion of the words 'Inspectors appointed under this and the preceding Clause' in lieu thereof, and at the end of the same line by the substitution of the word 'their' for 'his';—in the *eleventh* line by the substitution of the word 'orders' for 'order,' and of the word 'their' for 'his';—and in the *twelfth* line by the substitution of the word 'certificates' for 'certificate'"—*agreed to*.

Further motion made (Mr. George Macleay) and *Question*—"That Clause XIX of the Draft Bill be amended in the *first* line by the substitution of the word 'such' for 'any'"—*agreed to*.

Committee agreed to the other Clauses of the Draft Bill without amendment.

The Chairman then informed the Committee that the usual number (200 copies) of the Bill had been already struck off for circulation, as they determined at their last meeting to adopt the same without entering upon any further deliberation as to its principles, and desired the opinion of the Committee as to the advisability of avoiding the expense of a re-print thereof, by deferring the introduction of these amendments thereunto until it was under the consideration of the Committee of the whole House.

Committee deliberated, and it was *Resolved* :—

- "That as the amendments just made by the Committee are of such a nature as to alter the entire construction of the Bill, a Report thereof is absolutely necessary, prior to its consideration by the House."

After further deliberation;—

Motion made and *Question*,—"That the Draft Bill, as now amended, be adopted, as the Bill 'framed and agreed to by the Committee,' and as such be reported to the House,"—*agreed to*.

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 1st"—*agreed to*.

Draft Report read 1st accordingly, and certain amendments made therein.

Draft Report then read 2^d.

Whereupon motion made and *Question*,—"That this Draft Report, as amended, be the Report of the Committee"—*agreed to*.

Chairman requested to Report to the House.

1857.

LIST OF WITNESSES.

<i>Thursday, 5 November, 1857.</i>		PAGE.
H. Lane, Esquire, <i>Secretary to the Treasury</i>	.. .. .	1
<i>Wednesday, 11 November, 1857.</i>		
T. Lang, Esquire	.. .. .	6
M. Goggs, Esquire	.. .. .	7
Mr. A. C. Bartlett	.. .. .	8
<i>Thursday, 19 November, 1857.</i>		
T. G. Rusden, Esquire, M. P.	.. .. .	10
W. Busby, Esquire, J. P.	.. .. .	13
W. Bowman, Esquire, M. P.	.. .. .	16
Mr. William Clements, <i>Inspector of Scab, Sydney</i>	.. .. .	20
<i>Friday, 20 November, 1857.</i>		
H. Dangar, Esquire, J. P.	.. .. .	23
Dr. Jenkins, J. P.	.. .. .	26
<i>Friday, 27 November, 1857.</i>		
W. Bowman, Esquire, M. P., (<i>second examination</i>)	.. .. .	28
<i>Thursday, 10 December, 1857.</i>		
J. Butchart, Esquire	.. .. .	34
[<i>Further Proceedings stopped by Prorogation.</i>]		

1857.

LIST OF APPENDIX.

(To Evidence given by Mr. Henry Lane on 5 November, 1857.)

APPENDIX A.		PAGE.
Assessment on Sheep Account— <i>Statement of Receipts and Disbursements by the Colonial Treasurer, under the Act 19 Vic., No. 27, from 1 January to 31 October, 1857</i>	.. .. .	3
APPENDIX B.		
Copy of Voucher for payment, on 28 April, 1857, of the sum of £894 16s. to Mr. J. T. Waterston, on behalf of Mrs. Lucy Howell, as compensation for Sheep destroyed under the Scab in Sheep Act	.. .. .	5
APPENDIX C.		
Ditto, for payment, on 15 September, 1857, of the sum of £288 to George Sykes	.. .. .	5

(To Evidence given by Mr. W. Clements, on 19 November, 1857.)

APPENDIX A.		PAGE.
Copy of Letter from Colonial Secretary to Mr. Clements, dated 14 February, 1856, relative to Section 14 of Scab in Sheep Act	.. .. .	23
APPENDIX B.		
Copy of Opinion of W. M. Manning, Esq., Solicitor General, with reference to the powers contained in Section 14 of Scab in Sheep Act	.. .. .	23
(To Evidence given by Mr. W. Bowman, M. P., on 27 November, 1857.)		
Copies of Depositions taken before the Bench at Cassilis, on 30 June, 12 September, and 10 October, 1855, relative to a breach of the Scab Act by W. Bowman, Esq., M. P.	.. .. .	29

SEPARATE APPENDIX.

A.		PAGE.
Statement made by Edward Cox, Esq., J. P., in answer to a communication addressed to him by the Committee, requesting him to furnish them with any information in his power with reference to the Petition of John Giblett	.. .. .	37
B.		
Letter from Mr. W. Bowman, M. P., to the Chairman of the Committee, dated 20 November, 1857, relative to the Evidence given by him before the Committee on the 19th November, 1857	.. .. .	38
C.		
Statement made by Mr. Meston, relative to a new Scab and Catarrh Act, handed in to the Committee by Mr. Robertson, a Member of the Committee, on 27 November, 1857	.. .. .	38
D (1.)		
Copy of a Letter from Messrs. Johnson & Johnson, Solicitors, transmitting Certificate in the case of the Petition of Mr. A. C. Bartlett	.. .. .	39
D (2.)		
Copy of a Certificate from the Bench of Magistrates at Wee Waa, relative to the Petition of Mr. A. C. Bartlett	.. .. .	39
E.		
Analysis of an Act proposed by Mr. Robertson, a Member of the Committee, for preventing and getting rid of Scab and Catarrh in Sheep	.. .. .	39
[<i>Further Proceedings stopped by Prorogation.</i>]		

1857.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

SCAB AND CATARRH IN SHEEP.

THURSDAY, 5 NOVEMBER, 1857.

Present:—

MR. HARGRAVE,
MR. LEE,
MR. G. MACLEAY,MR. ROBERTSON,
MR. SUTTON,
MR. COX.

GIDEON SCOTT LANG, ESQUIRE, IN THE CHAIR.

Henry Lane, Esquire, Secretary to the Treasury, called in and examined:—

1. *By the Chairman:* We wish to learn from you how the account stands between the Scab Assessment and the Treasury. The last account we have is dated 19th January, 1857, showing at that time that £2,793 3s. 3d. had been advanced from the Consolidated Revenue to meet the claims in excess of the amount of assessment received in 1856? I have continued the account up to the 31st of October, 1857; this extended account shows a balance to credit, on 31st October, of £10,752 16s. 10d. I submit the account to the Committee. *(The Witness handed in the same. Vide Appendix A.)*
2. *By Mr. Cox:* Are you aware of any claims for compensation now standing over under the present Act? I understand that some have been submitted to the House of Assembly, and are now under consideration; these claims have not been presented at the Treasury for payment.
3. *By Mr. G. Macleay:* Will you state what applications have been made since the commencement of the year 1857, with the names of the Benchers which have given certificates? Two applications have been made since 1st of January last, viz.:—

Mrs. Lucy Howell	£894 16 0
Mr. George Sykes	288 0 0

- I submit copies of the vouchers for the payment of these sums. *(Vide Appendices B and C.)*
4. *By the Chairman:* Can you explain the discrepancies that appear in the Returns; there is a difference in the number returned under the Scab Act and the Annual Returns? The Returns you refer to are those ordered to be printed on the 11th and the 13th of March last?

- Henry Lane, Esq.
5 Nov., 1857.
5. Yes; there is a difference, as it appears, of 29,000? The number of sheep in the Murrumbidgee District in 1855, as shewn in the Return of 11th March, is 664,191; the number in same district, same year, is stated in the Return of 13th March, to have been 693,191. I can explain this discrepancy. Commissioners furnish to the Treasury, in January of each year, Returns of the numbers of sheep in their respective Districts; omissions are sometimes made in these Returns, and Commissioners supply such omissions by sending *supplementary* Returns. Mr. Lockhart, Commissioner for the Murrumbidgee District, forwarded his January Return in due course, but, finding that he had omitted the name of Mr. Henry Osborne, the owner of 29,000 sheep in the District, he sent to the Treasury a supplementary list of this additional number. The printed Returns of the 11th and 13th March were prepared by the Auditor General; the first shows the amount of assessment received, and amount of compensation paid in each district, as well as the number of sheep in each; the second exhibits the number of sheep in the Murrumbidgee District only. The first (11th March) being regarded as a *cash* account, was compiled in the Audit Office without reference to the Treasury, and was at once placed before the Assembly; the second (13th March) being a *numerical* Return relating to a particular district (Murrumbidgee) was, for accuracy sake, compared by Audit Office with the Treasury Records previously to its publication. Hence the 29,000 sheep, of which the supplementary list had been received in the Treasury, but not in the Audit Office, were included in the second Return (13th March), and omitted from the first (11th March.)
6. Then there is a mistake to the amount of £58 in the return of the money? No; the amount is correct; it is that actually received.
7. By Mr. G. Macleay: Does the money assessment tally exactly with that number? No; the number and amount rarely agree; the amount stated in the printed Return is that received in the year; the number given by the Commissioner will not, if computed at the rate fixed by law, make up the amount, inasmuch as fines and arrears are included in the latter. For instance, in 1857, we will get sums that properly belong to 1856, being the proceeds of warrants issued in the last-named year.
8. The fines are added to the assessment? Yes, when enforced.
9. By Mr. G. Macleay: Is there anything in arrear to be added to this sum? Yes; the warrants issued in 1855 are satisfied. For 1856, there are six warrants outstanding in the Bathurst District; and for 1857, there are three due for Bathurst, one for Mudgee, and one for Murrumbidgee. The correctness of the receipts, as stated in the printed Return of 11th March, 1857, can be tested in this way, viz. :—

Take the debit side of the printed annual statement for 1855, dated 13th February, 1856.....	16,771	2	5
And same of the statement for 1856, dated 19th January, 1857	17,439	19	1
	<hr/>		
The Amount corresponds	£34,211	1	6
<hr/>			
Next, as to the <i>payments</i> :—			
Compensation in 1855, as per annual statement	32,893	0	0
In 1856, as per ditto.....	1,579	16	0
	<hr/>		
Agrees	£34,472	16	0
	<hr/>		

APPENDIX A.

ASSESSMENT ON SHEEP ACCOUNT.

STATEMENT of RECEIPTS and DISBURSEMENTS by the COLONIAL TREASURER, under the Act of Council,
19 Vict., No. 27, from 1 January to 31 October, 1857.

RECEIPTS.

NAME OF DISTRICT.												TOTAL.
												£ s. d.
Albert...	...	...	...	...	...	...	...	...	...	...	...	198 17 1
Avisford	...	...	...	...	...	...	...	...	...	...	...	3 0 0
Bathurst	...	...	...	...	...	...	...	...	...	...	...	319 0 0
Berrima	...	...	...	...	...	...	...	...	...	...	...	6 19 0
Bligh	...	...	...	...	...	...	...	...	...	...	...	381 3 1
Braidwood	...	...	...	...	...	...	...	...	...	...	...	102 7 6
Brisbane	...	...	...	...	...	...	...	...	...	...	...	68 9 5
Camden and Picton	...	...	...	...	...	...	...	...	...	...	...	4 3 8
Carcoar	...	...	...	...	...	...	...	...	...	...	...	243 16 1
Cassilis	...	...	...	...	...	...	...	...	...	...	...	310 8 11
Clarence River	...	...	...	...	...	...	...	...	...	...	...	166 16 11
Darling Downs	...	...	...	...	...	...	...	...	...	...	...	2,510 6 4
Dungog and Port Stephens	...	...	...	...	...	...	...	...	...	...	...	84 14 4
Goulburn	...	...	...	...	...	...	...	...	...	...	...	293 12 11
Grafton	...	...	...	...	...	...	...	...	...	...	...	14 17 3
Gwydir	...	...	...	...	...	...	...	...	...	...	...	580 16 11
Hartley	...	...	...	...	...	...	...	...	...	...	...	39 4 10
Ipswich	...	...	...	...	...	...	...	...	...	...	...	534 7 7
Lachlan	...	...	...	...	...	...	...	...	...	...	...	769 5 9
Liverpool Plains	...	...	...	...	...	...	...	...	...	...	...	1,193 0 0
Lower Darling	...	...	...	...	...	...	...	...	...	...	...	210 9 11
Leichhardt	...	...	...	...	...	...	...	...	...	...	...	228 17 11
M'Leay River	...	...	...	...	...	...	...	...	...	...	...	0 8 8
Maneroo	...	...	...	...	...	...	...	...	...	...	...	857 8 1
Maranoa	...	...	...	...	...	...	...	...	...	...	...	116 15 8
Molong	...	...	...	...	...	...	...	...	...	...	...	43 8 8
Moreton	...	...	...	...	...	...	...	...	...	...	...	174 19 3
Mudgee	...	...	...	...	...	...	...	...	...	...	...	156 13 6
Murrumbidgee	...	...	...	...	...	...	...	...	...	...	...	1,019 11 11
Murrurundi	...	...	...	...	...	...	...	...	...	...	...	34 15 11
Muswellbrook	...	...	...	...	...	...	...	...	...	...	...	115 4 3
New England	...	...	...	...	...	...	...	...	...	...	...	2,097 10 3
Orange	...	...	...	...	...	...	...	...	...	...	...	89 7 6
Paterson	...	...	...	...	...	...	...	...	...	...	...	9 10 4
Patrick's Plains	...	...	...	...	...	...	...	...	...	...	...	148 11 5
Penrith	...	...	...	...	...	...	...	...	...	...	...	2 5 0
Port Curtis	...	...	...	...	...	...	...	...	...	...	...	180 12 10
Port Macquarie	...	...	...	...	...	...	...	...	...	...	...	4 12 8
Queanbeyan	...	...	...	...	...	...	...	...	...	...	...	338 15 4
Rylstone	...	...	...	...	...	...	...	...	...	...	...	200 9 0
Shoalhaven	...	...	...	...	...	...	...	...	...	...	...	17 17 9
Sofala	...	...	...	...	...	...	...	...	...	...	...	13 0 0
Scone	...	...	...	...	...	...	...	...	...	...	...	238 12 10
Tambaroora	...	...	...	...	...	...	...	...	...	...	...	8 0 0
Wellington (Police District.)	...	...	...	...	...	...	...	...	...	...	...	153 14 0
Wellington (Pastoral District.)	...	...	...	...	...	...	...	...	...	...	...	566 4 5
Wide Bay and Burnett	...	...	...	...	...	...	...	...	...	...	...	1,502 10 6
Wingham	...	...	...	...	...	...	...	...	...	...	...	2 9 3
Wollombi	...	...	...	...	...	...	...	...	...	...	...	2 0 0
Yass	...	...	...	...	...	...	...	...	...	...	...	208 4 2
TOTAL RECEIPTS...												£ 16,568 8 7

APPENDIX A—Continued.

DISBURSEMENTS.				
NAME OF PARTY COMPENSATED.	NAME OF DISTRICT.	No. OF SHEEP DESTROYED.	AMOUNT PAID IN COMPENSATION.	TOTAL.
			£ s. d.	£ s. d.
Amount of Overdraft on 31 December, 1856 ... ..			...	2,793 3 3
Lucy Howell ... ..	...	4,474	894 16 0	1,182 16 0
George Sykes	Goulburn	1,440	288 0 0	
		5,914	.....
SALARIES OF INSPECTORS.				
NAME OF DISTRICT.	NAME OF INSPECTOR.		AMOUNT.	
			£ s. d.	
Brisbane	G. Appell... ..		60 0 0	
Berrima	J. Sheppard		25 0 0	
Carcoar	W. Mackie		45 0 0	
Deniliquin... ..	D. Gunn		166 13 4	
Goulburn	F. Charteris		75 0 0	
Gloucester... ..	T. Lavers... ..		37 10 0	
Lachlan	D. Keefe		50 0 0	
Do.	D. Cuffe		37 10 0	
Liverpool Plains	G. Wilson		76 6 11	
Do.	T. Boyle		100 0 0	
Murrumbidgee	J. T. Baker		166 13 4	
Maneroo	R. Popham		150 0 0	
Mudgee	S. Ayers		50 0 0	
New England	L. Markham		200 0 0	
Patrick's Plains	P. H. McGowan		45 16 8	
Queanbeyan	T. P. Buckley		80 0 0	
Scone... ..	H. Newcomen		66 13 4	
Sydney	W. Clements		7 7 0	
Wellington	F. Sands		37 10 0	
Warialda	G. Hazard		142 14 10	
Wee Waa	C. P. Burne		133 6 8	
Yass	T. Turner		50 0 0	
			1,803 2 1	
CONTINGENT CHARGES.				
Garland and Bingham, on account of E. Ryan } ...	Lachlan	Assessment Returned ...	£ s. d.	36 10 5
W. C. Bundock	Clarence River	Penalty Returned	31 3 0 5 7 5	
Balance on 31 October, 1857			£5,815 11 9 10,752 16 10	
TOTAL... ..			£16,568 8 7	

HENRY LANE,
Secretary to the Treasury.

APPENDIX B.

APPENDIX B.

ASSESSMENT ON SHEEP.

Warrant No. 234.

Voucher No. 46.

£894 16s. 0d. stg.

The Treasury, Sydney,
28 April, 1857.

Received from the Honorable the Treasurer, the sum of eight hundred and ninety-four pounds sixteen shillings, sterling, being the amount of compensation due to me for sheep destroyed under the "Scab in Sheep Act."

For Lucy Howell,
JOHN T. WATERSTON.

Witness—

STEP. GREENHILL.

Warrant No. 234 of 1857.

Department of Land and Public Works,
Sydney, 20 April, 1857.

SIR,

I am directed to inform you, that the case of Mrs. Lucy Howell, who petitioned the Legislative Assembly for redress for loss of sheep destroyed under the Scab Act, having been brought under the consideration of the Executive Council, the Council have approved of Mrs. Howell being compensated for the destruction of the sheep in question, and of a Special Warrant being issued for the payment of the amount, namely, £894 16s., which is to be met out of the Ordinary Revenue, but debited to the Assessment for 1857.

2. I have, therefore, to request, that you will cause the necessary Warrant to be prepared in Mrs. Howell's favour for that sum, being the compensation for 4,474 sheep.

I have, &c.,

THE AUDITOR GENERAL.

MICL. FITZPATRICK.

ASSESSMENT ON SHEEP FUND.

1857.

Voucher No. 46.

I, William Colburn Mayne, Auditor General, do certify that sufficient authority has been shown to me, on the part of Robert Waterston, to receive the payment due to Lucy Howell.

W. C. MAYNE,
A. G.

APPENDIX C.

ASSESSMENT ON SHEEP.

Warrant No. 488.

Voucher No. 99.

£288 0s. 0d. stg.

The Treasury, Sydney,
15 September, 1857.

Received from the Honorable the Treasurer, the sum of two hundred and eighty-eight pounds, sterling, being the amount of compensation due to me for sheep destroyed under the "Scab in Sheep Act."

For George Sykes,
ICETON & POWNALL.

Witness—

STEP. GREENHILL.

Warrant No. 488 of 1857.

Goulburn,
31 August, 1857.

SIR,

I have the honor to request you will pay to Messrs. Ietton & Pownall, of Sydney, Solicitors, the amount to which I am entitled by virtue of a certificate under the hands of four of Her Majesty's Justices of the Peace, dated at Goulburn 31st August, 1857.

I have, &c.,

THE HONORABLE
THE COLONIAL TREASURER,
Sydney.

GEORGE SYKES.

CERTIFICATE OF DESTRUCTION OF SHEEP.

We, the undersigned, Patrick Plunkett, Edward Maitland, Francis Robert Lewis Rossi, and Andrew Gibson, Esquires, four of Her Majesty's Justices of the Peace for the Colony of New South Wales, do hereby certify, that it has been duly proved before us that one thousand four hundred and forty sheep, above the age of six months, the property of George Sykes, lately depasturing at Spring Valley, in the District of Goulburn, were, on the tenth day of August instant, duly destroyed; and we further certify, that it was further proved, to our satisfaction, that such sheep were, at the time of their destruction, infected to* the disease called the Scab, and that previous to their destruction the notices required by law were duly served.

Dated at the Police Office, Goulburn, in the Colony of New South Wales,
this 31st day of August, A.D., 1857.

P. PLUNKETT, J.P.
EDWARD MAITLAND, J.P.
F. R. L. ROSSI, J.P.
ANDREW GIBSON, J.P.

* So in the original.

WEDNESDAY, 11 NOVEMBER, 1857.

Present:—

MR. COX,
MR. LEE,MR. HARGRAVE,
MR. SUTTOR.

W. H. SUTTOR, ESQUIRE, IN THE CHAIR.

Thos. Lang,
Esq.

Thomas Lang, Esq., called in and examined:—

11 Nov., 1857.

1. *By the Chairman*: You reside in the Murrumbidgee District? Yes.
2. Will you look at the "Return of the total number of Sheep in the Murrumbidgee District in 1853, 1854, 1855, and 1856." (*The witness examined the return.*) Can you account for the great decrease in the number from 1854 to 1855? During the seasons of 1853 and 1854 there were a great many store sheep brought to the district.
3. Then you account for the difference in the numbers from the number of store sheep taken from this side of the country for the purpose of fattening? Yes.
4. They had been sold off before 1855? Yes, before 1855; on the Billybong especially.
5. *By Mr. Cox*: You do not think that the lesser number, as shewn by this return for 1855, was occasioned by the people not wishing to comply with the Act now in force? No, I do not. There were some stations before that time—two at least I know—from which the sheep were off altogether. They fatten in the winter there, and all that had been bought as store in 1853–54, and all station sheep of age, had been sold off fat about the shearing of 1854, and were not replaced when the returns were made, early in 1855.
6. *By the Chairman*: Do you know that in 1856 there was a still further decrease? Yes; from our own station they were all off, and on several others they were very much reduced, if not altogether removed.
7. How do you account for that—by the great number of sheep sent into Victoria? Yes; and the fear of scab from over the Murray, and scarcity of labour to cure it.
8. *By Mr. Cox*: What is the feeling in the Murrumbidgee District with regard to the present Act—is it favourable? It is favourable, because it is considered to have stopped the disease altogether. All down in the lower part, near the Victoria boundary, are very favourable to it.
9. *By the Chairman*: Do you know of any case of diseased sheep in your part of the country? There was one case on one of the stations, before this Act came into operation, where all the sheep were killed.
10. Do you know of any now? No, I have not heard of any.
11. *By Mr. Cox*: Should you conceive that, if the present Act were repealed, there would be danger of again having the scab brought into your district from the Victoria country? Yes, I think there would, because some diseased sheep were brought, even under this Act, from the Victoria country, just about the commencement, I think, of 1854 or 1855.
12. You believe the repeal of the present Act would be attended with great danger, especially to the border districts of New South Wales and Victoria? Yes; there was a flock taken from the Yanco Creek to the north side of the Murray which turned out to be scabby.
13. When was that? Not long ago; somewhere within twelve months.
14. Are you a sheep owner now in that district? No.
15. Have you had considerable experience in sheep farming? Yes, from 1840 until 1855, when we put them all off our station, from fear of the scab from sheep travelling down to and from Victoria.
16. What number of sheep had you in the year 1855? Between 11,000 and 12,000.
17. In 1855 you had disposed of them all? We stored them—they were all off.
18. You believe that many others did the same, and that that would account for the discrepancy in this return? Yes.
19. *By the Chairman*: Many people disposed of their sheep and stocked their runs with cattle? Yes.
20. You have done so yourself? Yes.
21. Have you had any experience of sheep diseased with scab, and of the treatment of them? Yes, in early times.
22. Do you think it advisable to continue that part of the Act which makes it imperative on the part of the owner to destroy the sheep if diseased? I think that is the safest part of the Act, and particularly applicable when only a station here and there is affected.
23. *By Mr. Lee*: Do you not think it possible to cure the sheep? It is possible, if promptly attended to.
24. *By Mr. Cox*: But attended with danger? Attended with danger.
25. *By Mr. Hargrave*: Do you think it possible to cure sheep at a cost that will repay the owner, looking to the present rate of labour in the Colony? I think they do so at Port Phillip, with the means they take—they dip them, and put thousands through in a day.
26. *By Mr. Lee*: Do they hire people to cure them at so much per head, and find their own medicine? I am not aware, but rather think they have their own men, as almost every station there now has a regular establishment for the purpose of dipping sheep.
27. Do people go about to cure the sheep, or is it done by the men on the station? It is done by the men on the station, I believe.
28. Are there not persons who go about and cure sheep at so much per head? I think there are, but I do not know for certain.
29. Did you ever hear what they get per head for curing sheep? No; I have not been much on the Port Phillip side lately.
30. What have you given in New South Wales? I never had to do with it in New South Wales.
31. *By the Chairman*: Have sheep increased very much in value since the Act passed in 1854? Yes, they have.

32. So that if in former years four shillings a head would compensate a party for the loss of his sheep, it would not do so now? No.
33. What would you recommend with regard to compensation; do you think parties destroying their sheep should have compensation, and, if so, that they should have a fairer compensation than at present? I think they should have compensation.
34. *By Mr. Cox:* Do you think, taking a broad view of the subject, that people who are sufficiently careful to keep their own sheep free from scab should be compelled to pay assessment for the loss incurred by the negligence of their neighbours? It is very hard that it should be so, but it is safer I think that they should do so than run the risk of having the scab amongst them.
35. *By the Chairman:* Do you think an Act could be made sufficiently stringent to compel persons to cure their sheep in a given time? Yes, I think perhaps it might; but it has never been done yet.
36. *By Mr. Hargrave:* You think it possible to cure sheep in a given time, say three months? Yes; I think in Port Phillip they cure within that time.
37. Do you think it could be done at such an expense, including the loss of life, as would pay the owners? I consider that if it pays in Victoria, where labour is still higher than here, it ought to pay here.
38. *By Mr. Lee:* What do you think it would cost per head to cure sheep? I am sure I could not say. I have had nothing to do with curing them since very early times, and then it was the constant attention and hard work to comparatively small numbers did so.
39. *By Mr. Hargrave:* Do you think it is possible, after sheep have been declared infected, to secure sheep and boil them down within fourteen or twenty-eight days in such a way as to incur no risk of giving the disease to other sheep? I think it might be done. It would all depend upon having a very careful shepherd. I do not think there would be any difficulty in doing it unless you had a neighbour very close at hand. I have had my sheep scabbed by my neighbour's without being aware that his sheep had been near them, until I discovered it accidentally.
40. *By the Chairman:* Are you aware how these returns were taken in those years when there was no assessment—if I recollect rightly, there was no assessment in 1854? I think they were taken under no assessment Act; they made returns or not, as they pleased.
41. Might not that account for some of the discrepancies? Very probably. I got no notice, and was travelling to town when I was told I had to give these returns.

Thos. Lang,
Esq.
11 Nov., 1857.

Matthew Goggs, Esq., called in and examined:—

1. *By the Chairman:* You have had considerable experience in sheep farming in the Northern District, I believe? Yes.
2. In what part? In the Darling Downs District.
3. Have you had an opportunity of seeing the working of the present Scab Act in your district; do you know of any cases of diseased sheep there? None in our district that I know of.
4. *By Mr. Cox:* Do you approve of the general principles of the Act now in force? With some modifications.
5. Will you state your chief objections to the present Act? In clause 2, I think the time allowed, fourteen days, is too short a period.
6. Are you in favor of having the sheep destroyed? I am.
7. *By the Chairman:* You would not give the proprietor of the sheep a chance of curing them, if he were disposed to do so, within a certain time? From my experience I have found it very difficult to cure a sheep, and from my observation I have seldom known them cured.
8. *By Mr. Lee:* How long have you been engaged in sheep farming? Twenty-two years.
9. And you never knew sheep cured? Seldom.
10. *By the Chairman:* Why would you prolong the time? Because fourteen days is not sufficient for a party living 250 miles away from water carriage; he may not have pots to boil them down at the time.
11. You would recommend, then, that the proprietor should have the option of boiling them down? Yes, if he pleases.
12. *By Mr. Cox:* With regard to compensation, what is your opinion? If he boils them down he should have three shillings for the sheep, and not to exceed a shilling for lambs until six months old.
13. How would you raise the amount to pay the compensation—by an assessment upon the whole of the sheep throughout the country? I look at the Scab Act as an insurance company among the proprietors of sheep—each insures the other.
14. But it is a compulsory insurance? Yes.
15. *By Mr. Lee:* Would you give the party who boils down his sheep three shillings a head? I would.
16. And at present he only gets four shillings a head without boiling them down? I would allow him the option of boiling down.
17. *By the Chairman:* Do you not think there is a great decrease in the number of sheep in the Colony within the last four or five years? There has been a large decrease, from wet seasons.
18. In the Northern District? I speak of my own district.
19. *By Mr. Cox:* Has the sale of store stock been greater than the increase, or as great as the increase besides the losses that have occurred from wet weather—do you think the increase makes up for the number sold as store stock for the last year or two? The increase in Darling Downs is more than the decrease; the sheep are more now than they were this time twelve months.

M. Goggs,
Esq.
13 Nov., 1857.

- J. Goggs, Esq.*
11 Nov., 1857.
20. *By the Chairman*: What time would you allow parties to boil down their sheep? Sixty days the minimum, and ninety days the maximum.
21. To commence within sixty days? To commence within sixty days.
22. *By Mr. Hargrave*: Do you not think it would be a great risk to allow sheep known to be infected with scab to remain sixty days before being destroyed? I presume the owner would be compelled to keep them on his own run, and not to allow them to go over his boundary.
23. Of course he would be supposed to do so, but do you not think it would be running a very serious risk of the disease spreading in such a length of time? There is a risk, but with care that risk might be obviated.
24. *By the Chairman*: Would you continue the present rate of assessment? No, I would not.
25. What rate of assessment would you recommend? I presume there is a balance in hand. I would use that up in paying inspectors, and claimants under the Scab Act for compensation; when that was used up, I would put on one pound per thousand per annum instead of two pounds.
26. One-half the present assessment? Yes.
27. The amount of assessment not to exceed the amount actually paid in the way of compensation and expenses;—you would not collect the assessment unless it were actually required? Certainly not.
28. *By Mr. Cox*: Have you any other objections to the present Act? Yes; in clause 13 of the present Act—"Sheep unbranded"—penalty may be enforced to the amount of two shillings each sheep; I think if the whole penalty were enforced it would be excessive.
29. Would you strike the clause out altogether;—do you think it is an useful clause? I think it is useful.
30. You will see it is discretionary with the Magistrate? I think it is leaving too great a power with him. My suggestion would be that it should not exceed sixpence.
31. *By the Chairman*: Is there any other part of the Act in which you would suggest any alteration? In clause 6—"Justice to give certificate of costs of destroying sheep." If they are destroyed, I think the owner of the sheep ought to be paid the expense of destroying them, because it is at his option whether he will boil them down or destroy them.
32. You recommend he should have that option? Yes.
33. *By Mr. Cox*: The person destroying them should be paid the expense of the destruction? Yes; he might not consider his sheep to be of sufficient value to boil them down.
34. *By Mr. Hargrave*: Do you think there would be any risk of allowing the skins, after being taken off the sheep, to be packed in bales and sent to Sydney; or would you compel the owner to fellmonger on his station? I would compel the owner to fellmonger the skins on his own station and at his risk.
35. *By Mr. Lee*: Do you think there is any danger in the skins being taken away in bales? Yes; the animalculæ remain in the skins for a very long period, and if they come in contact with the live animal give him the scab.
36. *By the Chairman*: What do you think of the 14th clause? I would make the 14th clause more stringent.
37. What amendment do you propose? I think the sheep ought to be dressed when they are landed.
38. Under the present Act it is imperative upon owners of sheep to destroy any imported sheep affected by scab; supposing a party to import a valuable ram, for breeding purposes, worth a hundred guineas, do you think it desirable it should be destroyed under such circumstances? I would modify that with regard to imported sheep. I would have them kept and dressed. I would not destroy them, because it is a great loss to the country.
39. Then you would make an alteration in the 2nd clause excepting sheep imported for stud purposes? Yes; those of pure breed to improve the blood for stud purposes, because sheep might be imported from Victoria.
40. *By Mr. Cox*: Do you think the branding of sheep is effectual with respect to the working of this Act; you observe that sheep are to be branded with the initial letter—what guard is that as to whether sheep are diseased or not? I presume it is only to distinguish those which are travelling along the road, so that if they mix with other sheep they can be easily picked out. I do not think it can refer to the scab at all.
41. Is it not usual to mark sheep? Many do not.
42. *By Mr. Lee*: Do they not either mark them or put a flesh brand on them? I have not put a flesh brand on mine for many years.
43. Do you think it desirable that sheep should be branded, in order that a party having sheep on the road may know at once if any sheep that may have been dropped have strayed into his flock? Yes.

A. C. Bartlett, Esq.
11 Nov., 1857.

Arthur Charles Bartlett, Esq., called in and examined:—

1. *By the Chairman*: A petition from you to the Legislative Assembly, praying for compensation for the destruction of 1,927 sheep, under the Scab Act, has been referred to this Committee,—you state in the petition that you complied with the requirements of the Act in every respect? In every respect. There were not two Magistrates, and I could not get a certificate.
2. Were there no Magistrates in the neighbourhood at the time? No; the only Magistrate there said it was of no use his going, as the Act required two Magistrates, and that if I could get another Magistrate he would willingly sit.
3. Who was the Magistrate? Mr. Doyle.
4. He made no demur as to your receiving a certificate? No; he said he could not sign it,
as

as the Act required two Magistrates, and it was of no use his going alone. Mr. Lloyd was the only other Magistrate I could have got at all, and he was at the Peel; the river was rough and I could not get across. I had only a few days left, and by the time I did see him the period was expired.

A. C. Bartlett,
Esq.
11 Nov., 1857.

5. Did you call upon parties to examine them in the neighbourhood? I did; I gave notice, and did everything else according to the Act.

6. *By Mr. Cox:* You state that your sheep were destroyed in February? Yes.

7. And the application made by you before the Magistrates was on the 4th day of May, I think that perhaps would have put you out of Court, for the Act only gives one month to make an application—that is under the 3rd section? That is not the Act under which my application was made. I applied under the Act of 1854, the fourth clause of which gives three months to make application to the Bench. I rode five hundred miles to get two Magistrates, but could not.

7. *By the Chairman:* Can you furnish the Committee with any other evidence to shew that you made this application? It is registered in the Court at Wee Waa.

8. Did you make any application at a subsequent time? Not to that Bench. I applied to the Executive, and wrote to the Governor about it, and he said if I had complied with the Act that was all that was required. I saw Mr. Frank Rusden, and he said it was of no use my applying to the Bench again, that the time was up, and I must petition the Legislative Assembly.

9. *By Mr. Cox:* When you made an application to the Bench at Wee Waa, was there but one Magistrate in the neighbourhood? Yes; that was all.

10. Were you told that it was impossible there would be another Magistrate there within a week? I was not told so, but I tried for ten days and more to get two together.

11. Was there a Clerk of the Bench there? Yes; Mr. Fitzsimmons.

12. Did he register the application? Yes.

13. Are you a squatter and sheepowner now? Yes.

14. Have you examined the Scab Act at present in force? No; I never looked at it.

15. Would you advise that in future sheep infected with the scab should be destroyed? I certainly would not.

16. You would allow the proprietor the option of curing them? Yes; I would have them destroyed, if not cured or disposed of within a certain time.

17. What time would you give the proprietor for curing them? Six months either to cure or boil down.

18. And if not cured within that time you would recommend that they should be destroyed? Yes; without compensation.

19. Then you would not recommend the continuance of the assessment on stock? No; I would not.

20. Have you had any experience of curing sheep with scab? I do not say that I could cure them myself.

21. Have you known sheep cured? Yes. I have, unfortunately, had scabby sheep for some years, though I have none now. The first I bought were scabby; they were dressed and were all right until some others got in among them. I then had them boiled down, and they paid me much better than they would have done otherwise.

22. Are not sheep increasing in value? Yes. Scabby sheep in our neighbourhood get very fat.

23. Do you know of any scabby sheep in your neighbourhood? There are none at all now.

24. *By Mr. Lee:* You have known sheep to be cured that have been dressed for scab? Yes, plenty of them; but a great deal depends upon the management of them after they have been dressed.

25. *By the Chairman:* You would recommend that sheep should not be destroyed until the parties had a reasonable time to cure them? Yes, to cure or to boil them down.

26. Supposing they did not cure them, you would allow them to boil them down? Yes. I think at the end of three months every one ought to know whether his sheep were cured or not, and if they were not cured they should be boiled down.

27. *By Mr. Hargrave:* Do you think, in the present state of the labor market to the northward, that it would pay people to cure sheep? No; I think it is much better for the Colony that they should kill them right off—four shillings, in my opinion, is quite sufficient to pay a person who has such sheep; but if he were allowed to boil them down, that, I think, would be better than taxing the Colony four shillings a head for their destruction.

28. *By Mr. Lee:* What do you think it would cost per head to cure sheep? Eighteen-pence a head.

29. At the present price of labor? Yes.

30. *By the Chairman:* Supposing the whole of the sheep in your district took the scab, do you think it would be advisable to kill them all? No, I do not; on so large a scale as that would hurt the Colony, by reducing the export of wool, and I believe that has been the effect of the Scab Act during the last few years.

31. On that account you think it desirable that parties should have time to cure them? Yes; but I think if there were only one or two flocks of diseased sheep in the Colony it would be best to kill them.

32. *By Mr. Lee:* Do you think it is fair that people who take pains to keep their sheep clean should have to pay for the loss occasioned by the carelessness of those who allow their sheep to become dirty? I do not think any pains will prevent the scab. They are as liable to the scab as to the influenza; it is indigenous, as I may term it, to the sheep, and comes from we do not know what.

33. You believe it is not a contagious disease? It is not a contagious disease.

34. Do you believe that it has been brought here, or that it is a native of the Colony? No doubt it has been brought here, but I think a clean sheep may get it without contact.

THURSDAY, 19 NOVEMBER, 1857.

Present:—

MR. COX,
MR. DONALDSON,
MR. HARGRAVE,

MR. LEE,
MR. G. MACLEAY,
MR. SUTTON.

GEORGE MACLEAY, ESQUIRE, IN THE CHAIR.

Thomas George Rusden, Esq., M.P., examined:—

- T. G. Rusden, Esq., M.P.
19 Nov., 1857.
1. *By the Chairman*: You are, or were, a large flock-holder in the Northern District? I never was a large flock-holder myself, but I have had a great deal to do with a great number of sheep.
 2. You have had sheep, I believe, diseased with scab? Yes; I have been acquainted with the disease for the last twenty-three years.
 3. Not throughout the whole of that time? I have seen a great deal of it throughout the whole of that period.
 4. Were any sheep in which you were interested destroyed under the provisions of either the present Scab Act or the one immediately preceding it? Yes; there were sheep destroyed that were my property, as I was informed by the person in whose charge they were.
 5. Were they destroyed under an order of a Bench of Magistrates? I have no personal knowledge on the subject at all.
 6. You know they were destroyed? I am told by the person that had them in charge that I have no sheep now.
 7. How long ago is it since you heard that fact? Twelve months ago. The sheep had been destroyed months before I heard of it—I think it was in 1855; and the letter that apprized me of it stated that the parties had not informed me before because they had hoped to have given me better news.
 8. Although the owner of the sheep you remained ignorant of the fact that they had been destroyed? I did not know anything about it. I am told I have no sheep now.
 9. *By Mr. Donaldson*: Did you get paid for the sheep at the price named in the Act? I got paid for four-fifths of them at four shillings a head.
 10. Why were you paid only for four-fifths? Because they said the others were lambs.
 11. *By the Chairman*: The existing Act makes provision for payment for lambs, I believe? No; the existing Act does not allow payment for lambs, although the lambs are taxed. Lambs pay the premium for insurance, but do not receive the object of the insurance.
 12. *By Mr. Sutton*: The Act says the owner shall receive compensation for rams, ewes, wethers, and lambs? The Act is contradictory in many respects. The Schedule would seem to admit of payment for lambs, but the third clause says—"Provided that no payment shall be made for lambs under the age of six months."
 13. *By Mr. Donaldson*: When they were weaned they would be paid for? They would be weaned before six months old, in a general way.
 14. Were your lambs that were destroyed under six months old? I do not know whether my lambs were under three months or twelve months old.
 15. *By the Chairman*: What, at that time, was supposed to be the value of a mixed flock of sheep in the part of the country in which yours were depasturing? I suppose they were worth twelve shillings a head, at least.
 16. All round? Yes. Sheep removed on to high open country, where there is plenty of room, are worth much more than they are in a located country, where they cannot possibly increase.
 17. Did you ever hear of any sales in that part of the country? I do not know the place—I was never there.
 18. In what part of the country were these sheep? On the outskirts of the Settled Districts—on the Burnett.
 19. Did you ever hear of any sales there at any time? I have heard of the sale of stations.
 20. With the land given in, did you ever hear of so high a price as twelve shillings a head? I do not know enough of the country to be able to give evidence upon the subject.
 21. Do you think diseased sheep are worth anything at all? Yes. I would be very glad to buy diseased sheep if I had a run to keep them on.
 22. At what price? I would get them as cheap as I could, of course.
 23. Would they not be dear at four shillings? No man would like to pay so much cash as four shillings for them; but if he paid six shillings, and were successful, they would remunerate him.
 24. If he had the advantage of plenty of servants, abundance of run, and other things he might wish for under the circumstances? He would require to have plenty of ground, but he would have to do the work himself, as a man will always have to do if he wants to succeed with sheep.
 25. Personal superintendence you look upon as actually requisite? Yes, unless you can get men quite as good as yourself.
 26. That ought to have some effect on the price, for nothing can be more disagreeable than personal superintendence during the dressing, for months together, of diseased sheep? If a man dresses his sheep properly he will not be months doing it.
 27. Do you think it possible to cure sheep by one dressing? I am quite certain it is; I have known it done repeatedly.
 28. Would you not rather have one thousand sheep clean than three thousand scabby? It depends upon the locality entirely.
 29. Take any part of the Colony—do you not think flock owners in the Colony generally would prefer to have one thousand sheep clean than three thousand in a state of disease? Most likely. They ought to prefer one thousand clean.

30. So that when you were paid four shillings a head for your diseased sheep that were slaughtered you received their full value, inasmuch as you received one-third of the value of clean sheep? I believe my sheep were clean when they were slaughtered. I never heard of any sheep being destroyed where there was any proof of their being diseased. T. G. Rusden, Esq., M.P.
19 Nov., 1857.
31. Supposing your sheep were in truth diseased, would you not, upon receipt of four shillings a head, feel yourself in a better position than if you had been allowed to keep them? Decidedly not.
32. That seems rather inconsistent with what you have said? It does seem like a distortion of my meaning.
33. How do you mean that it is a distortion of your meaning? I would state that, in a distant part of the country, it would be far better for a man to have three thousand scabby sheep than one thousand clean sheep.
34. I have put the question in another way—I have asked you what is your opinion of a similar possession in the Colony at large? It depends entirely upon the locality.
35. But you admit that in some localities it might be better for a man to have one thousand clean than three thousand diseased sheep? Far better, in most localities that were populous.
36. You say you believe your sheep were clean? I never heard of any sheep being destroyed where there was any proof of their being diseased.
37. Of course you have inquired into the matter? Yes. I have known thousands and thousands of sheep destroyed, both before this Act was law and afterwards.
38. And the result of your inquiries has been, that the sheep so destroyed were clean? There was no proof of their being diseased, I say.
39. *By Mr. Cox*: Are you aware that diseased sheep were in that district—New England—in particular? The question asked me did not refer to New England, therefore, if I were to answer the question it would not be understandable. The Chairman was asking me about the Moreton Bay District.
40. *By the Chairman*: By your last remark you confine yourself to the Northern District? All your questions seemed to refer to my particular sheep that were destroyed. My answers had not the least reference to them.
41. I understood you to say that you had never known any sheep that were destroyed proved to be diseased—I understood your remarks to refer to sheep destroyed under the provisions of this Act generally? My answers referred to my own sheep; in which case I know, from the statement of the party in charge, that they destroyed and killed clean sheep. I spoke to them afterwards, and they told me that it was a singular thing that they had had to destroy a quantity of lambs, and that they could keep the mothers; and they said those ewes were now one of the best flocks in the district, and that they had never been scabby.
42. Then this was the fault of the inspector, I presume? I do not know whether they had an inspector. I know nothing about that.
43. Did you not question them about the circumstances after they had made known that extraordinary fact? It was in consequence of my getting into conversation with the parties that I learned the ewes are now alive, and sound, and healthy.
44. Without being dressed at all? Yes.
45. You never made any further inquiry into such an extraordinary circumstance? It was not possible to make any inquiry, because the sheep were not in existence.
46. You never applied for the proceedings taken before the Bench? No; I applied to them for the money which the parties offered me, and which they had received from the Government. Therefore I suppose the Act was so far carried out.
47. That does not appear to be any fault in the Act? The fault in the Act is, that it opens the door to all these abuses.
48. Not necessarily—everything is liable to abuse? There are thousands and thousands of sheep—and some belonging to Mr. Marsh—in New England have been destroyed, and I believe more than three-fourths of them were killed because people were afraid they had scab, not because they were scabby.
49. Were Mr. Marsh's sheep killed under the orders of the inspectors? Yes.
50. Did the parties in charge of them remonstrate? I believe they were afraid, and killed them from fear, without knowing whether they were diseased or not.
51. *By Mr. Cox*: Are you aware whether there is any scab now in the districts you are acquainted with? No, I do not know of any scabby sheep; but there might be thousands without my seeing them.
52. *By the Chairman*: From what you have heard, do you believe scab is to be found in any part of the country? Decidedly. I do not believe it is eradicated.
53. Where do you think it is to be found? It is impossible for me to state where it is *not* to be found.
54. Where do you think it is to be found? It is impossible for me to say where it is to be found.
55. What are your grounds for supposing it is not eradicated? Because I have heard persons state that it was eradicated, and I have seen it since.
56. Where? At Maitland, among sheep intended for New Zealand.
57. How long ago? Proceedings were taken before the Bench—that would fix the date.
58. Was it within the last year or the last two years? Another occasion was about twelve months ago.
59. When were these scabby sheep shipped for New Zealand—two years ago? About two years ago, I think.
60. You have heard of another case which occurred about one year ago? There was another case, in which the Bench of Magistrates sent to me to request me to assist them in carrying out the Act, and, in consequence, I got a warrant to inspect the sheep—we inspected two different butchers' shops at Morpeth. These sheep were purchased at public auction from the sale yards of Mr. Dodds, and had come down the country. They were destroyed, under the

T. G. Rusden,
Esq., M.P.

19 Nov., 1857.

the provisions of the Act of 1853. The Bench of Magistrates requested me to assist them in carrying out the Act, and in getting rid of the sheep; and, after looking into the matter, I chose to proceed by summons under the clause of the Act of 1853, as being the only conclusive one under which we could get rid of the sheep. To a certainty the sheep were destroyed; but the Act was not carried out, because they did not burn the house and the shed and yard by which the sheep were kept in confinement.

61. *By Mr. Cox*: Was that necessary under the Act of 1853? The eleventh clause of the Act of 1853 says they shall be destroyed in such manner as the Justices shall see fit.

62. *By the Chairman*: Does it say they shall give authority to burn the yard? No; that was why I chose the Act of 1853 to proceed on.

63. Have you known or heard of any other case of scab since that time? These were the only two cases I have seen.

64. Have you heard of any other upon any good authority? I have heard of them, but these were the only cases that came under my own personal knowledge. I have had sheep alongside of mine for years and years—for more than ten years—which all the people in the district said were scabby sheep, but the Bench of Magistrates refused a warrant to examine them.

65. That was before the stringent Acts you have referred to came into force? Before the Act of 1854.

66. Do you not think that if, under present circumstances, the disease were found to exist in any part of the country, it would become publicly spoken of, and if it were in your part of the country you would have heard of it? Not if it had been in my part of the country, for I have been so little there.

67. You do not know of the existence of any disease of that kind? Yes, I do; I know of two other instances; one, which was mentioned in the Assembly, of some sheep not far from Sydney; and the other was mentioned to me by Mr. Suttor, of some sheep of his own that were imported. It was reported that they were scabby. I believe his sheep were all clean, but Mr. Suttor could tell best about that himself. There was a report about their not being clean, and when Mr. Suttor found they were going to be dressed with some poisonous stuff, by a person who knew nothing about it, I believe he said he would not allow the inspector to carry out such a wretched Act as that, and took his sheep away.

68. These sheep were imported from England, were they not? So I believe.

69. So that, if diseased, they must have brought the scab with them? I do not know that that is a *sequitur* at all.

70. Could they have caught it in course of being landed? Perhaps there is no place in the world more likely to cause disease than shipboard.

71. I understood you to say that that was a case of scab you heard of? It was a case I heard of, of the working of the Act. I never saw the sheep, and therefore could not possibly say whether they were scabby or not. There was a report that they were, and the sheep were inspected.

72. You are aware that, under the provisions of this Act, all sheep imported are inspected, or ought to be so, whether diseased or not? There are many clauses in the Act never enforced.

73. I presume that is the fault of the persons appointed under it, not of the Act itself. May I ask you whether the three last cases you have mentioned, with the exception of Mr. Suttor's—for I do not think that is to be taken into account at all—are not cases which occurred in butchers' yards in towns? Decidedly not; you could no more breed scab in a butcher's yard than in any other place.

74. Were not these cases in towns, not in country districts? They were in towns when I saw them, but the disease did not originate in the towns. One flock of scabby sheep were sold by public auction.

75. Was this the case that occurred a year or two years ago? That was the last case. I cannot speak positively as to the time, but the time can be fixed by reference to the proceedings before the Bench. It was more than a year ago.

76. Were any proceedings taken against the flock from which these sheep were brought? None at all that I am aware of.

77. Your opinion, I may gather on the whole, is not in favor of the working of the Act of 1854? No, I am not in favor of the Acts of 1854 or 1855, because I consider each of them equal to Lynch law; and I am certain they cannot eradicate the scab.

78. *By Mr. Cox*: Do you think no law could be enforced which would eradicate the scab? None at all, because it can arise as it first arose.

79. Spontaneously? Not exactly spontaneously, because there is always a cause for every effect.

80. *By the Chairman*: Have you ever heard of scab arising spontaneously? I make no doubt it is frequently bred on board ship. Nothing is more likely to bring it on than misery and bad treatment.

81. But scab is by no means an uncommon thing among sheep in Great Britain? It is very common there, and they cure it very commonly.

82. Is it not more likely that the sheep came on board diseased, than that the disease should be bred on board? I think one is as likely as the other.

83. Have you ever known any case where the disease has arisen in any isolated part of the country by itself? It would be impossible to prove that it originated by itself, although it would be very easy to prove that it could do it.

84. Whatever theories may exist on the causes of the disease, do you believe it has ever arisen spontaneously in this country? I dare say it might have.

85. Do you believe it has? It is impossible to answer such a question.

86. You must know your own belief? I am quite certain it could arise spontaneously, or, more strictly speaking, without any contagion.

87. Do you believe it has done so? I do not believe it would, where the sheep were not ill-used. T. G. Rusden, Esq., M.P. 19 Nov., 1857.
88. You have known sheep very badly used and very badly looked after? I state that on shipboard it is very likely to arise, because confinement is direct ill-usage, and that particular kind of ill-usage which tends to breed all sorts of vermin in all animals, men included.
89. In fact you do believe in spontaneous generation? I do not call it spontaneous generation; but if the greatest dandy were put into a small cage and debarred the use of water and the means of cleanliness, he would soon become covered with vermin.
90. Do you not think the probability is that the vermin would be in the cage, and would merely fix upon the dandy when brought within their reach? I would allow you to have the cage cleaned out and French polished, but if debarred the use of water, he would be covered with vermin in a very short time.
91. However badly sheep may have been looked after at one time in various parts of the country, they are now, I believe, owing to their increased value, well tended and kept in good order? I think it is quite the contrary; sheep are more neglected in the present day than they have been at any time previously.
92. Then you think there is great chance of the disease being originated in some flocks by carelessness in looking after them? No, I do not believe that kind of bad treatment will generate scab.
93. What kind of treatment? Being badly shepherded by boys.
94. They become poor and in bad condition? No, it does not follow.
95. Do you believe poverty of condition will tend to produce scab? I believe misery of any description will tend to produce vermin, because the parasites belonging to individual species will breed.
96. You think there is greater danger of the disease breaking out now than at any previous period? No, I think the danger is always equal.
97. But in spite of this danger you have never known a case of this disease breaking out spontaneously? No; it would be impossible for any man to say it was spontaneous in any particular case.
98. My remark was, that you have never known of any case? No man could possibly know of any case.

William Busby, Esq., J.P., called in and examined:—

1. *By the Chairman*: You are a large sheep owner in the Cassilis District? Yes; I have a considerable number. Wm. Busby, Esq., J.P. 19 Nov., 1857.
2. *By Mr. Cox*: Has the disease called scab ever shown itself in that district within the last few years? In the district within twenty miles of us there was a case where a number were destroyed, under the last Act or the previous Act of 1854. That is the only instance of scab I have known for sixteen or eighteen years.
3. Had these sheep been recently introduced into the neighbourhood? Yes.
4. To whom did they belong? Mr. Bowman. They were destroyed under the Act.
5. Had they not been brought up from Richmond a short time before? I believe they had.
6. That was understood and known to be the fact? Yes; I think so.
7. Mr. Bowman sold the sheep he originally had, and brought up fresh sheep? Yes.
8. How long had they been in the district before they were reported to be scabby? A very short time, perhaps three or four months; I do not think it was more than three months before the scab made its appearance.
9. You were one of the Magistrates that adjudicated in that case? Yes.
10. From the evidence brought before you there was no doubt of their having been diseased? None whatever.
11. Was a certificate given to Mr. Bowman to enable him to receive compensation? No.
12. On what grounds was it refused? Because the sheep were destroyed under an order of the Bench.
13. He did not comply with the provisions of the Act? No.
14. Do you consider the inspector of the district a fit and proper person for that office? We thought so, and he was assisted by others who were also acquainted with the disease.
15. Had you evidence of the fact of their being diseased from other parties? Yes.
16. No doubt was left on the minds of the Bench that the sheep were diseased? None whatever.
17. Were they in a very bad state? They were very bad. I did not see them myself; but the evidence went to that effect.
18. What is your opinion of the working of the two Acts of 1853 and 1854,—have they been beneficial, or otherwise, to the interest of sheep farmers? I believe in our particular district we have been saved by them. I believe there would not have been a sound sheep in the district but for these Acts, from these very sheep having been brought into it.
19. That stringent Act only could have prevented the spread of the disease in the district? Yes; I mean making the destruction of the sheep compulsory. And I would add that, from all I can hear, it has had the effect of preventing the spread of the disease throughout the country generally, for it had newly made its appearance in several districts.
20. Under the operation of the old Act the disease was spreading throughout the whole country? No doubt; the admitted insufficiency of the old Act led to the enactment of the late more stringent law.
21. Is there any in your own district at all? Certainly not now.
22. Have you heard of the existence of the disease in other parts of the Colony? No.
23. What is your general belief—that it is eradicated, or that it is still lingering? I think it is eradicated.

- Wm. Busby, Esq., J.P.
19 Nov., 1857.
24. From what you have heard among sheep-owners generally, do you think this Act is looked upon as a valuable one—are the same views entertained by sheep-farmers generally as those just expressed by yourself? Yes; I think so.
25. Have you heard it objected to? I have heard it objected to; but I think not so much with a view to the good of the Colony as from a feeling for individuals. I think the objection is to the supposed severity with which it bears upon individuals; but I myself think it is the kindest thing possible to an individual to destroy scabby sheep for him.
26. Provided compensation be given? Yes.
27. *By Mr. Cox*: Do you not believe that the scab can be cured? Yes; I think it can by energy on the part of the owner, and using the proper means; but without a fresh run it cannot be cured.
28. So that in thickly located districts to eradicate the disease is almost impossible? I think it is quite impossible.
29. *By the Chairman*: Even were it possible, do you not think a diseased sheep is sold very dearly at four shillings—that the proprietor of diseased sheep may consider himself exceedingly well off if he gets four shillings each for them? Yes, I do; because I think that with the small chance that remains of curing scabby sheep a proprietor would be benefited by submitting to the first loss, even if a total one; therefore, I think, if he gets even four shillings he is a gainer by that amount.
30. *By Mr. Cox*: Would you give the privilege of boiling down sheep? I would do nothing to prevent their immediate destruction and the destruction of everything belonging to them.
31. *By the Chairman*: You think the more stringent the Act the better? Yes; and now I would make it even more so, because I think so much has been done by the Act that we should not give the disease the least chance of getting head again.
32. You think that if these Acts were repealed, and an Act similar to the old one passed in their place, we would then revert to the old state of things? Yes, and I think more quickly too, for the country is more thickly stocked.
33. In that case, all the sheep destroyed, and all the money given in compensation, would be lost? It would be thrown away. I say if it has been sound policy to destroy all these sheep, in order to arrive at a healthy state of things, it would be madness not to keep up the means of meeting the recurrence of the disease, should it show itself.
34. Are there any clauses in this Act which you think might be modified, or that it would be desirable to repeal? I have looked over the Act, and I think it is wanting in not saying what should be considered scab.
35. That is stated in the former Act? Then I am under a mistake. There is another clause to which I have given some thought—with reference to the dressing of sheep imported into Sydney. There were some sheep some time since imported, and I believe the inspector wanted them to be shorn and dressed in Sydney, when it was the intention of the importer merely to tranship them into another vessel for Moreton Bay. If these words were introduced, "except by ship to some other sea port," the difficulty would be got rid of.
36. Do you not think there is some danger of introducing the disease from Europe, even if the sheep were dressed as well as they could be dressed? I think they might be dressed; but it would be obviously impossible if the sheep were shorn in Sydney that they could be shorn again at Moreton Bay, so that the clause could not be complied with.
37. You think upon the whole it would be best to dress the sheep upon their arrival? Yes, certainly.
38. *By Mr. Cox*: Whether scabby or not? Scab may exist without its being very apparent.
39. *By Mr. Suttor*: Would you place them in quarantine for some time? There would be very great difficulty in getting a place of quarantine—any ground that would be safe; you would want fresh ground for every lot of sheep.
40. They might be placed in a stable in Sydney? They might be, but I should be much afraid of doing so. I would think it desirable to have them removed immediately after dressing, as far as possible from the neighbourhood of Sydney, and kept in quarantine sufficiently long to leave no doubt of their being sound. The quarantine selected should be subject to the approval of the inspector.
41. Under this clause, the inspector may destroy any sheep that are imported in a diseased state; now, suppose you imported a few valuable rams, and they were to show scab when they came here, would you have them destroyed? No doubt it would be a great sacrifice to destroy such sheep. You might keep a few sheep secure; but there would be a difficulty with sheep that had to travel.
42. *By the Chairman*: But as rams are not imported in large numbers, you think some modification might take place? It would be very desirable, if it could be done with safety. I do not think there could be anything like paddock quarantine in the immediate neighbourhood of Sydney. I think in the case of sheep from Europe, some modification might be allowed, but not from New Zealand or other places, whence they could be brought in thousands.
43. You are aware that very stringent Acts exist in England with reference to the introduction of the disease by foreign sheep? I was not aware of it.
44. *By Mr. Lee*: Did you ever know sheep to be destroyed in any other part of the world but New South Wales? No, I am not aware that I have read of any; but I think the circumstances of New South Wales are very different from those of most other countries—I mean as to the quality of labor—the kind of people we can get to do the work in all such matters. Besides, in older settled countries there are facilities for curing sheep in the use of paddocks, &c., which we cannot hope for, and I believe in no other country would a flock of scabby sheep be left by a careless shepherd to be scattered through the neighbouring flocks, as I have known to be the case here.
45. What do you think it costs per head to cure sheep? I think it would be quite impossible

impossible to say, because it would altogether depend upon a great many circumstances; in the first place, upon the skill of the operator, and the state of the run—whether fresh runs could be got for the sheep.

46. Do you not think they could be cured on the same run? No, I think not.

47. Suppose a sheep doctor were to come to you, and offer to cure your sheep upon the principle of "no cure, no pay," what do you think it would cost? I do not know what sheep doctors would take it in hand to cure sheep for.

48. They have done so in hundreds of cases? Yes, but I think the circumstances of New South Wales are changed since those days.

49. *By the Chairman:* You are aware that the total number of sheep in the country has decreased very much in the last two years? Yes.

50. Do you think that has been owing to the stringent provisions of the Act, except so far as the special number destroyed goes? I think several causes have been in operation; the seasons have not been generally favorable. I have been told that the total loss of the last spring increase was almost general in the Northern Districts—and many thousands have been driven to Victoria. I do not think the decrease can be attributed to the stringent provisions of the Act, except so far as the special number destroyed goes; but a very great number have been destroyed under the action of this law.

51. *By Mr. Cox:* Do you think the disease called the Cumberland disease has had any effect in reducing the numbers? Certainly it has. In the Western District many more have died from the Cumberland disease than have been destroyed under the Scab Acts in those districts. I believe the losses from the Cumberland disease have been very considerable on the Castlereagh River and the country about it.

52. *By the Chairman:* In a district where scab existed in past times, sheep did not increase, because people did not breed from them? No; I think all heart in sheep farming was lost.

53. The ewes were not put to the rams in many instances? I am not able to speak of that myself.

54. The runs in a neighbourhood belonging to proprietors of diseased sheep were vacated, in order to prevent infection? Yes; we have moved our sheep from the neighbourhood of scabby sheep.

55. So that they could not keep so many sheep as others would have done? That would be the effect.

56. So that the tendency was to decrease? Yes. There is another clause which I would suggest should be reconsidered, that under which a shepherd has to give notice to the proprietors through whose runs he intends to pass. It is evaded, and I do not think it answers the purpose.

57. Is it not desirable that notice should be given? The manner of giving notice has been by advertisement in the papers; people advertise in the papers that they are going to send sheep along such a line of road.

58. That is not in accordance with the provisions of this Act? Then, I think, the difficulty and expense of carrying out the provisions of the clause would be greater than the benefit derived from it.

59. You think the individual driving the sheep would suffer more than the persons on whose land they were driven would benefit? Yes; I think so.

60. Are there not other evils resulting from shepherds passing through runs without giving notice to the proprietors—have you not known of flocks mixing, and the proprietors of sheep whose lands have been passed through losing sheep in consequence on their separation of the parties taking more than their due share? Yes. No doubt there are great evils resulting from carelessness in the drovers. At this moment I remember one instance in our own case where the shepherds in charge of a large flock of sheep travelling to market, having remained at a public house, the flock joined a flock of ewes on the eve of lambing, and the whole had to be driven to drafting yards, and separated by hand. Still, I doubt whether giving notice would prevent these inconveniences.

61. Sheep are seldom sent through the country with only one man? There are generally two or more.

62. Why could not one go on before and give notice? I doubt whether it could be done. For instance, if a man camps ten miles from the beginning of a run, the station would probably be ten miles from the boundary, so that he would have twenty miles to come in order to give notice, and back the same evening ten miles more to where his flock would probably camp, and he could not do this in the case of every run he would have to pass through.

63. You say one of the reasons for giving up this clause is that scab can no longer be looked upon as an existing disease; but are there not other infectious diseases which it is desirable to provide against in every possible way—such as catarrh, foot-rot, and the Cumberland disease? No doubt where catarrh may exist. I have not understood that foot-rot or the Cumberland disease is contagious.

64. *By Mr. Cox:* With regard to the thirtieth clause, which relates to branding sheep, do you not think that is rather arbitrary? I think that is a good provision.

65. Have you not stations more than forty miles from the home station? No, I have not.

66. Do you not think it rather arbitrary to compel those people who have to brand their sheep merely to bring them fifty miles for the purpose of drafting and sending them back again? From run to run I think it would be objectionable, but I think it is not when the sheep cross other men's runs; it is well there should be such a mark upon them that they should be known. I think, if they are travelling wholly on the owner's own country, it is quite unnecessary.

67. The penalty is two shillings a-head—do you not think that excessive? I would make the penalty sufficiently high to carry out the object of the Act.

68. You do not think two shillings is excessive? Not if the clause is necessary; I should say what is necessary to make it effective ought to be imposed. It is not a difficult task; any man can mark sheep.

69.

Wm. Busby,
Esq., J.P.

19 Nov., 1857.

latter end of May—the 28th or 29th May—I examined, in company with my overseer, Mr. W. Bowman, Wood, the whole of these sheep, and my opinion was that they were perfectly free from any disease. There was a flock of wethers particularly that we examined, and we could not perceive the least symptoms of disease upon them; but about a fortnight afterwards I received a note in Sydney to say that the flock of wethers had shown some breaking of the wool on their backs and rumps. Although I did not believe this could have been the scab, as they had not been in contact with any other sheep, I directed my overseer to write to Cassilis and to ask an inspector to be sent over to examine the sheep; the answer he received was that he must just look over the Act and follow the Act. Shortly after an inspector was sent, and two other persons, who came down, examined the sheep, and gave a certificate that, in their opinion, it was the scab, whereupon my overseer gave the notice, and they were destroyed within fourteen days.

4. *By Mr. Cox:* By whom? By myself, at my own expense. I sent out nine men, with a team of horses. They were all killed and burned.

5. You were not present at their destruction? I was not; I had previously sent to say the sheep were to be boiled down, and a few had been picked out and the boiling down had commenced when the inspector came down.

6. Do you believe them to have been scabby? I do not.

7. You said you minutely examined them before coming to Sydney—why did you examine them; do you usually examine your sheep whether you have any idea of the scab or not? There was so much scab about, and, having had some destroyed at my other station, I was determined to be very cautious. I had sent out my rams, but my sheep were full of ticks, and there were some sixteen of them whose wool had given way; and when they were thrown upon the fire there were myriads of ticks crawled out of them.

8. Were these a portion of the wethers for which you claim compensation? No.

9. Did you comply with the Act by giving notice? Yes; when they were reported by the inspector as being scabby, we did the same day.

10. Did you send to the adjoining station? Yes, to Mr. Fitzgerald's, eight miles distant, which was the only sheep station within twenty miles.

11. *By the Chairman:* Did you make application to the Bench afterwards for a certificate? Yes, at Cassilis.

12. What were the grounds of their refusal to grant it? They did not state any grounds; they proposed to refer the matter to the Attorney General, and I received a note from the Clerk of the Bench that the Attorney General was of opinion I was not entitled to compensation.

13. Did you ever inquire upon what grounds compensation was refused? I have not ascertained upon what ground; I suppose it was upon the ground that the Scab Inspector, Mr. Stanway, swore that they had had the scab a considerable period before.

14. *By Mr. Cox:* I understood you to say that you had had some sheep destroyed at Mudgee? Yes; they had nothing to do with that. I had a certificate from the Mudgee Bench.

15. *By Mr. Lee:* Is the inspector who inspected your sheep a judge of sheep? I suppose he ought to have been; he swore he was.

16. *By Mr. Cox:* You admit yourself that one flock were scabby? I ordered them to be destroyed.

17. *By Mr. Lee:* Was that the flock which had so many ticks in? Yes.

18. *By Mr. Suttor:* You saw some of these sheep destroyed? Yes, that last flock.

19. You give the necessary notice in that case? Yes; and I know my overseer gave the other notice.

20. *By Mr. Cox:* Were none of your sheep destroyed compulsorily by order of the Bench? No. The moment they were pronounced to be scabby, we gave notice.

21. So that no sheep were destroyed upon your run except what you destroyed yourself? No. I sent nine men and a team of horses to burn them.

22. *By Mr. Suttor:* Had not the Bench issued their warrant to destroy the sheep? No; only a notice.

23. *By Mr. Cox:* You are quite sure no warrant was issued? I think, but am not sure, that no warrant was issued. I disputed the last notice, but when Dr. Harris, who, together with Mr. McDonald, saw the sheep, said he thought there might be something, I ordered them to be destroyed.

24. *By Mr. Lee:* Were these on an adjoining run? They might have crossed the same run; they were about five miles asunder. The others were older sheep; these were young sheep, and had just lambed, about five hundred of them; they were splendid sheep, and a butcher had offered me a pound a-head for them, if I would send them down in August.

25. *By Mr. Suttor:* Did the Bench ever inquire into the destruction of these sheep after they were destroyed? I made application, and they refused my certificate. Stanway swore, on the first application, that he saw the sheep unconsumed on the fourteenth day. I visited the place myself on the fifteenth day, and saw nothing but a mass of burnt material; and I know the sheep were killed on the eleventh day.

26. Can you say whether these sheep of yours ever communicated the scab to your nearest neighbours? They did not. Mr. Fitzgerald's were the nearest; and one thing that convinced me that the wethers had no scab was that they mixed with a large flock of Mr. Robert Lowe; they were the whole day with them, and none of them were affected in the least; they were grazing on my own purchased land.

27. *By Mr. Cox:* No person inspected your sheep until yourself requested that an inspector might be sent over? No. Mr. Wood wrote, by my orders, to Cassilis, to have an inspector sent, and they did not send one for ten days; and then, within the time prescribed by the Act, we destroyed them on the eleventh day from the time that the inspector gave his opinion that they were scabbed.

28. How do you account for these sheep becoming scabby? My belief is that they had not the

W. Bowman, the scab. The wool was coming off some of them; and they had what I believed to be the marks of the dogs on their shoulders; but I have some of that flock still remaining, which are entirely free from the scab.

19 Nov., 1857. 29. Why did you yourself kill these sheep? There was something upon them, and as they were pronounced scabby by the inspector, it being a matter of opinion, I thought it best to destroy them.

30. Did you destroy this first flock of ewes previous to the inspector declaring them to be scabby? No, I did not.

31. I thought you said you picked out seventeen or eighteen? That was a flock of wethers we picked out to boil down, not supposing them to be scabby; but when the inspector pronounced them to be scabby, we destroyed them.

32. What disease did you suppose these sheep which you destroyed to be infected with? I have had sheep in a similar condition before, where the whole of the wool has come off, and they have been afterwards perfectly healthy. I have at present a number at Richmond, perfectly healthy, whose wool came off in the same way.

33. *By Mr. Suttor*: Are you acquainted with a disease in sheep called among shepherds "wild-fire"? I do not know it by that name; but I have known instances of the whole fleece coming off.

34. *By Mr. Lee*: In such cases have not the heads of the sheep been very much swollen? No.

35. *By Mr. Cox*: Have you any doubt as to the sheep at Mudgee which were destroyed having been scabby? I had doubts; but I sent to the Bench at Mudgee, and an old man was sent over to examine them, and upon his report I killed them.

36. Where did these sheep come from that were destroyed at Mudgee? They came from Richmond.

37. They were not your own breeding? No; they were purchased at Richmond.

38. Could they not have had the disease at Richmond at the time you purchased them? I do not think they had.

39. They might have had? The party gave me a guarantee. I bought them in August, and did not kill them till April.

40. You did not think they were scabby? I did not think so; but the inspector pronounced them so. I discovered afterwards that a flock from New England had passed along, but I never could find out whose they were; whether it was possible for them to have mixed I could not say; there were some stray sheep about the Big Hill.

41. What appearance had these sheep at Mudgee—what was the appearance of the disease? It broke out very rapidly; the wool came off, but not in the same way as in the cases of scab I had some years ago, in 1828 or 1829. The disease then broke out in little blue spots; but these had not the blue spots; the wool came completely off; it was more like surfeit than anything else.

42. Would you know the scab now if you saw it? I think I should.

43. If you saw sheep infected with scab, could you, without having any doubt in your own mind, distinctly state that they had the scab? I think I could; the cases of scab I have met with have had some peculiar characteristics which would enable any one to recognise the disease.

44. With regard to the Act now in force, 19th Victoria, No. 27, what is your opinion of the second clause, which gives fourteen days for the destruction of sheep infected? I think it too short a time.

45. Do you think where sheep are infected they ought to be destroyed? Yes; but I think there can be no objection to saving the wool and tallow.

46. You think it would be better to kill than to attempt to cure them? I think, under all the circumstances, it would be better to kill them, but the wool and tallow might be saved. If there were a sufficient run, and they were not allowed to stray so as to injure neighbouring flocks, I think they might be successfully cured if they were treated in the spring. I have myself completely cured sheep with two dressings—that was in 1829.

47. *By Mr. Lee*: Have you not had plenty of sheep cured of the scab? Yes; I had at the time I speak of 6,000 sheep; 2,000 of these were scabbed, and I completely cured the whole of them.

48. *By Mr. Cox*: Do you think sheep can be cured without changing the run? I do, if the yards are changed, and they are under careful shepherds who will keep them in a fresh part of the run. I do not think it absolutely necessary to send them away from a run, but no doubt it would promote the health of the sheep to send them where they had not been previously running.

49. *By Mr. Lee*: Did you ever know sheep cured of the scab who have not had their yards shifted? I think not; I tried that a good while and did not succeed. I then washed them thoroughly, put them in a clean yard, and in about a fortnight washed them again.

50. *By Mr. Hargrave*: Have you known sheep cured of scab within the last few years prior to this Act? Yes.

51. Have you known any since? I cannot state any particular instance, but I have heard of their being cured since, although I cannot state anything positively to the Committee.

52. *By Mr. Cox*: You are in favor of the present Bill, I think, with some modifications? I think, in the first place, the time is too short; and I think it more desirable to destroy sheep infected than to run the risk of spreading the disease to neighbouring flocks.

53. *By Mr. Lee*: Did you ever know sheep to be destroyed in any part of the world but New South Wales? I never heard of such a thing.

54. *By Mr. Cox*: Are you in favor of compensation being continued, supposing the present Act to remain in force? Where there is an assessment made to raise a fund for the purpose, I think it would be very oppressive to destroy the sheep without compensation.

55. In the event of the owner boiling them down and saving their skins and tallow, would you

you give him compensation? I think not; I think every one ought to be accountable for his own negligence, and have the benefit of his own care; but where the sheep are compulsorily destroyed in this way, I think the owner should be compensated.

W. Bowman,
Esq., M.P.

19 Nov., 1857.

56. Do you know any of the clauses of the Bill that press particularly arbitrarily upon sheep-owners—the 14th clause for instance, do you think that ought to be modified? I think this clause of the Act oppressive. I have imported sheep from England on two occasions, and took no such precautions, and they were perfectly clean.

57. You would have thought it very harsh if those sheep had had disease to have had their throats cut? Yes; or to have had them sheared at a bad time of the year. It would have done them no harm to have washed them, or to have sheared them if it had been a proper time of year, but it might have injured them very much if the season had been unfavorable. I think the clause is highly oppressive, that it is injurious to the sheep, and not at all necessary.

58. With regard to the 16th clause, do you think that is necessary—"Shepherds travelling with sheep to give notice of their approach to owners of runs"? I do not think it is necessary. I think, with ordinary care, no danger would be incurred. If parties were aware of, or suspected, the existence of disease, that would alter the case, but I do not see the necessity of giving notice in any other case.

59. With regard to the yearly assessment, you think if people had the privilege of boiling down their sheep and of saving the wool and skins, there would be no necessity to levy an assessment? I do not. I think it oppressive upon those who are careful to pay for the negligence of others; I do not think any man should be made liable for the accidents of others, unless those accidents are attributable to him.

60. Are you aware of any other clauses that required amendment? I never went very much into the Act. In fact I became so much disgusted with the matter that I scarcely looked at it.

61. What is your opinion of the thirteenth clause—"Travelling sheep to be branded"? It is no great deal of trouble, and no injury to the sheep; that clause can do no harm.

62. Are your stations beyond forty miles apart? No.

63. If they were beyond forty miles apart, would you find it oppressive to be obliged to brand them whenever you had them in to draft;—supposing your stations were fifty miles away from your head station, and your sheep were coming in to lamb, would you think it advisable, or would it not harm them to brand them? I think it would be hurtful to do so; the less they are pulled about at that time the better; but I think it would be no harm to mark them with a conspicuous brand shortly after shearing.

64. *By Mr. Lee:* With what would you brand them? With oil or tallow, and a small portion of coloring matter—ruddle or pitch—something that would not injure the wool.

65. Do you not think it would injure the wool, if the sheep were branded with tallow or pitch before shearing? It would not do it any good; it would slightly deteriorate the part that was marked; it would act as a safeguard in case of mixing.

66. Did you ever know any sheep that were not either ear-marked or flesh branded? I never had any but were ear marked or flesh branded.

67. *By Mr. Suttor:* Parties that are travelling a distance generally brand their sheep, for their own protection? Yes; and for that reason I do not think a compulsory clause is necessary.

68. The penalty for non-compliance is two shillings—do you think that excessive? Yes, I do.

69. Would you do away with the assessment altogether? Yes, I would, if parties were allowed to make the best use they could of their sheep, and were at liberty to cure them, using all necessary precautions to guard against injuring their neighbours.

70. *By Mr. Hargrave:* Would you have inspectors, to declare when sheep were scabby? I think great caution should be used in the appointment of these inspectors; as so much is placed in their power, they should be men of great intelligence and experience.

71. You would not leave it to the proprietor of the sheep to say whether the sheep were infected or not? No.

72. How would you pay the inspectors? I think they should be paid by fees from the parties whose sheep were infected; and if upon inspection the sheep were found not to be infected, the fee should be paid by the party who gave the information, or who desired the sheep to be inspected.

73. So that under any circumstances the inspector should get his fee? Yes, a reasonable fee, to induce him to do his duty, and to get a good, upright man, in whom confidence could be placed.

74. *By Mr. Hargrave:* From your knowledge of the country, do you think it advisable to allow sheep to be cured within three months, rather than to make it compulsory upon the owners to kill them? Yes, I think it more desirable to allow them to attempt to cure them within three months; if they could not be cured within that time they should be killed.

75. *By Mr. Cox:* Do you not think it would be attended with some risk to neighbours to keep them three months? There might be some risk; I think in shearing time they might be cured in less time; I would not allow longer.

76. *By Mr. Lee:* Do you believe sheep catch the scab by going over ground that has been travelled over by infected sheep? I think it possible; but if they are yarded in the same yard they are very liable to do so.

Mr. William Clements, called in and examined :—

- Mr. William Clements.
19 Nov., 1857.
1. *By the Chairman* : You are the Sheep Inspector in Sydney ? I am.
 2. You are also a veterinary surgeon ? Yes.
 3. Have you had many cases of diseased sheep under your notice since the Act came into operation ? No, only two.
 4. What were they ? They came from New Zealand.
 5. You have had no cases of diseased sheep coming from the interior ? I have nothing to do with sheep from the interior ; only imported sheep.
 6. Is there another inspector for butchers' sheep ? I believe there is ; but I believe sheep coming from the interior are not inspected at all, or sheep coming from Maitland.
 7. Have you your appointment here ? No. The clause of the Act under which I work (the 14th) is perfectly useless. That is a letter I received in reply to a number of queries I placed before the Government. [*The witness handed in a letter from the Colonial Secretary's Office, dated 14 February, 1856. Vide Appendix A.*] In accordance with that, I seized upon some sheep coming from Maitland. I went to the Magistrate to obtain a summons, and he refused to grant it me until I had obtained the opinion of the Solicitor General. I went to him and obtained this, which I now beg to hand in. [*The witness handed in the same. Vide Appendix B.*]
 8. Have you confined your attention to sheep that have been imported ? Yes.
 9. Whether coastwise or otherwise ? Yes. With regard to this Maitland case—I went down to the steamer one night, though no report had been sent to me of the arrival of sheep, and said to the owner he must comply with the Act, which required the sheep to be sheared and dressed, or I should be obliged to take proceedings against him. There were about 300, and the owner said he wanted the sheep for slaughtering, and if they were to be sheared and dressed he might as well cut their throats at once, and throw them into the water. The Steam Company said they would not have the sheep on their wharf, and he removed them. I then went to Mr. Dowling for a summons ; he said he would not grant one, as he did not conceive this to be within the meaning of the Act. I afterwards obtained the opinion from Mr. Manning I have handed in, so that I could do nothing with the Maitland sheep.
 10. Were these sheep dressed ? No ; but according to the Act they should have been shorn and dressed.
 11. If they had been dressed with such dressing as that usually applied, the sheep would not have been fit for slaughtering ? Certainly not ; and the owner said he had nowhere to feed the sheep.
 12. You would have some alteration made in that clause ? Yes ; I would have a very great alteration.
 13. Would you not rather have it in this way—that sheep coming coastwise should not be landed without a certificate from the inspector ? Yes. I would make it imperative that no party should be allowed to take sheep out of Sydney without a certificate from the inspector that they were clean.
 14. In the case of sheep coming from Maitland, or coastwise, if they were shipped clean they would not be liable to contract the disease on board ? I do not know—some of these steamers are liable to communicate the contagion ; but they should have a certificate which should be shewn to the Inspector of Slaughter Houses.
 15. Would you draw a distinction between sheep coming coastwise and those coming from Europe, or other foreign countries ? I think it would be foolish to dress any sheep coming for the purpose of food ; but I would recommend that any sheep going up the country for the purpose of raising stock should be dressed.
 16. I understood you to recommend that any sheep coming coastwise should, after a certificate had been given that they were clean, be at liberty to land ? Yes.
 17. Would you make any difference between them and sheep coming from foreign parts ? Yes. I think there should be a kind of depôt in Sydney, where sheep should be landed. For instance, rams brought from Europe should be examined, sheared, and dressed, and at the expiration of a certain time the inspector should give a certificate, and let them go.
 18. Do you think it would be necessary to shear and dress them—for instance, if they arrived in the winter months, and were going up the country, might it not endanger their lives ? If I did not shear I would dress them.
 19. You would make it compulsory to dress sheep imported for stud purposes ? Yes.
 20. If such sheep were kept in this depôt for a month, under your eye, would not that be sufficient to satisfy you whether they had or had not the disease ? Yes.
 21. Then there would be no necessity to dress them ? No, there would not ; but still I think dressing would be a greater safeguard, and would not injure the sheep.
 22. The shearing might injure them ? Yes, but dressing would not.
 23. You would recommend that sheep coming from any foreign country should be placed in quarantine ? Yes.
 24. And be there kept until the inspector was satisfied they were clean ? Yes ; scattered about in different directions, as they are at present, it is impossible for the inspector to see them dressed, or to keep charge of them.
 25. You would not recommend that sheep coming from England, although they might have the disease, should be destroyed ? No ; I think it is a disease easily cured, especially where there are only two or three rams.
 26. Refer to the second clause of the Act,—“Sheep infected with the disease to be destroyed within fourteen days”—would you recommend the continuance of that clause ? No ; I never did recommend the destruction of sheep infected with scab ; I consider it a great loss to the country.
 27. Do you recommend any amendment of this clause ? I think a certain time might be given to parties, that they might attempt to cure them, and if they did not succeed within that time, then they should be required to kill them.

28. What time would you give—six months? That I suppose would depend a great deal upon the labor to be obtained. Mr. William Clements.
29. You are quite satisfied that sheep can be cured? Yes. 19 Nov., 1857.
30. Supposing large numbers to be infected upon a station, do you still consider that it would be practicable to cure them? Yes, I do; it only requires extra labor.
31. In the two cases you have referred to of sheep coming from New Zealand, what was done with them? They were killed and eaten.
32. This stringent clause has not always been acted upon? It was the election time, and I seized upon the sheep, and proposed to take them to the Police Office till I got a warrant for their destruction. When I got there I could not obtain a warrant, as the Magistrates were all engaged in electioneering. When I found the man out, he said he had seen some other butcher, who had told him they were all right, and had been killed and eaten, and that the people had felt no ill effects from them. These were some sheep that had been sent from here as store sheep; they were brought back, and had got the scab on board.
33. The scab being a cutaneous disease, would not affect the meat? No, not in the first stages.
34. In case of the compulsory destruction of the sheep, would you allow the owner of the sheep to save the wool and tallow? They might save the tallow, but not the wool, unless it passed through some process which would kill the acari.
35. Suppose under some regulation it was not to be removed from the spot, or until it had been scoured? I would not allow it to be saved, unless it could be put under some process that would kill the parasite and its eggs.
36. How long do you think the insect would exist after being removed from the animal? I should say about three weeks or a month; I believe it has been known to exist longer.
37. You would not allow the wool to be saved, unless great care were taken? No; the tallow might.
38. If the wool were dipped in boiling water? Then it might be saved.
39. *By Mr. Robertson:* Will you be kind enough to say how long you have been Inspector? My appointment commenced on 4th January, 1856,—about a year and nine months.
40. What remuneration have you received from the Office? Sixpence for every sheep I have inspected.
41. You have had no salary? No salary whatever.
42. You have not found it a very profitable employment? Very unprofitable.
43. How many sheep have you inspected as an authorized officer? I have inspected about 280.
44. Then you have in fact received only about £7? Yes.
45. Do you think that a sufficient sum to induce a person to take much trouble? No.
46. Then I suppose, unless you did it from patriotic motives, you had no inducement? Having undertaken it, I said I would carry it out, especially as I had taken an interest in it from the commencement.
47. Will you be kind enough to tell us what experience you have had in sheep farming, or what means you have had of becoming acquainted with the disease called scab? I have become acquainted with the disease from having made it my study, and from a variety of experiments.
48. Where? Some in Sydney and some at home.
49. How many experiments have you made? Some fifteen or sixteen, at different periods.
50. Have you seen fifteen or sixteen lots of scabby sheep? I have seen more than that; but I have made experiments upon that number.
51. In Sydney? Yes.
52. I understood that you had inspected only two? That is since my appointment.
53. These experiments extend over a considerable period of time? No; I made them previous to the Act passing.
54. At what period? The commencement of 1855.
55. Were there so many scabby sheep at that time? No; these were sound sheep that I infected with scab.
56. How did you manage that? By taking the insect from the scabby sheep and placing them upon sound sheep. I had two scabby sheep given to me, and I tried a variety of experiments upon them. After they had been cured for some time I put a number of sound sheep with them.
57. How long after the insect was placed upon the sound sheep did the disease become apparent? Sometimes it may be seen in eight days.
58. So as to become quite apparent? Yes, by parting the wool and examining the sheep.
59. In cases where the disease appeared, did you dress the sheep immediately? No; I allowed the disease to take its course for a week or so, and then I dressed it.
60. What do you dress it with? Oil and kreasote—one dressing.
61. What would be the expense of a dressing of that kind? It is rather expensive; I suppose to dress a sheep three times would cost two or three shillings.
62. In what period would that make a complete cure? In about a fortnight or three weeks.
63. How many men do you think it would take to dress five hundred sheep sufficiently in one day? Three men could dress five hundred.
64. You have spoken of some sheep that were brought up from New Zealand? Yes.
65. You say they were exported from this port, returned, and had scab when they returned? Yes.
66. How do you account for their having scab when they returned? I cannot tell you; they had been sent to New Zealand some time previously, in a vessel which had taken sheep before, and the butcher who sent them said they were sound when they went away.
67. Were they scabby when they got to New Zealand? That I cannot say.
68. You say they were afterwards killed and eaten in the city? Yes.

- Mr. William Clements.
19 Nov., 1857.
69. What means did you take to ascertain whether they were killed, beyond questioning the party? I got a summons for the party and brought him to the Police Office, and he there admitted that he had killed the sheep and sold them. He brought some man who said the sheep were sound. He was committed to take his trial at the Quarter Sessions, and had, I believe, fourteen days imprisonment.
70. Then it was proved that they were actually killed? Yes.
71. You have said you do not consider it your duty to examine any sheep but those which are imported? No, I do not say that; I consider it ought to be my duty.
72. Do you consider that it is your duty? Yes; but, after I had Mr. Manning's opinion, Mr. Dowling said it was of no use my taking out any more summonses, and that if I did he should dismiss the parties.
73. Suppose you were to ascertain that any party had a score of scabby sheep coming from Parramatta, would you consider it your duty to examine those sheep? Undoubtedly.
74. Then your statement that it was your duty to examine only imported sheep was made under a misapprehension? Yes; it is my duty to examine them wherever I hear of them.
75. Do you think you have a right to examine any scabby sheep without an order from a Magistrate? Yes, I believe I have.
76. Can you tell me how it happens that inspectors in country districts have an annual salary, independently of the sixpence a-head you speak of, while you have none? No, I cannot.
77. In your evidence in chief you stated, although you somewhat modified the statement afterwards, that you would not allow the wool of scabby sheep to be saved. Now, supposing sheep were boiled down, would it not, for all practical purposes, be safe enough if this wool were packed in wool bales after drying the skins in some place where there would be no danger of sheep approaching? If you could do it in some place where you would be certain there were no means of spreading the contagion.
78. Seeing that you have given evidence in favor of boiling down, you must contemplate some place where the sheep can be kept apart from others. If you boil the sheep down in some such place you can pack the skins in the same place,—do you think that would be sufficient? I think it would, providing you could make certain no other sheep would come upon the same ground.
79. Would it be necessary to whitewash the bales with lime, for the purpose of letting parties through whose property they might pass know the nature of their contents, as well as to prevent the insect from coming out? I do not think it would have that effect.
80. Do you not think or believe that lime would cure this disease? I think not.
81. Does it not happen to be within your knowledge that some gentleman in South Australia published a plan for curing scab by means of whitewash—the paper was published in the Sydney newspapers, and occupied a considerable amount of attention? No, I am not aware of it.
82. I suppose you are aware that very few insects like lime? Yes; by limewashing the bales you might entangle, and by that means imprison, the insect.
83. Is that the only way in which it would affect them? I think so, for I know that in South Australia, where there are lime floors, there are a great number of fleas.
84. Would not frequent limewashing check that? Yes; but I do not think that would arise from any destructive quality in the lime itself.
85. You do not think any benefit would arise from washing the bales with lime? Except that it would entangle the insect.
86. You, who have made so many experiments, must know that insects will not live in lime? They cannot in burning lime.
87. Is it within your knowledge that sheep may be cured of scab with hot water alone? No.
88. You are aware that the scab is an insect? Yes.
89. You are aware that it is a very small insect, and that a small amount of heat in the water, which would possibly kill the insect, would not injure the larger animal, the sheep? No; I am not aware of that; inasmuch as the insect burrows in the skin and lays its eggs beneath the surface, where they remain until they are hatched, and then it comes forth with the young insect on its belly. You might, perhaps, destroy those which were outside the skin, but the others would escape.
90. Would your medicine follow it into the skin? It would not follow it into the skin, but as fast as the insects came out it would kill them. If you dressed them and kept them until the ova were hatched you would destroy them all.
91. Then, if it were ascertained how long the insect remained in the skin, and submitted the sheep to this hot water process a second time, when the insects re-appeared on the skin would not that destroy them? No, I think not.
92. *By Mr. Lee*: How long do you suppose the insect will live after the skin is dried? As long as the skin retains a certain amount of its original properties the insect will live.
93. Then when that period has elapsed, there is no danger in moving the skin? There are the ova and the acari which may be upon the wool; I think the dead skin may be the vehicle by which it may be carried.
94. Then I suppose the egg may fall into a living sheep, and there be hatched? Yes.
95. *By the Chairman*: You see no objection to saving the skin and wool, if proper precautions be taken to cleanse them? No.
96. *By Mr. Hargrave*: Do you not think fellmongering the skins upon the station would be the safest way? Yes. I am of opinion that no wool should be allowed to be saved, unless the skins had been fellmongered, or passed through boiling water. This I should make imperative.

APPENDIX A.

Colonial Secretary's Office,
Sydney, 14th February, 1856.

Mr. William
Clements.

19 Nov., 1857.

SIR,

In reply to certain questions contained in your communication of the 28th ultimo, I am directed by His Excellency the Governor General to inform you, that the wording of the Scab Act appears too plain to admit of a doubt that Sheep arriving in the Port of Sydney from Maitland, Moreton Bay, Twofold Bay, &c. &c., come within the meaning of the 14th clause of that Act.

2. With regard to the second paragraph of your letter, I have to refer you to the 13th section of the Act, from which you will perceive that *all* travelling sheep are to be branded, under a penalty not exceeding 2s. for each unbranded animal.

3. I am further directed to inform you, that there is nothing in the Scab in Sheep Act requiring Scab Inspectors to examine sheep intended for slaughter. The Inspector of Slaughter Houses is the proper person to perform this duty.

4. In answer to your inquiry, whether you have power to act beyond the City of Sydney and Hamlets, I have to state that your duties as Inspector, under the before mentioned Act, are confined to sheep imported into Sydney.

5. I have also to add, for your information, that the lands near Sydney are not exempted from the provisions of the Act in question.

I am, &c.,

W. ELYARD,
(For the Colonial Secretary.)

APPENDIX B.

It appears to me that, under the 14th section of the "Scab in Sheep Act," all persons importing sheep coastwise, such as those brought from Maitland, are legally bound to report the fact to the Inspector; but I think that if they are *bona fide* for slaughter in Sydney, they need not be examined, shorn, or dressed. They would not be within the spirit and intention of the Act, nor do I think that a removal to places in or about Sydney for slaughter would be a "removal from the seaport," within the true meaning of the words of this section.

W. M. MANNING,
S. G.

July 18th, 1856.

FRIDAY, 20 NOVEMBER, 1857.

Present:—

MR. COX,
MR. DONALDSON,
MR. HARGRAVE,

MR. LEE,
MR. ROBERTSON,
MR. SUTTOR.

W. H. SUTTOR, ESQUIRE, IN THE CHAIR.

Henry Dangar, Esquire, J.P., called in and examined:—

1. *By the Chairman:* You have been many years in the Colony? I have; about thirty-six or thirty-seven years.
2. You have been a long time possessed of extensive property as a sheep farmer? Yes, I have pretty large flocks.
3. And have had considerable experience in sheep? Yes, I have.
4. Are you acquainted with the disease called scab? Yes; at one period I suffered from having the disease in my flocks.
5. Are you acquainted with the working of the present Act at all? I am, a little; but I have been a good deal absent from the Colony, in England, during the principal part of the period of its working, and I therefore am not particularly familiar with it.
6. If you look at the 2nd clause, you will see that sheep infected are to be destroyed within fourteen days? Yes.
7. Do you think the present law should be continued? Not in its present shape; but with pretty large alterations and modifications.
8. What alterations would you propose? I would propose a less Algerine law, less affecting the interests of sheep owners, and lessening the sums to be paid should the disease occur again. I think it should be made less stringent than at present.
9. Do I understand that you would allow parties time to cure their sheep? Yes, that is one of the alterations I would suggest. I am of opinion that there should be reasonable time allowed for curing, and an extended period of time before such a law as this should take effect. I think some line should be drawn between parties whose sheep were running on their own land and those whose sheep were upon leasehold land. It seems to me to be an outrageous kind of law to put a man under penalties and to fine him for having diseased sheep on his own freehold. If he chooses to keep them for a limited time on his own land before he considers it necessary to exterminate them, I do not see why he should not do so. I would also recommend an extension of time to parties who *stabled* diseased sheep both day and night, which would be far less destructive than slaughter and burning. Sheep farming is very successfully and extensively practised in Germany, where the sheep are wholly stabled, and disease from scab never occurs. I think the practise and law of burning the carcasses most vicious.

H. Dangar,
Esq., J.P.
20 Nov., 1857.

H. Dangar,
Esq., J.P.

20 Nov., 1857.

10. Then you would make the present law less stringent with regard to persons having sheep on their private property? Yes; I think some distinction might be drawn between persons having sheep on their own land and those having them upon land of which they were merely leaseholders, or entitled to run on sufferance.

11. *By Mr. Lee*: I understand you to say that you have had scabby sheep? Yes.

12. Did you cure them, or were they destroyed? I cured them, and saved the flock, and without cost to the public.

13. Then it is, of course, your opinion that they can be cured? Decidedly.

14. *By the Chairman*: You have no doubt of it? I have no doubt of it. In many incipient cases especially, where the disease has not established itself virulently and permanently, I do not see why the opportunity should not be given the unfortunate proprietor to attempt to cure them before submitting to such a ruinous loss.

15. *By Mr. Lee*: Did you ever hear of an Act of this kind in any part of the world but New South Wales? Never; it always appeared to me to be un-English-like and unjust. I do not deny that large good has been done to the country, but a large loss has also been incurred. I am happy to find that all hands have been willing to unite in stopping the disease. The amount of good effected is judged worthy of the great sacrifices made; but as now that scab is reduced to a mere cipher, it will be impolitic, in my opinion, to place such a power in the hands of inspectors, and to place such restraints on the travelling over the high and public roads of the Colony, and more especially after all the good is almost done.

16. *By the Chairman*: If I understand you rightly, you would not, under any circumstances, allow sheep to be destroyed until the proprietor had had a fair opportunity of curing them? I would not.

17. From your long experience you are quite satisfied that sheep may be cured of scab if proper care be taken? Yes, they were cured in my own case. It happened to my flocks in 1846 and 1847. I certainly did not cure them the first summer, but the second year the disease disappeared, and I have heard nothing of it since.

18. You consider it too great a sacrifice of property to destroy sheep without endeavouring to cure them? Yes, without giving the owner an opportunity to use his skill; but that should be more particularly applicable to sheep running on the owner's own land.

19. Will you now go to clause 3,—according to your evidence this would be altogether unnecessary? In severe cases my experience would still lead me to recommend the destruction of sheep. And in any such severe case, upon the oath of any party, before two Justices, it might be made competent to set the inspecting law in motion, but only to the extent of curing and stabling—not the destruction at first.

20. In that case would you allow the parties compensation? I would.

21. To what extent would you give compensation—it is now four shillings a head? I think that hardly enough.

22. Seeing that sheep have so much increased in value? Yes, I would be guided by that in some measure; instead of four I would give six shillings.

23. *By Mr. Lee*: Do you not think that might lead to something unfair; if a man had a bad, unhealthy flock, might he not try to give those sheep the scab, in order to get a higher price for them than they were really worth? I cannot imagine that, because it is notorious that the price within the last three or four years has immensely increased, and I do not see why that should not accompany this in some measure. Even putting it at six shillings, that is a very low figure indeed.

24. Do you believe that all sheep are worth six shillings a head? Scarcely; not the average of flocks, perhaps.

25. Are you not aware that in some parts of the Colony, such as New England, where the disease has not been, that sheep are not worth more than six shillings? No.

26. *By the Chairman*: With regard to the 13th clause, which requires all sheep travelling beyond forty miles to be branded—do you think it necessary that they should be branded? There would be no great harm in requiring them to be branded; it would be for the owners' own protection against robbery also to brand them; and this is done, without the interference of law, by sheep proprietors on the commons (equal to our runs) of Cornwall, Devonshire, and Wiltshire, with very beneficial effects.

27. *By Mr. Lee*: What is your opinion with regard to putting a brand upon sheep coming in to be sheared—would it do any injury to the wool? It would be slightly injurious to the wool, certainly.

28. Did you ever know any sheep near you to be unbranded, or without ear-marks? I have known them without ear-marks; but there is a sort of branding tar being generally used.

29. *By the Chairman*: The 16th clause requires "shepherds travelling with sheep to give notice of their approach to owners of runs"? I dare say there are a great many ridiculous things in this Act, and this is one of them. It is quite unnecessary, and almost always evaded and avoided.

30. You have stated that you would allow parties time for curing sheep, and that in the event of their not curing them you would have them destroyed; what time would you allow on a squatting station? I would allow fifteen months, to include almost the whole of the second summer.

31. Would you allow them to boil down the sheep and save the wool? Yes; they should have the option of doing so within a prescribed time, but on the spot.

32. With regard to the assessment, a less amount would be required if parties had the option of curing their sheep in six months? Yes.

33. Have you any idea what amount of assessment would be required? I have not.

34. Do you know of any cases of scab existing at the present time? No.

35. *By Mr. Robertson*: You have said you would allow the proprietor of scabby sheep the opportunity of curing them? Yes.

36. And you have also said that when you had scab among your sheep some years ago, it took

took two years to cure them? It did; but had I to do the same thing again, it would be under an improved system of sheep doctoring.

37. As you had then a smaller number of sheep, and greater facilities for obtaining labor, may it not be that you had a better opportunity then than you would have now? Yes, rather so, in that point of view, but not much.

38. However, you say you think the proprietor ought to be allowed fifteen months to cure them? That is a short period enough. I would be inclined to name it as a maximum period.

39. Would it not be very probable, if parties were allowed to keep their scabby sheep so long, that they would stray into neighbouring flocks, and give them the scab? It is a contingency that might happen; and in such a case I should say that the proprietor should, by another law, be made answerable.

40. But the proprietor might have no means of making compensation—might he not say, "I cannot pay," or go into the Insolvent Court? It would be in his power. Any diseased sheep, the property of any insolvent person, should be seized and at once sold by the Government, and not be allowed to be removed. The value would create a fund sufficient (by immediate boiling) to pay compensation above four shillings each.

41. Then, would it not be better for the whole sheep proprietary of the country, and especially when there are so few scabby sheep, and when, if the disease were again to appear it would necessarily be only to a small extent, to destroy the sheep; and to pay, by means of assessment, the proprietors for their loss? It is a difficult matter, perhaps, to give an opinion upon that. It might certainly be done, but it should be accompanied by some well known laws and rules.

42. Do you think, under any restrictions, the principle of the present law providing for the compulsory destruction of the sheep, and the compensation of their owners, is a just principle? I think it is not just; it is largely objectionable, and should undergo some revision.

43. The principle you object to, in any shape? Yes; the rigid destruction. It would be far more tolerable if owners were obliged by law within three months of any information of scab, on oath, to give the owner the option of boiling his diseased, or suspected diseased sheep, and not be allowed to remove them to any new run; and, in such case, he should not be able to claim compensation.

44. *By Mr. Donaldson:* Have you ever known scab exist to any extent in New England? Not to any extent; but I have known it prevail there slightly.

45. How long ago? Two years ago.

46. For the last few years have you known it at all? I have heard that it has been among some of my neighbour's flocks—Mr. Marsh's.

47. Do you not conceive, from your own experience of the working of the present law, that the people who are paying assessment there are, in fact, paying a bonus to the south country, and, in that point of view, it is unjust to the clean districts of the country? Yes; for in New England it has not prevailed to any injurious extent; it has prevailed in some individual cases where the parties have not managed the sheep properly.

48. Do you know, in round numbers, how many sheep there are in the Northern District that which you believe generally have not been infected with scab? I do not.

49. From three to four millions, including Moreton Bay, Clarence River, and Darling Downs? Any opinion I could give would be a mere guess.

50. In all these districts scab is very little known? Yes, very little.

51. And yet two pounds a thousand is paid for the sheep, and this amount goes to the south country? Yes. It is particularly hard upon the non-infected. But it is a tax, and a contingency in doing a great public good by the few for the good of the majority, and wherein it is impossible to make the tax bear equally towards those who are careless, or who commit the deed.

52. Has it ever occurred to you that the taxing of all sheep in this way, for the purpose of compensating those whose sheep may be infected and destroyed, is in fact a premium for bad management? Yes; it is attributable to the management. I think almost the whole of scab, in the event of its prevailing again, can be eradicated by obliging the owners to boil them on the spot within a period of *three months*, on any information, on oath, before any two Justices. It might be a question whether the Legislature would give the opportunity of *curing or not*. In this case no compensation at all would be required.

53. So that if you manage your sheep extremely well, and employ a good superintendent, in order to avoid this infectious disease, you have to pay a tax, which is given as a bonus to those who neglect their sheep, and from which you derive no benefit? Yes.

54. Is not this manifestly unjust? It is manifestly unjust.

55. If the stoppage of a disease, arising in a great measure from bad management, become the duty of the state, would it not be fair to make those whose sheep were thus infected bear the penalty, rather than that the good sheep-owner, who took every means in his power to avoid the disease, should pay for their neglect? If it were possible to introduce such a law, it would be desirable.

56. You think the present law unjust? Yes. In the event of an alteration of the law, I would recommend that rather a different set of men should be appointed as inspectors. And as a mark upon all clean runs—as a brand—they might be noticed by some abatement in the yearly assessment, which those who had continuously had only clean-runs for the past *seven years* would be entitled to.

57. What class of men would you recommend? It is a very important matter, and I would recommend that there should be local provincial inspectors, who should be assisted by a jury of two sheep proprietors, to be taken from the owners in the neighbourhood, they not being interested.

58. *By Mr. Hargrave:* Would you require the Legislature to compel any two persons to inspect them, because it would be a very unthankful task? Yes; I would leave the Magistrates

- H. Dangar, Esq., J.P.
20 Nov., 1857.
- trates to say what two persons should go and assist, and they should be paid for their attendance.
59. You think the principle of giving compensation is, in effect, a good manager paying for the losses caused by a bad one? Yes, it has that effect.
60. Do you think bad management was the cause of the disease breaking out in New England? I would not say that it was the cause, but that it was one of the causes.
61. Are you aware what was the cause of its breaking out in New England? I have heard that the disease was brought by some imported rams, and a predisposition in the blood, or causes rising out of poverty of run, and consequently more susceptibility of attack, are amongst the causes. I certainly think the compensation system should be continued to be provided for, but only so far as its yearly wants require. If the sheep intended to be boiled under this Act are to be paid for at the rate they now are, there will be an uncertainty whether the value will leave a deficiency.

Richard Lewis Jenkins, Esq., J.P., called in and examined:—

- R. L. Jenkins, Esq., J.P.
20 Nov., 1857.
1. *By the Chairman:* You are a sheep farmer, I believe? I have been for the last fifteen years, but am not at present.
2. In what part of the Colony? In the District of Liverpool Plains.
3. You have had some considerable experience in the management of sheep? I have; not only on my own stations, but I have been in the habit of visiting and noticing the management of sheep on adjoining runs.
4. Are you acquainted with the disease called scab? I am.
5. Have you ever had any diseased sheep yourself? Never; but I have been called upon to inspect diseased sheep of other settlers, both in the Liverpool Plains District and on the Hunter River.
6. Have you had any experience of the treatment of the disease? I have had no personal experience, but I have seen the disease treated at Captain Dumaresq's, on the Hunter, at Segenhoe, and at other places.
7. Were those sheep cured that you saw treated for the disease? I cannot say from my personal knowledge, but I have been told so.
8. Are you acquainted with the Act at present in force? I hold it now in my hand.
9. From your experience of sheep farming, and of the disease called scab, would you recommend that the present Act be continued, or that portion of it that relates to the destruction of sheep? I would. If this question had been put to me previous to the operation of the present Act I should have modified my reply; but, looking to the freedom of the country at the present time from the disease, I think it would be inexpedient to abolish it, inasmuch as I believe the disease will only be produced in this country again by imported contagion. I do not believe the disease will be generated in the Colony. Looking, therefore, to the very little destruction of life we may anticipate, if stringent measures are at once applied, and again to the great difficulty, when the disease does break out, of curing the sheep on over-crowded runs, as well as the ignorance of the people who are generally employed for the curing of the disease, I think it would be very improper, and neutralising the good which has been produced by the destruction of life hitherto, if it were not at once met by some stringent measure.
10. Would you confine the compensation for sheep destroyed to the amount provided in the third clause—the present compensation is four shillings a head? Yes.
11. Do you think that is sufficient? I think fully sufficient.
12. Would you include lambs in that compensation? Not small lambs.
13. Of what age? Not unweaned lambs.
14. Would you allow parties destroying their sheep to save the wool and tallow? I think, under the present Act, there has been a great waste of property from the destruction of wool, and from the parties not having been allowed to boil down their sheep, and I do not think—the disease depending as it does upon a living insect, a parasite—there would be any danger in saving the wool, provided it were kept a certain time and were not allowed to be spread about the station.
15. You would leave it optional with the parties to burn the sheep with their wool, or to boil them down and save their wool and tallow, under certain regulations? Under certain regulations. If they had full fleeces I would compel them to shear them and boil them down, and in such cases I would not give the parties compensation. I think the Act has been very hard upon persons living in healthy districts, as in the district where I have resided.
16. That is to say you think careful persons have had to pay for the negligence of others? Not in all cases, but in most cases for the negligence of others.
17. Then you would only give compensation where the parties were not likely to get four shillings, after paying expenses, from the tallow and wool? Yes.
18. Have you had sufficient experience of this disease to be able to say whether you consider it can be easily cured or not? I have had sufficient experience to warrant me in saying it is a disease that can be cured, provided the runs are not over-crowded. It is necessary to place the sheep on a clean country immediately after being dressed, but in most cases I do not think this would be practicable.
19. As the disease is a parasitical insect, would it be likely that for a considerable period after treating the sheep the disease would be likely to appear again? Not if they were properly dressed, but the danger arises from so few persons who undertake to dress them possessing the requisite amount of knowledge for their treatment.
20. Do you know any instances of scab existing at present? Not one.
21. And you do not think it likely the disease will appear again, except from imported sheep? Yes.

22. What is your opinion of the 13th clause, which requires all sheep travelling to be branded? I think that a very proper provision, apart from this Act altogether.
23. Would not people naturally brand their sheep for their own protection? It would be natural, one would think, that they should do so, but it has not been customary.
24. Would not the brand be injurious to the wool, for instance, if sheep were about to be sheared? In some instances I found it inconvenient, where they were just travelling to the shed; but I think some provision might be made in the clause that it should apply only to sheep driven to market, and not to those driven to the shearing shed.
25. The 16th clause requires that parties travelling sheep shall give notice? I found that to be almost impracticable; in fact it has never been carried out. People endeavour to evade it by giving a general notice in the papers.
26. You think that clause has been evaded? Yes. I would propose that the next clause with regard to inspectors, as it at present stands, should be entirely done away with. I would have a proper inspector, who should be a veterinary surgeon, at the seaport, and one or more at the boundary between us and Victoria—the two points whence we are likely to receive imported contagion. In other places I do not think inspectors necessary; the settlers themselves, as they would be the most interested, would be the first to hear of the disease, and would take care to protect themselves. I would provide, however, for power to be given the Benches of Magistrates to compel persons, by summons, to go and inspect sheep reported to be diseased. The inspectors who have been appointed have for the most part been useless, without the requisite knowledge; and in all the cases I have known the office has been a perfect sinecure.
27. You would recommend that a thoroughly competent person, such as a veterinary surgeon, should be appointed at each port? Yes; he should be a sort of sheep health officer, to examine all imported sheep.
28. With regard to the 14th clause,—suppose an imported valuable ram, worth a hundred guineas, had a spot of scab on, the inspector would be compelled to have him killed? I think an exception should be made in such cases, but I would not allow such rams to go among my flocks till they had served a good quarantine.
29. Could they not be placed in quarantine in a stable? Yes. I would extend the time in cases of that kind to two years, so as to make thoroughly sure that they were clean. One dressing might kill the parasite, but not the eggs of the insect, which, in the course of time, may renew the disease.
30. If a competent veterinary surgeon were appointed, he ought to be able to ascertain when a sheep was cured? It ought to be left to a competent inspector, who should not release them from quarantine until they were quite clean.
31. *By Mr. Robertson:* Are you aware that there is at present a surplus of £11,000 in the Treasury arising from the assessment of sheep, beyond what has been paid for compensation and for inspectors? Yes.
32. That being the case, would you not desire that in any new law for the purpose, the provision for assessment should remain in abeyance until this £11,000 was expended? Yes; I think it would be most unjust to apply it to any other purpose than that for which it was raised, and I do not myself anticipate that there will be any necessity at all for a new assessment. I consider that if this stringent clause be followed out in its integrity, as there are only two sources whence we may expect to get the disease among us again, very little money will be required, so that the sum at present in hand will be more than ample for the salaries of inspectors for years to come.
33. Then you recognise the justice and expediency of discontinuing the assessment clauses at any time until this £11,000 surplus shall have been expended? Yes.
34. Are you of opinion that the class of inspectors has been sufficiently intelligent? They have been about the worst class that could have been appointed; men who knew nothing at all of sheep. I know that was the case at Wee Waa, where the inspector scarcely knew a sheep from a goat.
35. And at Tamworth? At Tamworth the party states he has had knowledge of sheep, but I do not know that he has ever had, from my knowledge of him.
36. You have said that you would, where the wool and tallow would amount to four shillings, give the party no compensation; now, I would ask, would that be judicious or wise—would the party be disposed to make the authorities acquainted with the fact that his sheep were diseased, if he were to get only the skins and tallow? On reconsideration of the matter, I think there should be some inducement held out to the owners to boil down and make the best of their stock.
37. Suppose two shillings a head were given for the sheep boiled down, beyond the price of the wool and tallow, would that be a good plan? I do not think the settlers should require more than a small inducement; I think one shilling should be sufficient.
38. Would you draw any line of distinction between sheep running on freehold land and those running on leased land? I would not; I would place all alike.
39. *By Mr. Lee:* You say it is not impossible to cure sheep? It is not.
40. Did you ever know sheep to be destroyed in any other part of the world besides New South Wales? No; my experience does not extend beyond New South Wales.
41. Have you ever heard of such a thing in any other part of the world? No, I have not.
42. *By the Chairman:* Sheep have been subject to many other diseases besides scab? Yes, to catarrh, and lately to the Cumberland disease.
43. Has not that been as destructive as scab? It is very destructive; much more than scab.
44. *By Mr. Lee:* Do you believe it is contagious? I imagine it to be both endemic and contagious.
45. *By the Chairman:* In that case it is as dangerous, or more so, than the scab? I should say not with regard to spreading; but I think it would be wise, in any laws which may be made

R. L. Jenkins,
Esq., J.P.

20 Nov., 1857.

R. L. Jenkins, Esq., J.P., made for consolidating the diseases of sheep, that provision should be made that any sheep affected by the Cumberland disease should not be allowed to travel off their station; as by travelling they might spread the disease through the country.

20 Nov., 1857.

46. You would not have them destroyed? No.

47. Has it not been found that the only cure for the Cumberland disease is removing them to a fresh station? It may be so. I think I have heard of persons travelling over to Port Philip; but I think there is danger of spreading the disease. It is at present extending northward, and a considerable destruction of sheep has taken place on Castlereagh River.

48. *By Mr. Hargrave*: You state that if sheep were boiled down, and the skins were sold, you would allow little or no compensation—do you not think the assessment was paid with the expectation of getting four shillings a sheep for any that might be destroyed, and do you not think it would be unjust to the parties to deprive them of it? I do not think the parties ought to get four shillings in addition to the wool and tallow.

49. *By Mr. Robertson*: Otherwise it would be a temptation to persons having fat sheep to get the full price for their wool and tallow, and the four shillings besides? Yes; fat sheep will get the scab as well as others.

FRIDAY, 27 NOVEMBER, 1857.

Present:—

MR. COX,
MR. SUTTON,
MR. HARGRAVE,

MR. LEE,
MR. DONALDSON,
MR. ROBERTSON.

WILLIAM HENRY SUTTON, ESQUIRE, IN THE CHAIR.

William Bowman, Esq., M.P., called in and further examined:—

W. Bowman, Esq., M.P.

27 Nov., 1857.

1. *By the Chairman*: Do you put in copies of the depositions made before the Cassilis Bench of Magistrates in the case of your sheep destroyed by order of that Bench? I do.

2. *By Mr. Cox*: Was any notice sent to the neighbours, stating the day on which the sheep were to be killed, and the number of them—I do not see the notice appended to these depositions? A notice was sent.

3. Will you state the numbers of the flocks that were destroyed? Speaking from memory, just now, I think the wethers were 1,232; a mixed flock, under the Chinaman's charge, were 1,118; these two flocks were the first that were killed in July. Besides these, a flock of 734 ewes were killed in September, and with them were 125 rams.

4. What age were the lambs that were with the second flock? I have not claimed for them at all. They were just dropping their lambs—some were six weeks old and some only dropped that day. There were 503 lambs.

5. At what date were these sheep killed? Two flocks were killed at one date, and the remainder at another.

6. Did the notice you say was sent to the neighbours include both the flocks that were killed at the same time? Yes. Wood, my overseer, sent that notice; but, for the sheep that were afterwards killed, I wrote the notices myself, and a boy I had there copied them. Wood had then left me.

7. I notice that Stanway stated in his deposition that 224 of the sheep had been boiled down? That was not the truth; there were not 100 boiled down. We had been killing sheep for rations, and some of them had died, and all their skins were on the fence; these were the skins that Stanway saw.

8. You declare that none of the sheep for which you now claim compensation were included in the number boiled down? I do not think they were; the deduction was made.

9. Stanway states in his evidence that, believing the sheep had not been destroyed, he went to Merothra, after having obtained a warrant from the Bench to destroy them, and when he got there he found they had been destroyed, but he found a quantity of tallow lying there? I do not believe any tallow was taken out of the sheep I claim for. A few were boiled down before the scab had broken out; and what tallow there was came from them. They were not claimed for.

10. I see that, under the 5th clause of the Act, after sheep have been certified to be infected with scab, it is open to the owner to dispute that certificate within fourteen days—did you dispute the certificate of Stanway with regard to the last two flocks? I did.

11. Did you do so in writing to the Cassilis Bench? Yes; I sent a lawyer all the way up, and delivered the notice at the Magistrate's house. It cost me fifty guineas for the lawyer to do that.

12. What time did the Bench give you to examine witnesses, and to destroy the sheep that were then stated to be scabbed? They gave a certain time, which I availed myself of. I saved one flock, but the others were destroyed.

13. *By Mr. Robertson*: It appears to me that we should have some explanation as to the alleged boiling down of some of your sheep? I have explained that, not supposing the sheep to be scabby, I had ordered my overseer to pick out all that had commenced breaking wool, and to boil them down; and he did do so.

14. Were those sheep boiled down before you had reason to know from the inspector that they were scabby? They were.

15. After you had reason to know they were scabbed you ceased to boil them down? There was not one boiled afterwards.

16. And you commenced to destroy them immediately? Yes, immediately they were declared to be diseased.

17. It is in evidence in these depositions that you did not, after they were discovered to be scabbed, kill them as quickly as the Act required, by a few days; and it is also in evidence, on your behalf, that you killed them as quickly as you could, and that you hired what men you could get, and gave them every encouragement to kill them within the specified time? I have every reason to believe that they were all killed by ten o'clock on the 11th of July. They examined the sheep on the 27th June, and sent back the notice on the 28th; and we considered the time ran from that day.
18. Then in the whole matter you acted *bonâ fide*, from a desire to carry out the law, and if any error of judgment occurred it was on the part of your superintendent? Yes, if there was any error; but he worked day and night to get them destroyed within the time. When I went up, on the 14th or 15th of July, there was nothing remaining but the embers.
19. *By Mr. Cox:* In looking over these depositions, I see you state here that you received a letter from Mr. Dickenson stating that the sheep were scabby, and Wood also states that he had sent you word that the sheep were scabby? He did not state it positively; and I had seen them so recently, on the 28th and 29th May, that I thought it utterly impossible.
20. From what appears in these depositions, it would seem that after you knew the sheep were infected they were being boiled down, until the beginning of July? I did not believe it to be scab. I had written to Wood to pick out those of the sheep there were any appearances upon, and he wrote me that some twenty had broken wool on the rumps. There were no blue blotches. I know what scab is, and I do not believe it was scab.
21. *By Mr. Robertson:* But you state that after the sheep were pronounced to be scabbed, you lost no time in destroying them; that your overseer hired all the men he could get and tempted them by high wages and every inducement to kill the sheep as soon as possible? Yes; they were assisted by neighbours also. Greater exertion could not have been made. Wood was laid up afterwards, very ill, from the exertions he made.

W. Bowman,
Esq., M.P.
27 Nov., 1857.

APPENDIX A.

Police Office, Cassilis,
30 June, 1855.

Present:

ROWLAND J. TRAILL, ESQ., J.P.
WILLIAM BUSBY, ESQ., J.P.

Robert Wood, overseer to William Bowman, Esq., being summoned to appear here this day, for a breach of the Scab Act,—upon being called upon answers to his name.

William Stanway, overseer to Mr. Fitzgerald, being duly sworn, says:—The statement I have just heard read, being the information laid by me on the 27th of June, is correct, with the exception of the distance from the Upper Kemble Station sheep-yards to the road, being 350 yards instead of 250. I swear, positively, that the sheep in question have the disease called scab. I am thoroughly acquainted with the disease, having treated it formerly. The sheep, on the 11th of June, were in the yards at that station, ordered to be left there by Mr. Dickenson for my inspection. I saw them on the run yesterday. I saw them on the 26th of June on the same run, in the yards. I ascertained the distance of the sheep-yards from the main road by measurement. This main road has two tracks. One of these tracks passes within twenty yards of the hut. There is only one flock of sheep at this station, to the best of my knowledge. At another station of Mr. Bowman's, called Jones' Station, there is another flock of scabby sheep. This station is within 200 yards of the same main road to the Castlereagh River. There is considerable traffic on this road, both as regards stock and travellers. I have no further statement to make.

Cross-examined by Robert Wood:—They (the sheep) cannot, to my knowledge, water without crossing the road. To the best of my opinion they are the sheep that watered at the creek, there being no other sheep within three miles.

(Signed)

WILLIAM STANWAY.

Sworn before us, at Cassilis, the 30th
day of June, A.D., 1855.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY J.P.

Robert Wood, in defence, says:—I am Overseer to Mr. Bowman, of Merothra. On or about the 6th of the present month I ascertained that the flock of wethers at Kemble Creek were infected with the scab, and on the 7th I addressed a letter to the Bench at Cassilis, stating that the scab had broken out, and to forward an inspector to inspect the sheep. I received a note, signed by Dr. Traill, answering my letter, stating it was not necessary to write to the Bench, but referring me to the Act. And as there was no inspector sent from Cassilis, and as Mr. Bowman had some difficulty in obtaining compensation from the Mudgee Bench, in consequence of killing his sheep without their having been seen by an Inspector, I thought it best to keep the sheep until Mr. Bowman arrived, which he did in a few days, viz., on the 22nd instant. When Mr. Bowman arrived he immediately took means to get proper assistance to destroy the sheep, and desired me to commence killing immediately, which I have done. I have no further defence.

(Signed)

R. V. WOOD.

Charge proved.

Sentence.—To pay a fine of £50, including costs, 4s. 6d. Twelve days to be given to pay the above fine, otherwise, in default of sufficient distress, to be imprisoned for three months, unless sooner paid.

(Signed)

{ ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

W. Bowman,
Esq., M.P.

27 Nov., 1857.

Police Office, Cassilis,
30 June, 1855.

Present:

ROWLAND J. TRAILL, ESQ., J.P.
WILLIAM BUSBY, ESQ., J.P.

Robert Wood, overseer to Mr. Bowman, appears on a summons to answer a charge of William Stanway for a breach of the 12th section, 18 Victoria, No. 26.

William Stanway, being duly sworn, says:—The information I have just heard read is correct.

Cross-examined by Robert Wood:—I saw one notice about scabby sheep about half a mile from Kemble Creek, in the heart of the scabby run. I saw another notice near Jones' Station, in the heart of the scabby run. The distance from Kemble Creek Station to where the second notice was posted is about four miles. To the best of my opinion, it is less than a mile from where this notice is posted to Jones' Station. I have seen scabby sheep beyond that notice, viz., at Merothera. When I saw the sheep at Merothera, you told me you were going to kill them. I saw no other notice than the two I have mentioned. The distance from Kemble Creek Station to where you said you posted a notice, is about one mile and a half.

By the Court:—I know the boundary well between Tongay and Mr. Bowman's run. I know the point where the main road to the Castlereagh River enters Mr. Bowman's run. The notice I did see was somewhere about half a mile from Upper Kemble Creek Station, where the diseased sheep are. I read that notice; it was to the effect that the scab was on the run; it had no signature. It was dated 8th June. The handwriting was nearly an inch, and a legible notice.

(Signed) WILLIAM STANWAY.

Taken and sworn before us, at Cassilis, this 30th day
of June, A.D. 1855.

(Signed) { ROWLAND J. TRAILL, J.P.,
WILLIAM BUSBY, J.P.

Robert Wood, in defence, says:—I affixed notices around where the diseased sheep were running, and I thought I was complying with the requirements of the Act by so doing. I had not seen the Act when these notices were affixed.

Charge proved. Costs 4s. 6d., to be paid by defendant.

Case dismissed, on condition the necessary notices, duly signed, are affixed to the boundaries of the run.

(Signed) { ROWLAND J. TRAILL, J.P.,
WILLIAM BUSBY, J.P.

Police Office, Cassilis,
12 September, 1855.

Present:

WILLIAM BUSBY, J.P.
ROWLAND J. TRAILL, J.P.

William Bowman, Esq., of Merothera, presented an application for compensation for sheep destroyed under the provisions of the Act of Council 18 Victoria, No. 26.

William Bowman, being sworn, says:—The last time I saw the sheep alluded to was about the latter end of May, and I then believed them to be perfectly healthy. My overseer, Wood, had previously sent me word they were healthy. I was anxious about these sheep, as I had previously some diseased sheep in the Mudgee District. I received a letter from Mr. Dickenson, dated from Cassilis, I think, on the 8th of June, stating that some slight symptoms of scab had appeared in the wether flock. I also received a letter from my overseer, Wood, to the same effect. Mr. Dickenson was staying at Merothera, with a view to become manager of the property. I came up as quickly as possible; it was about the 20th June when I arrived at Merothera. I apprehended then that they had the scab, and ordered preparations to be made for their destruction. I now speak of the flock of 1,250 wethers. I did not believe the other flock was diseased, and ordered them to be removed to a fresh run. These flocks were subsequently condemned by the inspector. They did not commence to destroy the sheep until the 2nd July, to the best of my belief. They were all killed, according to the report of my overseer, Wood, upon the 9th July, and I myself saw the fires that were consuming them burning on the 14th. I used every exertion to get them destroyed in the period allowed by the Act. I believe my overseer exerted himself to the best of his ability, and encouraged the men in every way. My late overseer, Wood, has left my service; it is not possible he can be here to-day. My overseer told me, in a general way, that he had sent the notices required to the neighbouring runs. I sent for Wood on Friday last.

(Signed) WILLIAM BOWMAN.

Sworn before us, this 12th day of September, A.D. 1855,
at Cassilis.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

William Stanway being duly sworn, and examined by Mr. Bowman, says:—I examined the sheep, by request of Mr. Dickenson, on or about the 11th June, and on the 26th of the same month under a warrant from the Bench. I saw them again about the 4th or 5th July; they were

were then being boiled down; it was a portion of the wether flock. Constable Knight, who accompanied me, reported there were the skins of 224 sheep boiled down. These skins were on the fence of Merothera, to which place they had been removed from the place they were boiled at. I saw them again on the 12th or 13th; they were then killed, and the remainder of them were on the fires burning. I went on the 11th June, at the request of Mr. Dickenson, to examine the sheep. I examined them on the following morning. There were about 50 or 60 in the flock that you could tell were diseased without getting off your horse to examine them. I handled and examined several of these sheep. On the sheep I examined the matter had formed, and the fleece had fallen off. I am familiar with the disease called scab. I consider the disease was in the sheep for some time previous to its breaking out in the stage in which I found it. I received a warrant from the Bench on the 13th July to destroy the sheep. When I went to execute the warrant, I found the sheep destroyed, and a quantity of tallow and remnants of sheep lying about. The warrant to examine was on the 27th June. I saw them boiling down a portion of these sheep about the 4th or 5th July, and when I went there on the 13th or 14th, I saw some sheep on the fires unconsumed, but the fires were burning. I received a notice, in writing, from Wood, that they were going to destroy the sheep in a few days. I do not know the date of his notice. It was from the 7th to the 9th July, I think. I saw three fires.

(Signed)

WILLIAM STANWAY.

Sworn before us, at Cassilis, this 12th day of Sept., 1855.

(Signed)

{ ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

Re-examined by Mr. Bowman:—I swear positively they were not all killed on the 9th. Now I recollect it was on a Sunday I went for the last time and saw the sheep on the fires; this was on the 15th July. I swear the sheep I then saw unconsumed on the fires had not been killed forty-eight hours.

(Signed)

WILLIAM STANWAY.

Sworn before us, this 12th September, 1855.

(Signed)

{ WILLIAM BUSBY, J. P.
ROWLAND J. TRAILL, J. P.

James Devoy, being sworn, says:—I am a neighbour of Mr. Bowman's. Mr. Bowman's overseer asked me if I would assist him to destroy the sheep, as he only had a certain time to do it in; I did so. I do not recollect the day of the month on which the killing of the sheep was finished. It was on a Wednesday or Thursday, about 10 or 11 o'clock. I was there three or four days. I do not recollect how many days I was there. The fires were placed in such a way as would cause the speedy destruction of the sheep. There was as much wood as was necessary. The men were exerting themselves properly. There were three fires.

(Signed)

JAMES DEVOY.

Sworn before us, at Cassilis, this 12th day of September, A.D. 1855.

(Signed)

{ ROWLAND J. TRAILL, J. P.
WILLIAM BUSBY, J. P.

Compensation not allowed, in consequence of non-compliance with that portion of the third clause of the Act requiring the sheep to be destroyed within fourteen days after becoming infected.

(Signed)

{ ROWLAND J. TRAILL, J. P.
WILLIAM BUSBY, J. P.

Police Office, Cassilis,

10 October, 1855.

Present:

WILLIAM BUSBY, J. P.

ROWLAND J. TRAILL, J. P.

William Bowman, Esq., appeared this day to appeal against the information of his sheep being diseased.

William Stanway, being duly sworn, says:—The certificate I have just heard read is correct with the number of sheep said to be diseased, viz., one hundred and twenty rams near Merothera; seven hundred and thirty-two mixed sheep, Bald Hill Station; and nine hundred mixed sheep, Moreton Bay Station.

Mr. Bowman here withdrew his appeal against the above-mentioned sheep being diseased, except those nine hundred, or thereabouts, depastured at Moreton Bay Station.

William Stanway, on oath, says:—I found symptoms of disease on two sheep in the Moreton Bay flock; there was a kind of blue spot, callous; there was a scab on the shoulder of one as big as a half-crown; and upon the other several blue spots on the point of the shoulder and spine of the back. I have had twenty years experience of scab. I caught other sheep, three or four; they showed every indication of being unhealthy, but not sufficiently diseased to enable me to say they had the scab. I examined them on the 15th July, about three miles east of Merothera. I thought then they were seasoning. From my knowledge of scab, if sheep are seasoning on the 15th July, they might not have broken out more than these did on the 8th September. I consider that if there had been wet weather the disease would have been more visible sooner. The shoulder of the sheep that showed the spot about the size of a half-crown was bare. I have no doubt, and positively swear, it was the scab; I have cured scab in all its stages. I do not consider there is any other disease with which these symptoms can be confounded; it is not the effect of grass seed. If they had

W. Bowman, Esq., M.P. had not been spotted, or the infected sheep taken out, it is likely they would have shown symptoms of the disease by the 8th October; I mean the two infected sheep particularly; the whole flock might or might not have shown the disease. The symptoms from grass seed are generally loss of wool under the belly; there would have been a growth of wool underneath and the skin would have been red and healthy. The appearance of the skin in sheep that have lost their wool from scab is thick and callous, white and scaly, and you can cut a good depth before you can obtain blood, and the wool is not reproduced. The scar from the bite of a dog would not produce the same appearance—the same appearance is not produced by tick. I have seen sheep low in condition, and the appearances described are not the same as in these sheep infected with scab.

(Signed) WILLIAM STANWAY.

Sworn before us, at Cassilis, this 10th day }
of October, A.D. 1855.

(Signed) { ROWLAND J. TRAILL, J. P.
WILLIAM BUSBY, J. P.

Richard Harris, being duly sworn, says:—I am a Surgeon, and a Magistrate of the Territory. I have been a sheep owner fifteen years. During my residence at O'Connell Plains I had scabby sheep for the period of five years—from three to six thousand at one time. I know a flock of sheep of Mr. Bowman's, running at Moreton Bay Station, Merothera; I saw them on Wednesday, 26th September, and on Monday, October 8th; I then examined them carefully, and found them clean; I could not detect the slightest indication of scab in any one sheep. If two sheep on the 8th September could be pronounced scabby, any person acquainted with scab could detect scab in the flock on the 8th October. The scab first appears in a pale violet-colored pimple; a watery liquid exudes from it, and scab then forms, which spreads; and while the larger scab continues increasing, you can generally perceive the smaller spots coming out in the sheep at the same time; the scab forms an incrustation of a yellow brown color; the skin becomes thickened and hardened; a scratch will make it bleed; a cut an eighth of an inch deep will make it bleed; I have seen my own sheep bleed profusely, from being rubbed down with a curry comb. Two or three sheep with such symptoms as I heard described could not have been missed by me, on my examination on the 26th September, and I think not on the 8th October. I did not examine them then so carefully, not thinking it necessary. The thickening and hardening of the skin does not appear before the violet-colored pimple; it is a secondary consequence, the result of the first. The incrustation takes place before the hardening of the skin.

Cross-examined by Mr. Stanway:—I will swear that if there had been scabby sheep in a flock on the 8th September, and if the scabby sheep had been picked out, the rest of the flock, or a portion of them, would show the scab by the 8th October. I never did use a knife upon the scab; I have seen blood produced by one rubbing of the curry comb on the scab. I have known individual sheep to be in a flock for twelve months. If there is no appearance of scab in an infected flock, if rain comes on it can be easily discovered in one week. When I first examined them, on the 20th of September, I then examined them very carefully, and my examination on the 8th October was quite sufficient to enable me to declare they had not the scab.

(Signed) RICHARD HARRIS.

Sworn before us, at Cassilis, this 10th day }
of October, A. D. 1855.

(Signed) { ROWLAND J. TRAILL, J. P.,
WILLIAM BUSBY, J. P.

Andrew Brown, of Bowenfels, being sworn, says:—I am a large sheep-owner, and a Magistrate of the Territory. I have had a great deal of experience in the scab. I have suffered myself from it. I have had it for years, at different periods. On the 25th September I examined a flock of sheep at Mr. Bowman's station called Moreton Bay Merothera—a breeding flock; they were then perfectly clean. I spent two hours and upwards in examining these sheep. I examined them quite sufficiently, to satisfy myself there was no disease in the flock. If there had been two or three diseased sheep on the 7th September in this flock, more or less of the whole flock would have shown the disease on the 25th. The first sign of scab is small pimples on the skin, which spread. I saw a sheep in this flock that had been bitten by a native dog. A person who knows the scab cannot be mistaken.

(Signed) ANDREW BROWN.

Sworn before us, at Cassilis, this 10th day }
of October, A. D. 1855.

(Signed) { ROWLAND J. TRAILL, J. P.,
WILLIAM BUSBY, J. P.

Samuel Ayres, being duly sworn, says:—I am Inspector of Scab for the District of Mudgee. I have had charge of sheep for the period of fourteen years; during that time I had eight thousand scabby sheep and the superintendence of curing them. I examined a flock of sheep belonging to Mr. Bowman, Moreton Bay Station, Merothera, on Sunday, October 7th, and on Monday, the 8th; I found them perfectly clean and no symptoms of scab whatever upon them. If two sheep belonging to a flock are diseased and then removed, I am positive that a portion of the flock would show symptoms of the scab within a month. Moreton Bay is five miles distant from Merothera.

Cross-

Cross-examined by Mr. Stanway:—If two diseased sheep, not belonging to this flock, were picked up by chance, and removed in two or three days, I will not swear the disease would show itself in the flock in the course of a month, though the probability is that it would. I have seen scab show itself in the skin being very hard. I might obtain blood if I cut this skin at about the depth of the eighth of an inch. W. Bowman,
Esq., M.P.
27 Nov., 1857.

By the Bench:—A hard substance would have to be cut through before the blood would come. The sheep must be infected three or four months before this hard callous substance is produced.

(Signed) SAMUEL AYRES.

Sworn before us, at Cassilis, this 10th day }
of October, A.D. 1855.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

Michael Rushby, being duly sworn, says:—I am a settler residing at Cloudy Bay, Mudgee District. I have had colonial experience with sheep, and am acquainted with scab. I knew the disease at home. I examined, on the 8th October, a flock of sheep belonging to Mr. Bowman, at Moreton Bay Station, Merothera. I examined them very closely, and found them perfectly clean, and no indication of scab among them. Their skins were quite sound, with the exception of two or three that were bitten by native dogs. Had there been scabby sheep on the 8th of September, a portion of the flock must have been diseased on 8th October had those sheep remained in for that length of time.

Cross-examined by Mr. Stanway:—I am not certain that Mr. Bowman had any scabby sheep when I went to him. I have not had charge of scabby sheep, but have seen plenty in all the stages of scab.

By Mr. Bowman:—I have left Mr. Bowman's service since 1845.

By the Bench:—I think the infection would have been apparent within a month.

(Signed) MICHAEL RUSHBY.

Sworn before us, at Cassilis, this 10th day }
of October, A.D. 1855.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

William Bowman, on oath, says:—I have not since I received the notice caused any sheep to be removed from the flock, or previously to receiving the notice. I only caused one sheep to be killed for rations, which was on the 28th September, and I am sure that no sheep have been removed. The rams were taken out of the flock in April last. I do not believe any other sheep have been mixed with this flock. On the 6th of September Mr. Stanway told me the sheep at Moreton Bay were perfectly clean, upon my asking him. I went immediately and made a careful examination, and I have seen the sheep at least once a-week since, and have found them clean.

By Mr. Stanway:—The sheep have not been within a mile of Merothera, to my knowledge. The rams were alive on the 2nd of September. They were not folded or feeding on the same run where scabby sheep had been killed. I am not quite sure. I was at Merothera on the 2nd of September. They had been about a week at the Bungebbar station in the month of May. I do not know whether there was a flock of sheep running there at that time. I never intended two flocks to be kept there. No sheep have been added to the flock since they were at Bungebbar, in the month of May, to my knowledge.

(Signed) WILLIAM BOWMAN.

Sworn before us, at Cassilis, this 10th day }
of May, A.D. 1855,

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

Thomas Bottrell, being duly sworn, says:—I was at Merothera on the Sunday previous to my seeing Mr. Stanway. It was on the 2nd of September. I saw sheep when I was returning from Merothera. The sheep were going to Merothera on the road. The Chinaman told me they came from Moreton Bay. They consisted, I think, of ewes and some lambs, mixed. A flock of sheep had been burnt down about half a mile from where I saw these sheep. The rams were living when I saw this flock. I do not know where the rams were. I saw the rams about a week previous, at the spot where the sheep were burnt down. I did not assist to make a yard.

By Mr. Bowman:—The wethers were burnt in the latter part of June, or beginning of July. When I saw the flock of rams I did not see any wethers among them, but there might have been wethers without my knowledge.

(Signed) THOMAS BOTTRELL.

Sworn before us, at Cassilis, this 10th day }
of October, A.D. 1855,

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

Alexander Fraser, being duly sworn, says:—I remember Mr. Stanway coming to the Spring Station on the 14th July. He examined the rams. The rams were removed from the station on the 17th by me; I removed them to a station called Cockabatta. Mr. Bowman asked me what was Mr. Stanway's opinion of the rams; I told him Mr. Stanway said they were

W. Bowman, Esq., M.P.
27 Nov., 1857. were diseased. I am not aware how long the rams had been out of the ewe flocks. The rams were in my charge from the 20th May to the 17th July. I cannot tell when the ewes commenced lambing. There were no wethers among the rams when I had charge of them.

By Mr. Bowman:—Mr. Stanway did not promise to obtain me a situation if I went in evidence against Mr. Bowman.

(Signed) ALEXANDER FRASER.

Sworn before us, this 10th day of October,
A.D. 1855, at Cassilis, aforesaid.

(Signed) { ROWLAND J. TRAILL, J.P.
ALEXANDER BUSBY, J.P.

Charles Thacker, being duly sworn, says:—I looked at some sheep of Mr. Bowman's at a station called Bungebbar. I am overseer for Mr. Rouse. I saw two flocks of mixed sheep at Bungebbar about the 6th or 7th of June last. I went to the station because I heard there were scabby sheep there. One flock, at this time, had broken out with scab; the other flock had not visibly broken out, but they were at the same station, a few boughs dividing them from the diseased flock. To the best of my opinion, they are the same flock I saw yesterday at Moreton Bay, but I cannot positively swear to it. I examined the sheep at Moreton Bay yesterday; they had no visible symptoms of scab, but I believe they are seasoning.

(Signed) CHARLES THACKER.

Sworn before us, at Cassilis, this 10th day
of October, A.D. 1855.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

Certificate granted to W. Bowman, Esq., that the above-mentioned sheep were not diseased at that date mentioned.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

Police Office, Cassilis,
10 October, 1855.

William Bowman, Esq., appeared upon a summons to answer a charge of depasturing a flock of rams on the same run where scabby sheep had been destroyed.

Case withdrawn by consent.

(Signed) { ROWLAND J. TRAILL, J.P.
WILLIAM BUSBY, J.P.

WEDNESDAY, 10 DECEMBER, 1857.

Present:—

Mr. FLOOD,
Mr. HARGRAVE,
Mr. LEE,

Mr. MACLEAY,
Mr. SUTTOR,
Mr. ROBERTSON.

GEORGE MACLEAY, ESQUIRE, IN THE CHAIR.

James Butchart, Esq., called in and examined:—

J. Butchart,
Esq.

10 Dec., 1857.

1. By the Chairman: You are a Commission Agent on a very large scale in Melbourne? Yes.
2. You sell very large quantities of sheep annually? Yes, I have, large quantities for the last four years and a-half.
3. Do large quantities of sheep from New South Wales come into your hands for sale? Yes.
4. These sheep are invariably free from the disease called scab, I believe? Always when they leave New South Wales, but they sometimes catch it coming over the plains within the Colony of Victoria; when they reach us they have always to be dipped.
5. It is apparent, I suppose, that it is not caught in New South Wales, from the recent symptoms of the disease? Yes; there are no scabby sheep from New South Wales.
6. Do you believe that the knowledge of that fact on the part of the purchaser enhances the value of sheep considerably? Yes.
7. And in the aggregate must make a very great difference in the receipts of sheep farmers in the course of years? In the course of years no doubt it amounts to a very large sum. In fact we would not purchase sheep at all if they were not clean, because they could not be driven.
8. It is not in your power, I suppose, to form any idea of the amount received by New South Wales for sheep sold at Melbourne? Three-fourths of the sheep sold at Melbourne are either those which fatten on the banks of the Murrumbidgee and other parts of New South Wales, and are brought direct from thence, or those which come indirectly and fatten on the plains of Victoria.
9. The sheep in the Colony of Victoria—those I mean that are bred and exclusively belong to the Colony of Victoria—are unfortunately for the most part diseased? Yes, a great portion of them are diseased; but we are cleaning them very fast now.
10. That fact has tended to diminish the profits of sheep farmers? Immensely; the Colony has this year lost immensely by it.

11. Have you ever heard any opinion expressed among the sheep farmers of Victoria upon the policy of our Act? No, not particularly upon your Act; we have an Act of our own; but it is quite inoperative, seeing that the whole Colony has the scab. J. Butchart,
Esq.
12. It does not contain clauses so stringent as ours? The clauses were very stringent, but they could not be carried out—if they had been they would have ruined a great proportion of the farmers of the Colony, from the disease having spread so extensively. I was in the Colony when the disease broke out in a large district of Victoria, and it spread with the rapidity of wild-fire. The destruction of one single flock at that time would have saved £100,000 to the Colony in wool alone this year. 10 Dec., 1857.
13. You are acquainted with the general provisions of the Act in force in New South Wales? Yes.
14. Had such an Act been in existence in Victoria the disease might have been nipped in the bud, and that enormous loss have been avoided? Yes; if one single flock had then been destroyed it would have been avoided.
15. Where did that disease come from? It came from Van Diemen's Land; a few imported rams brought it up to Gibson's station, and from that it spread like wild-fire.
16. You never heard of scab breaking out in isolated places? No, never.
17. You have been a sheep farmer, I believe? Yes; I have been sixteen years among sheep, and I am now a sheep farmer in New South Wales.
18. You do not believe, from your knowledge of sheep farming, that that disease would arise spontaneously? I have never seen an instance. I have seen sheep very badly treated, but I never saw scab break out without actual contact, or crossing a scabby run.
19. If disease existed in the Colony of New South Wales to any extent, the market of Victoria would be closed? It would be closed completely.
20. Can you form any idea of the amount derived by this Colony from the sale of sheep alone—in round numbers? I myself sell 200,000 from New South Wales in the year, at prices varying from 12s. to 24s., or, to take a low average, say at 15s. each; and I think the other agents altogether not less than 400,000—that is during the last two years.
21. *By Mr. Suttor*: That is in Melbourne? And in the country around; they do not sell them alone in Melbourne, but at the different stations.
22. That market would be entirely closed if the sheep were diseased? If they were diseased we could not sell one in Victoria.
23. *By the Chairman*: What has been the decrease of sheep in Victoria in the last three years? That I could not say; but the returns appear, to all of us who are acquainted with the subject practically, to be quite erroneous; they make the decrease something like a million, but we consider it to be two millions.
24. Is that decrease attributable to this disease? Almost entirely; in fact a great many settlers had to get rid of their sheep and to put cattle on the runs.
25. You say that the owners of scabby sheep are rapidly getting rid of the disease? Yes.
26. By what process? Dipping them in tobacco water and sulphur; but we do not consider the disease eradicated; they could not travel from the Murrumbidgee, but they can go the short distance they have to travel with us, without shewing the disease.
27. Then this system of dipping merely keeps the disease in abeyance? It would cure the disease altogether, but the sheep that have been dipped come in contact with others that are still diseased, and that brings it out again.
28. It is practically inoperative, in consequence of their coming in contact with sheep that have not been treated in the same way? It would be inoperative if they had to travel a long distance, but it is practically effectual with us.
29. Do you believe that these sheep, if they were left for twelve months without further dressing, would be cured? Yes, if they were properly done. I have seen instances.
30. How was it that sheep owners had not recourse to the same practice when the disease was spreading so rapidly? Labor was scarce at the time, and the dipping system was not so well understood.
31. Sheep were not so abundant at that time, and could have been removed, I presume? No, they could not have been removed.
32. What is the expense of this treatment? Two-pence a sheep every time; one dipping is not often effectual.
33. What is the cost of effecting a cure? About sixpence a sheep; but there is great risk; some are clean at once, and some are not clean for years and years.
34. Would you think it wiser in us, if the disease were to break out here again, to have recourse to that system, or to follow out the provisions of our Act? I should say most decidedly destroy them; if you once get the disease here you will never eradicate it.
35. Do you, from your sixteen years experience as a sheep farmer, think it wiser to have recourse to such an Act as that at present in existence than to attempt to cure diseased sheep? Decidedly, to check the disease in the bud.
36. *By Mr. Robertson*: Are you of opinion that if we were to make our Scab Act less stringent, by repealing the clauses empowering the destruction of sheep, that would injure the market value of our sheep in Victoria? Not if the sheep did not catch the disease.
37. You do not think the mere fact of our having this stringent Act gives our sheep a better character in Victoria? It does near us; for, from the distance sheep would have to travel from Liverpool Plains or New England to us, it would be impossible for them to come such a distance if they were diseased without its being noticed, and they cannot travel in Victoria. The Act is more stringent there than here, for if they are found to be diseased a Magistrate gives an order and they are at once destroyed. It is a cruel Act, for at one time many were burned alive.
38. Then you are of opinion that the mere fact of the existence of an Act of this kind gives people confidence in the purchase of our sheep, and thence increases their value? Yes; if asked whether the sheep are scabby the answer is that no scabby sheep are allowed to live in New South Wales.
- 39.

- J. Butchart, Esq. 39. You have spoken of the disease spreading like wildfire in Victoria—is it not the fact that the runs are more thickly stocked there than here? Yes; one acre there is equal to three or four in New South Wales
- 10 Dec., 1857. 40. The runs are closer together on that account? Yes. On the other hand, as far as the Victoria market is concerned, there is one important thing to be kept in sight,—all the sheep have to follow the same route along the banks of the Murrumbidgee, the Edward, and the Lachlan, where sheep are feeding.
41. *By Mr. Lee*: You do believe that scabby sheep can be cured? Yes.
42. Did you ever know or hear of an Act similar to this in any other part of the world? We have one very much like it in Victoria; we destroy the sheep, but the proprietors do not get anything for them.
43. That is to say, you make the owner destroy his sheep, and give him nothing for them if he do not cure them? They are not destroyed when they are on the owner's run; but if they are found travelling they can be seized, and, upon an order of a Magistrate, can be burned there and then. On his own run he is at liberty to cure them. It was talked of that the owner should be compelled to cure them within a certain time, but the sheep were generally in such a state of disease that it was found to be impracticable.
44. *By Mr. Robertson*: Is the disease you have in Victoria precisely the same as the scab we have here? The very same.
-

1857.

SEPARATE APPENDIX.

A.

STATEMENT made by Edward Cox, Esq., J.P., in answer to a communication addressed to him by the Committee, requesting him to furnish them with any information in his power with reference to the Petition of John Giblett.

Penrith, 16 November, 1857.

Sir,

I have the honor, as requested, to enclose memo. that would be the substance of my evidence before the Committee in case of John Giblett's Petition.

I am,

Your obedient Servant,
EDWD. COX.

The Clerk of the
Legislative Assembly.

The evidence of Messrs. George Cox and Edward Cox was taken on 30 July; case remanded; on 6 August Mr. Giblett's statement is made; no other witnesses called, and the decision as under:—

"We decide that the notices produced by Mr. Giblett as served upon Mr. Edward Cox and Mr. Hibberson are not as required by the Act, as they do not state the hour the sheep are to be destroyed. The application is therefore dismissed.

"ROB. C. LETHBRIDGE.

"GEO. THOS. CLARKE.

"JOHN SINGLE."

"I, Timothy Gearn, on 22 May, 1855, went by order of a Magistrate to count the sheep—Mr. John Giblett had given notice that he was about to destroy, according to Act 18 Vic., 26; and I then saw some of the sheep alive and very scabby, and at the time a man was slaughtering, skinning, and saving the fat of part of the same flock, and from a dozen to twenty skins hanging on the fence; this was in the presence of Mr. Giblett. On the week following I went, by order of the Bench, and saw where a great many sheep had been burned. Committed to writing this 16th November, 1857.

"TIMOTHY GEARN."

"By me,

"EDWD. COX, J.P."

COPY OF A RECORD IN CASE OF JOHN GIBLETT.

"Memorandum.

"I have been informed that Mr. Giblett, after he stated in the Court that his sheep had been found to be scabby, on examination of Messrs. George Cox and Edward Cox, Justices of the Peace, and that he would at once destroy them, according to the Act 18 Vic., 26,—that instead of so doing, the sheep, or a portion of them, had been skinned previously to being destroyed.

"EDWD. COX, J.P."

"The Bench, Penrith,

"15 June, 1855.

"Witness to above,

"TIMY. GEARN,

"District Constable."

"MEMO.

"Application having been made to appoint a day for inquiring into the destruction of 1272 scabby sheep destroyed by Mr. John Giblett, of Giblett's Farm, South Creek, in order that he may receive the certificate of compensation, in accordance with the Scab Act 18 Vic., No. 26,—the Justices, R. C. Lethbridge, and George Thomas Clarke, sitting in Petty Sessions, appoint Monday next, 23 July, for taking evidence. Messrs. George and Edward Cox and James Marshall are subpoenaed on his behalf.

"R. B."

"Police Office, Penrith,

"20 July, 1855."

"Entered on day sheet."

B.

The Honorable Chairman of Committee on the Scab and Catarrh.

20 November, 1857.

Sir,

Referring to my Petition, now before you, I would respectfully call attention to the fact, that *William Stanaway*, in his evidence against Wood, at Cassilis, on the 29th June, swore that he examined my sheep on the 11th June. Wood was fined £50, and Stanaway received one-half (£25), and was afterwards appointed Inspector.

He, Stanaway, visited Merothery on the 11th June with Mr. Dickinson, and brought a quantity of spirits; became drunk and riotous, and was ordered off by Wood. They quarrelled, and he afterwards obtained a warrant to *examine* my sheep, which he did on the 27th, and they were all destroyed by the 11th July. I have no hesitation in stating that Stanaway did not swear the truth.

He afterwards condemned a flock of about nine hundred, which he swore he had carefully examined several times. I proved, by the evidence of three Magistrates and two other parties, that those sheep were perfectly clean. The Bench granted a certificate; and I have them still on the same run.

I am, Sir, very respectfully,
GEO. BOWMAN.

C.

Mr. Meston's Statement on New Scab and Catarrh Act.

Repeal all the three Acts, each of which is now partially in force, and sadly perplexing to Country Benches to find what is law and what not law, by their complexity.

Embody the last Scab Act in a new form, but include Catarrh, the worst disease of the two, under the same category, with the following emendations, viz:—

Define the malady of Scab, and the disease known by the name of Catarrh, whether in its mild or malignant types, for the correct guidance of Magistrates and the community generally, as not one in a hundred, certainly, are capable of discriminating Scab from other cutaneous eruptions, and far fewer are competent to positively detect Catarrh.

Exclude the word influenza, as common colds are neither contagious nor infectious, serving only to perplex and confound by insertion.

The indiscriminate system of destruction may admit of modification. In all cases the skins may with safety be saved, except, perhaps, in the Catarrh.

It is well ascertained that the itch mite will not survive more than 36 hours on a dried skin, and by packing in canvas bags, all possibility of dropping *ova* will be effectually prevented.

But in the malignant Catarrh every method of quick despatch is imperative. In the milder type, time may be safely allowed to take the skins, and to convert the carcases into tallow. The important question arises, whether it will be considered compatible with public safety thus to give discretionary power to District Inspectors.

No Inspector to be appointed who cannot pass examination, and prove his competency for the very responsible duties he may be called on to perform.

I rather fear that the usual way of nominating Inspectors smacks too much of farce, considering that on the decisions of these men may depend the welfare or ruin not only of one flock-owner, but involving the bane or prosperity of a whole district, to no small extent at any rate.

To avoid unnecessary waste, it is proposed to put a nest of malleable iron pots under the charge of every Inspector, who *shall* reside as centrally as possible in his own district, which pots can be conveyed at short notice to the places where diseased flocks are folded, and as near as possible to that fold the sheep are to be melted into tallow; the proceeds, after deducting necessary expenses, belonging, of course, to the owner or owners of said flock or flocks.

As the theory of Scab and premonitory symptoms of Catarrh are very ill understood, a plain but well written paper on those subjects, under the approval of the Committee, would prove of great value to flock-owners and their servants, by elucidating and simplifying the whole; for all kinds of vague and undefinable ideas are entertained regarding their causes, treatment, and operation.

I cannot comprehend from what conclusions the space of six months vacancy to any infected run has been adopted as a period of purgation; under certain ascertained atmospheric conditions, a run may be clean in six weeks, and inversely, not safe in twelve months.

I regret that notes of some importance on these subjects are far distant at my own home. I had submitted a draft of a new Bill to some of the most practical flock-owners of the north, who, with one modification, fully approved of every clause. Should this or any other required information be deemed of any service to the Committee, I will be most willing to forward replies or communications as early as possible through the Tenterfield post office.

Thus far it is my duty to state, that three-fourths of the northern flock-owners are in favor of continuing the latest Act, with the specific condition that Catarrh is included in as full an extent as the Scab itself.

D. (1.)

LETTER transmitting Certificate in case of Petition of Mr. A. C. Bartlett.

174, (late 59) Pitt-street,
Sydney, 10 December, 1857.

Sir,

We have to request that you will lay before the Committee, now sitting, to consider the Scab and Catarrh Acts, as required by the Chairman thereof, the accompanying certificate from the Clerk of Petty Sessions at Wee Waa, in support of Mr. Bartlett's evidence, as to his attendance there on a day appointed for the holding of the Court, and there not being two Magistrates present, as required by the present Scab Act.

To the Clerk
of Select Committees,
Legislative Assembly.

We remain, &c.,
JOHNSON & JOHNSON,
Per JOHN W. STREET.

D. (2.)

CERTIFICATE in case of Mr. A. C. Bartlett.

New South Wales, Wee Waa, }
To Wit.

Police Office, Wee Waa,
4 May, 1857.

Mr. Arthur Charles Bartlett has this day made application for compensation for 1927 sheep destroyed under the Scab Act, passed in 1854. No Magistrates present.

R. H. FITZSIMMONS, C. P. S.

I certify that the above is a true copy from the Record Book of the Police Office at Wee Waa.

Wee Waa,
2 December, 1857.

A. C. C. ROSE, P.M.

E.

Analysis of an Act for Preventing and getting rid of Scab and Catarrh in Sheep.

1. Repeals all former Acts.
2. Defines Ovine Scab.
3. Explains what is meant by Ovine Catarrh.
4. Enforces notices to be given, on respectable evidence of any such diseases prevailing, to be given to Clerk of Bench and by the owners of such diseased sheep, posted bill to be put up in three days after discovery. Penalty £100.
5. All contaminated sheep shall be speedily removed half a mile from any public way or boundary thereby and there abide. And all old yards, dung, hurdles, grass, shall be instanter burnt, if possible—under a penalty of £50.
6. Informations of suspected sheep must be sworn before District Bench.
7. Justices may order inspection by District Inspector, the owner being at liberty to choose another person on his part.
8. Malicious informations and false reports punished by fine and imprisonment.
9. Diseased sheep to be immediately melted down or burnt on the camping ground or place whereto removed, within fourteen days.
10. Any one driving diseased sheep without giving intimation that they were or had become diseased, liable in a penalty of £100, or three months.
11. Stray sheep suspected may be without warrant destroyed.
12. Skins may be saved if dried in six days and closely packed up in canvas bales.
13. Diseased sheep unsaleable in any way or sense.
14. Penalty of concealment or obstruction of inspection by owners or others—£100.
15. Travelling sheep open to regular Inspector, and to have certificates of soundness from District Bench or sworn certificate of Inspector and another.
16. Any person found turning loose or in any way exposing the carcasses of diseased sheep, except during the operation preparatory to boiling and burning, shall be fined £150.
17. Imported sheep (all) must undergo six weeks quarantine, at expense of owners, under the eye of a qualified Government Port Inspector, and not to be removed without said Inspector's certificate.
18. District Inspectors to be appointed by the respective flock-owners, who must appoint competent persons to test their qualifications.
19. Each Inspector to reside in central situation, and to have under his charge a nest of plate iron pots, with cart and horses to remove them when required for melting down diseased flocks, at the shortest notice.
20. Owners of diseased sheep bound to give all available assistance to boil down as speedily as possible. Penalty £80.
21. Proceeds after deducting expenses to be handed to the owners.

[Further proceedings stopped by Prorogation.]

1858.

*Legislative Assembly.*NEW SOUTH WALES.

JOHN GIBLETT.(PETITION RELATIVE TO DESTRUCTION OF DISEASED SHEEP.)

Ordered by the Legislative Assembly to be Printed, 23 July, 1858.

To the Honorable the House of Parliament, assembled.

The Humble Petition of John Giblett,—

SHEWETH :—

That your Petitioner was possessed of 1,242 sheep, which he depastured on his farm at the South Creek, in the Penrith District.

That in May 1855, the said sheep became infected with Scab,—that your Petitioner complied with the form of the Scab Act in all particulars, with the exception that in his notices to the neighbours he omitted to state the precise hour of the day at which he intended to commence the destruction of such sheep,—that in consequence of such omission the Penrith Magistrates refused to give the usual certificate.

Your Petitioner therefore prays your Honorable House will afford him such relief as it may see fit.

Your Petitioner would have attended former meetings of Committees, but that all letters or notices have arrived too late to meet those Committees.

Your Petitioner therefore prays that he may be allowed to be heard at such meetings as your Honorable House may appoint.

JOHN GIBLETT.

*Dated Cook's Vale, County Georgiana,
July 5th, 1858.*

1858.

Legislative Assembly.

NEW SOUTH WALES.

SCAB IN SHEEP PREVENTION ACT.

(PETITION FROM CERTAIN COLONISTS.)

Ordered by the Legislative Assembly to be Printed, 17 August, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Colonists, interested in Pastoral pursuits,—

SHEWETH :—

That your Petitioners have viewed with great satisfaction the good effect of the “Scab Act” (passed by the Legislative Assembly of New South Wales) for the prevention of Scab and Catarrh, and which Act has recently expired.

That your Memorialists feel convinced that the re-enactment of the said Act is indispensable, not only to prevent the passage of sheep infected with Scab and Catarrh from one portion of the Colony to the other, but also from Victoria into New South Wales.

Your Memorialists therefore pray that the said Act may be re-enacted without delay, or that your Honorable House will pass a new measure for preventing the spreading of Scab and Catarrh.

And your Memorialists will ever pray, &c.

[Here follow 35 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

DRIVING CATTLE THROUGH MAITLAND.

(PETITION RELATIVE TO.)

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 humble Petition of the undersigned Inhabitants of East and West Maitland,—

SHEWETH :—

That by an Act made and passed by the Governor and Legislative Council of New South Wales, 15th Victoria, No. 9, intituled, "*An Act to prevent Cattle being driven through the Towns of East and West Maitland, except at certain hours*"—it was thereby enacted, *inter alia*, "That no cattle shall be driven into or through any part of the Towns of East or West Maitland, except between the hours of six of the clock in the afternoon and eight of the clock in the morning."

Your Petitioners beg leave respectfully to bring under the notice of this Honorable Assembly, that the hours mentioned in the said Act have been found too limited for the driving of cattle intended for sale or shipment through the said Towns of East and West Maitland, without first entailing considerable additional expense, both on the vendors and purchasers of such cattle, and secondly danger to the public in general.

Your Petitioners respectfully beg leave further to observe, that as regards the public, persons will be exposed to less dangers which may be likely to occur by the driving of cattle through the aforesaid towns if the hours now limited for such driving were altered from the hours of six of the clock in the afternoon and eight of the clock in the morning, to the hours of four of the clock in the afternoon to the hour of eight of the clock in the morning.

Your Petitioners also beg leave to represent that the cattle for sale or exportation as aforesaid have, especially at this season of the year, to be driven through the said towns after dark in the evening, thereby much increasing the chances of any casualty occurring to the inhabitants and others of the Townships of East Maitland and West Maitland.

Your Petitioners therefore humbly pray that your Honorable Assembly will be pleased to take their Petition into your favorable consideration, and to grant your Petitioners such relief in the premises as your Honorable Assembly may deem meet.

And your Petitioners will ever pray.

[*Here follow 58 Signatures.*]

1858.

Legislative Assembly.

NEW SOUTH WALES.

IMPOUNDING BILL.

(PETITION FROM ISAAC SHEPHERD.)

Ordered by the Legislative Assembly to be Printed, 13 July, 1858.

To the Honorable the Legislative Assembly.

The respectful Petition of Isaac Shepherd,—

SHEWETH :—

That your Petitioner is a freeholder of lands, and also a licensed occupier of Crown Lands in the Pastoral District of the Lower Darling.

That your Petitioner having observed the 34th clause in the Impounding Bill now under discussion in your Honorable House, respectfully begs leave to state,—

That your Petitioner's licensed runs are bounded on the Lachlan River, and extending from that river back, and that, generally, your Petitioner's cattle on those runs are compelled to come to that river for water.

That, from your Petitioner's personal knowledge, the line of road generally travelled over by persons travelling with stock, runs nearly parallel with the rivers, and that they frequently allow their stock to trace the river round, to the great detriment and injury of your Petitioner, and many others.

That your Petitioner fears that unless a stringent clause be inserted as a substitute for clause No. 34, in the Impounding Bill, limiting drovers travelling with stock to a reasonable distance,—not more than one-eighth of a mile on each side of the road,—Petitioner's runs, with many others, will be considerably deteriorated in value, and that your Petitioner will sustain great loss and damage.

And your Petitioner further begs leave to express, that he considers it would be an act of injustice towards the owners or occupiers of land, to sanction the appropriation of lands to the use of others that they are paying for, without first affording compensation for any loss that may be sustained.

Your Petitioner, therefore, humbly prays, that your Honorable House will not pass the Impounding Bill, especially clause 34, as proposed, nor sanction any clause in violation of private rights, unless first fully affording compensation for such violation.

And your Petitioner will ever pray, &c.

ISAAC SHEPHERD.

Kissing Point, 21 June, 1858.

1858.

Legislative Assembly.
NEW SOUTH WALES.

IMPOUNDING BILL.

(PETITION FROM IPSWICH AND ITS VICINITY.)

Ordered by the Legislative Assembly to be Printed, 25 August, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of your Petitioners, residents of Ipswich and its vicinity,—

RESPECTFULLY SHEWETH :—

That by the last Census the Police District of Ipswich contained 4,558 inhabitants, residing chiefly in the Town of Ipswich and its immediate vicinity, since which period it has been steadily and rapidly increasing.

That in these districts, to supply this growing population with dairy produce, a large number of cattle are necessarily required.

That a large extent of the surrounding suburban and country lands have been alienated from the Crown, and much of it at rates exceedingly in advance of the upset price.

That the freeholders and occupiers of these farms belong chiefly to the laboring classes.

That, owing to their limited capital, they can only very partially cultivate the lands they hold or rent; and, consequently, that to obtain a livelihood they have to employ their teams as carriers, a part of the year, or, in other cases, conjointly with agriculture, to turn their attention to dairy pursuits.

That there are in this neighbourhood three boiling or steaming establishments, at which large quantities of stock from the interior are boiled down.

That for the carriage of goods to and from the interior a very great number of working bullocks are required.

That from these causes, as well as from the grazing of the milking herds, the pasturage in the neighbourhood of Ipswich is greatly fed down; that, owing to this scarcity of feed, the young stock and dry cattle necessarily stray on to the adjacent runs in search of more abundant food.

That, with a trifling exception, no dairy produce is brought to market from any of these adjacent runs, which are simply occupied as breeding and fattening stations.

That on some of these runs sites of towns have not only been fixed upon, but the plan of them actually laid down, and published.

That from several of these runs stock are being continually impounded, and in one or more instances from portions of them surveyed for sale.

That great injury is hereby done to the stock, in consequence of the overdriving, crowding in stock yards, and the insufficiency of food or water they are subjected to before leaving the stations whence they are impounded.

That, recently, eight head of horses out of a lot of less than forty died from these causes. That the Police Magistrate refused, not only to interfere in this case himself, but also to let the Chief Constable do so; and that afterwards, when a verdict was obtained under the Prevention of Cruelty Act, in each of the three informations filed by a private individual against the defendant in the above case, the Bench refused to grant professional costs, thereby plainly shewing their determination to discountenance as much as possible all similar prosecutions for the future.

That it will be for the social advantage and commercial benefit of the population generally of all the country towns in these districts and their suburbs to abolish the present system of impounding, for its continuance will shortly deprive them of milk and butter, by compelling the small owners of stock to get rid of their cattle, as they will be unable much longer to sustain the heavy pressure which is now brought to bear upon them by the large squatters.

That the small stockholders would gladly pay to Government a capitation tax for the right to graze their stock on Crown Lands, or purchase at Government sales leases of sections, but that under the existing land regulations no provision is made for the former, and that the latter are at present unattainable, from their being so rarely offered for sale, and in such limited quantities.

That a memorial, very numerously signed by the inhabitants of Ipswich and the neighbourhood, chiefly freeholders, in which the evils resulting from the present regulations relating to the leasing of Crown Lands in the Settled Districts were shewn, and praying for a revision of them, was presented to the Governor in Council, in November, 1856, and that an Address was subsequently carried, praying His Excellency to lay a copy of the said memorial on the Table of your Honorable House, and that no relief in reference to those regulations has yet been granted.

Having heard that an Impounding Bill is at present before Parliament, your Petitioners therefore humbly pray that until the Land Regulations have been revised, your Honorable House will be pleased to insert a clause to abolish the right to impound from Crown Lands in the Settled Districts, or at any rate so to modify it that its present unlimited exercise, and the excessive expenses for driving and trespass shall be greatly curtailed, and that the lessees of Crown Lands shall be altogether prohibited from confining in their yards, without the consent of the owners, any description of stock before they are impounded.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 493 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

POUNDS AND POUNDKEEPERS, MORETON BAY.

(RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 15 July, 1858.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 7 May, 1858, That there be laid upon the Table of this House a Return giving the following information in regard to Pounds and Poundkeepers, in or near Ipswich, Warwick, and Drayton, in the District of Moreton Bay,—

“ 1. The particulars of all Cattle, Sheep, Goats, and Swine, Impounded between the 1st of March, 1857, and the 1st of March, 1858; also whether any Deaths occurred in either of these Pounds between those dates, and if so, the cause of such Deaths, and whether any recompense was made to the owners.

“ 2. Whether such Cattle, Sheep, Goats, or Swine, were Impounded for Trespassing on Private Property, or on any Waste Lands belonging to the Crown, occupied under any Lease, License, or other proper authority, with the name of the Proprietor of such Private Property, or occupier of such Waste Lands, and the amount of Money paid to each, distinguishing between the sum charged for Damage and that charged for Driving, also the distance from the Pound where the Trespass was made.”

RETURN of all CATTLE, SHEEP, GOATS, and SWINE, impounded in the Public Pound at WARWICK, from 1st March, 1857, to 1st March, 1858.

HORSES.	CATTLE.	SHEEP.	GOATS.	SWINE.	DEATHS.	RECOMPENSE FOR DEATH.	WHERE IMPOUNDED FROM.	NAME OF PROPRIETOR OR OCCUPIER OF LAND.	CHARGE FOR DRIVING EXPENSES.	CHARGE FOR DAMAGES.	DISTANCE FROM PLACE OF TRESPASS TO POUND.	REMARKS.
....	6,076	Genelg	T. G. Rossiter	s. d. 0 2½	£ s. d. 0 0 0½	60 Miles	The damages charged is at per head.
1	....	....	....	....	....	....	Glengallan	Marshall & Deuchar .....	....	5 0 0	9 "
....	58	....	....	....	....	....	Bodumba	St. Geo. Gore	5 0	0 0 3	50 "
1	....	....	....	....	....	....	Talgui	Hood & Douglas .....	....	....	24 "
1	....	....	....	....	....	....	Rosenthal	Hugh M'Kay .....	....	5 0 0	3 "
22	....	....	....	....	....	....	Do.	Do.	10 0	....	3 "
23	....	....	....	....	....	....	Canning Downs ..	G. & W. Davidson ..	15 0	....	2 "
11	....	....	....	....	....	....	Goomburra	P. Leslie	15 0	....	13 "
9	....	....	....	....	....	....	Canning Downs ..	G. & W. Davidson ..	15 0	....	5 "
1	....	....	....	....	....	....	Goomburra	P. Leslie .....	....	....	13 "
30	....	....	....	....	....	....	Rosenthal	Hugh M'Kay	10 0	....	3 "
....	76	....	....	....	....	....	Canning Downs ..	G. & W. Davidson ..	6 0	....	3 "
....	111	....	....	....	....	....	Killarney	Do.	7 6	....	17 "
1	....	....	....	....	....	....	Canning Downs ..	Do.	10 0	....	3 "
7	....	....	....	....	....	....	Do.	Do. ....	....	....	....
44	....	....	....	....	....	....	Rosenthal	Hugh M'Kay	10 0	....	3 "
6	....	....	....	....	....	....	Maryvale	A. Wienholt	10 0	....	18 "
1	....	....	....	....	....	....	Do.	Do. ....	....	5 0 0	18 "
....	37	....	....	....	....	....	Bodumba	St. Geo. Gore	5 0	0 0 3	50 "

A. WIENHOLT, J. P.,
(For the Bench.)

RETURN shewing the number of CATTLE, SHEEP, GOATS, and SWINE impounded at DRAYTON between the 1st of March, 1857, and the 1st of March, 1858, with other particulars as required by COLONIAL TREASURER'S Letter.

DATE.	NO. AND DESCRIPTION.			Whether Private Property or Waste Lands of the Crown.	Name of Proprietor or Occupier.	Under what Authority held.	Distance from Pound.	AMOUNT OF EXPENSES PAID TO PROPRIETOR OR OCCUPIER.			Death.	Cause of Deaths.	Compensation to Owners.
	Horses.	Cattle.	Other Animals.					Driving.	Damages.	Total.			
								£ s. d.	£ s. d.	£ s. d.			
1857.													
23 March	8	.....	.....	Crown Lands	William Turner	License	14 Miles	4 0 0	.....	4 0 0			
3 April	.....	13	.....	Do.	Arthur Hodgson	Do.	7 "	1 12 6	.....	1 12 6			
May	.....	.....	.....	Do.	Arthur Hodgson	Do.	7 "	0 10 0	.....	0 10 0			
16 June	1	.....	.....	Do.	J. W. McLean	Do.	7 "	4 0 0	0 2 0	4 2 0			
25 "	8	.....	.....	Do.	Frederick N. Isaac	Do.	9 "	0 2 6	5 0 0	5 2 6			
20 July	1 entire	.....	.....	Do.	Do.	Do.	9 "	0 2 6	0 10 0	0 12 6	1 Cow ..	Unknown	
10 August	1	.....	.....	Do.	Do.	Do.	9 "	1 5 0	0 2 6	1 7 6			
3 September	.....	10	.....	Do.	Do.	Do.	9 "	3 7 6	.....	3 7 6	1 Cow ..	Unknown	
5 "	.....	27	.....	Do.	Do.	Do.	9 "	2 0 0	.....	2 0 0			
9 "	.....	17	.....	Do.	Do.	Do.	9 "	3 12 6	0 7 3	3 19 9			
22 "	.....	29	.....	Do.	William Butler Tooth	Do.	22 "	2 15 0	1 2 9	3 17 9			
26 "	11	.....	.....	Do.	Do.	Do.	22 "	0 5 0	1 0 0	1 5 0			
8 "	1 entire	.....	.....	Do.	Do.	Do.	22 "	1 2 6	0 2 3	1 4 9			
8 "	.....	11	.....	Do.	F. N. Isaac	Do.	9 "	.....	.....	.....
30 "	.....	9	.....	Do.	Do.	Do.	9 "	2 7 6	0 4 9	2 12 3			
November	.....	.....	.....	Do.	Arthur Hodgson	Do.	7 "	.....	.....	.....
12 December	.....	19	.....	Do.	Do.	Do.	7 "	.....	.....	.....
1858.													
January	.....	.....	.....	Do.	J. D. McLean	Do.	7 "	1 10 0	0 0 9	1 10 9			
2 February	3	.....	.....	Do.	F. N. Isaac	Do.	9 "	3 5 0	0 6 6	3 11 6			
4 "	.....	26	.....	Do.	Do.	Do.	9 "	2 12 6	0 5 3	2 17 9			
13 "	.....	21	.....	Do.	Do.	Do.	9 "	11 0 0	0 5 6	11 5 6			
28 "	.....	22	.....	Do.	Ralph Gore	Do.	44 "	.....	.....	.....

JAMES HOUSTON,
Poundkeeper.

POUNDKEEPER'S Return from Ipswich.

Date.	Particulars of Cattle Impounded.	Amount charged for Trespass.	Amount charged for Driving.	Distance	Deaths of Cattle Impounded.	The Cause thereof.	Remuneration made to Owner.	Trespass on Private Property.	Name of Proprietor.	Trespass on Crown Lands.	Name of Occupier.	Amount of money paid.
1857.												
12 March	1 horse	0 2 0	0 7 6	3 miles				Private property	Mr. J. Sullivan, Ipswich.			
27 April	black pig	0 5 0		1 "				Do.	Mr. M. Cormac, Little Ipswich.			0 9 6
11 May	9 pigs	2 5 0	0 4 6	2 "				Do.	{ Mrs. Slack, Brisbane Road,			0 5 0
15 June	29 head sheep	0 7 3	1 0 0	7 "				Do.	{ near Ipswich			2 9 6
27 July	91 head of mixed cattle	2 5 6	22 15 0	30 "					Mr. M. Connor, Ipswich			1 7 3
30 August	35 head of cattle			1 "						Crown Lands	Gilchrist & Co., Sydney	25 0 6
30 September	10 head of horses									Streets of Ipswich		
18 November	184 head of cattle	4 12 0	18 8 0	25 "								
2 December	17 head of horses	0 8 6	8 10 0	18 "						Crown Lands	J. Laidley, Esq.	23 0 0
2 "	155 head of cattle	3 17 6	15 10 0	25 "						Do.	George Thorn, Esq.	8 18 6
2 "	25 head of cattle	0 12 6	1 4 0	25 "						Do.	J. Laidley, Esq.	19 7 6
2 "	43 head of horses	1 1 6								Do.	J. Laidley, Esq.	1 16 6
18 "	2 Entires	10 0 0	10 15 0	17 "						{ Crown Lands }	Mr. Wilson.	{ 11 16 6
	7 head horses	0 3 6	2 2 0	32 "						{ under lease. }	Mr. Sterling.	{ 10 0 0
1858.										Do. do.		2 5 6
14 January	281 head cattle	7 0 6	42 3 0	18 "						Do. do.	Geo. Thorn, Esq.	49 3 6
15 "	6 do. died				6 head	Excessive heat of the weather	None.					
16 "	110 do. do.	2 15 0	11 0 0	25 "								
18 "	3 do. horses	0 1 6	1 10 0	32 "						Do. do.	J. Laidley, Esq.	13 15 0
19 "	22 head cattle	0 11 0	4 8 0	12 "						Do. do.	Mr. Sterling.	1 11 6
23 "	12 do. do.	0 6 0	1 4 0	25 "						Do. do.	F. North, Esq.	4 19 0
	3 Entires	10 0 0		14 "						Do. do.	J. Laidley, Esq.	1 10 0
30 "	46 horses	1 3 0	16 2 0	18 "						Do. do.	Mr. Ivory.	10 0 0
31 "	6 head do.	0 3 0	6 0 0	30 "						Do. do.	Geo. Thorn, Esq.	17 5 0
16 February	122 head cattle	3 1 0	12 4 0	25 "						Do. do.	F. Bings, Esq.	6 3 0
										Do. do.	J. Laidley, Esq.	15 5 0
		£ 51 1 3	175 7 0								TOTAL AMOUNT.....£	226 8 3

CHAS. GEO. GRAY, P. M.

EDWARD GALLIERS,
Poundkeeper, Little Ipswich.

1858.

Legislative Assembly.

NEW SOUTH WALES.

SOFALA POUND.

(STOCK SOLD OUT OF SINCE 1852.)

Ordered by the Legislative Assembly to be Printed, 20 April, 1858.

RETURN to an *Order* made by the Honorable the Legislative Assembly, dated 3 December, 1857, that there be laid upon the Table of this House,—

“ A Return of all Horses and other Stock sold out of the
 “ Sofala Pound since the year 1852, with a Statement of
 “ amounts realized in each case, and how appropriated.”

MEMO :—Application for this Return was made to the Bench of Magistrates at Sofala, who report, that “ the Clerk of Petty Sessions is unable to furnish the required information, “ prior to the period of his assuming his present duties, in the month of July, 1856, as “ he cannot trace any records connected with the Pound, left by his predecessor; and “ that it is found, upon inquiry, that the Books of the former Poundkeeper, Joseph “ Shaw, who held the office during the greater part of the period mentioned, and who “ has since left the District, are not forthcoming, and are stated to have been accidentally “ burnt.”

The Return was therefore prepared in the Treasury, but may probably not contain all the Stock sold out of the Sofala Pound since the year 1852.

RETURN of all Horses and other Stock sold out of the Sofala Pound since the year 1852, with a Statement of Amounts realized in each case, and how appropriated.

DATE OF SALE.	DESCRIPTION OF STOCK.	GROSS AMOUNT OF SALE.	EXPENSES DEDUCTED.	BALANCE.	AMOUNT PAID INTO THE TREASURY.	HOW APPROPRIATED.
1853.						
January 1	A chesnut horse	10 5 6	3 6 0	6 19 6	7 0 0	Paid to the Sydney Benevolent Asylum.
" 10	A chesnut mare	3 6 6	3 6 0	0 0 6		
March 3	A bay mare	6 4 0	3 8 0	2 16 0		
" "	A bay colt	8 10 0	3 7 0	5 3 0	12 14 0	Ditto ditto
" "	A dark bay colt	8 5 0	3 10 0	4 15 0		
June 2	A bay mare	8 2 6	3 6 6	4 16 0		
September 3	A bay mare	5 1 0	3 10 0	1 11 0	4 16 0	Ditto ditto
" 7	A grey mare	4 10 0	3 10 0	1 0 0		
1854.						
February	A brown mare	5 12 6	3 9 6	1 3 0	9 9 6	{ £8 6s. 6d. of this amount paid to the claimant, Benjamin Vines.
"	A brown mare	12 16 0	3 9 6	8 6 6		
April 26	A bay horse	5 0 0	3 15 0	1 5 0		
1855.						
January 4	A bay horse	7 10 0	3 10 0	4 0 0	4 0 0	
April 23	A bay horse	5 8 0	3 10 0	1 18 0		
July 31	A bay horse	8 0 0	3 19 0	4 1 0		
1856.						
June 18	A chesnut mare	3 0 0	3 10 6	12 0 0	
" "	A bay mare	7 0 0	3 10 6	3 9 6		
" "	A bay colt	4 0 0	3 10 6	0 9 6		
" 21	A black horse	7 10 0	3 14 6	3 15 6		
" "	A bay horse	7 15 0	3 9 6	4 5 6		

DATE OF SALE.	DESCRIPTION OF STOCK.	GROSS AMOUNT OF SALE.	EXPENSES DEDUCTED.	BALANCE.	AMOUNT PAID INTO THE TREASURY.	HOW APPROPRIATED.
1856.						
June 21	A bay entire horse	3 10 0	6 9 6	.....	
" 18	A bay foal	1 16 0	3 10 6	.....	
October 2	A bay mare	14 5 0	3 14 6	10 10 6		
" "	A chesnut foal... ..	7 0 0	3 14 6	3 5 6		
" "	A brown mare	12 5 0	3 14 6	8 10 6		
					22 6 6	
" 25	A black and white cow	2 15 0	3 14 9	.....	
" "	A red and white steer	2 0 0	3 14 9	.....	
" "	A black and white female calf... ..	0 12 0	3 14 9	.....	
" "	A magpie cow	1 10 0	3 14 9	.....	
" "	A red and white heifer	1 8 0	3 14 9	.....	
" "	A white bull calf	1 7 0	3 14 9	.....	
" "	A white heifer calf	1 8 0	3 14 9	.....	
" "	A red and white bull calf	1 8 0	3 14 9	.....	
" "	A white and dun cow	2 0 0	3 14 9	.....	
" "	A red and white cow	0 5 0	3 14 9	.....	
" "	A brown bullock	1 0 0	3 14 9	.....	
" "	A white female calf... ..	1 6 0	3 14 9	.....	
November 7	A grey horse	17 0 0	4 5 6	12 14 6		
" "	A chesnut mare	15 15 0	4 0 6	11 14 6		
" 15	A brown mare	3 0 0	4 0 6	.....	
" "	A bay horse	10 0 0	4 0 6	5 19 6		
					30 8 6	{ £12 14s. 6d. of this amount paid to the claimant, James Remington.
1857.						
February 13	A light grey horse	5 10 0	4 0 6	1 9 6		
" "	A light bay horse	4 10 0	4 0 6	0 9 6		
					1 19 0	
July 3	A magpie bullock	1 17 6	3 14 0	.....	
" "	A brindle heifer	2 10 0	3 14 0	.....	
" "	A red and white heifer	0 13 0	3 14 0	.....	
November 10	A chesnut horse	10 10 0	4 1 0	6 9 0		
" 13	A brown horse	9 10 0	4 1 0	5 9 0		
					11 18 0	

The Treasury, New South Wales,
18 January, 1858.

RT. CAMPBELL.

1858.

Legislative Assembly.

NEW SOUTH WALES.

MURDERS BY THE ABORIGINES ON THE DAWSON RIVER.

REPORT FROM THE SELECT COMMITTEE

ON *

MURDERS BY THE ABORIGINES ON THE
DAWSON RIVER;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

3 August, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Proceedings of the Committee	8
List of Witnesses	12
List of Appendix	12
List of <i>Separate</i> Appendix	12
Minutes of Evidence.....	13
<i>Separate</i> Appendix.....	55

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 44. TUESDAY, 15 JUNE, 1858.

7. Murders by the Aborigines on the Dawson River:—Mr. Hodgson moved, pursuant to amended notice,—

(1.) That a Select Committee be appointed to inquire into and report upon the murders which have recently taken place on the "Dawson River," with a view to render the working of the Native Police Force more efficient, and with power to send for persons and papers.

(2.) That such Committee consist of Mr. Buckley, Mr. Cribb, Mr. Donaldson, Mr. Forster, Mr. Jones, Mr. Richardson, Mr. Smith, Mr. Taylor, Mr. Robertson, and the Mover.

Debate ensued.

Mr. Parkes moved, That the Question be amended, by the omission of all the words thereof following the words "Dawson River," in section (1), with a view to the insertion in their place of the words "and generally on the state of outrage between the white population and the Aborigines in the Northern Districts."

"(2) That such Committee consist of Mr. Cribb, Mr. Dalley, Mr. Dickson, Mr. Donaldson, Mr. Cowper, Mr. Gordon, Mr. Jones, Mr. Murray, Mr. Smith, and Mr. Hodgson."

Debate continued,—

And the proposed Amendment being, *by consent*, amended, by adding at the end of the words proposed to be inserted in lieu of the words proposed to be omitted from section (1) the words "with a view to providing for the better protection of life and property."

Debate continued,—

And Mr. Hodgson having required, in event of the Amendment being carried, that the Committee be appointed by ballot,—

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

Question,—That in place of the words omitted there be inserted the words "and generally on the state of outrage between the white population and the Aborigines in the Northern Districts, with a view to providing for the better protection of life and property,"—put and passed.

Question,—That a Select Committee be appointed to inquire into and report upon the murders which have recently taken place on the Dawson River, and generally on the state of outrage between the white population and the Aborigines in the Northern Districts, with a view to providing for the better protection of life and property,—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. Cribb, Mr. Donaldson, Mr. Jones, Mr. Cowper, Mr. Buckley, Mr. Forster, Mr. Richardson, Mr. Smith, and Mr. Taylor.

VOTES, No. 57. TUESDAY, 13 JULY, 1858.

1. The House met pursuant to adjournment; the Speaker took the Chair.

Papers:—

* * * * *

4. Mr. Cowper laid upon the Table the undermentioned Paper:—

(6.) Letter from the Government Resident at Brisbane, Moreton Bay, dated 8th July, 1858, enclosing Returns of the expense, strength, and distribution of the Native Police.

Ordered to be printed, and referred to the Select Committee on Murders by the Aborigines on the Dawson River.

VOTES

VOTES, No. 59. THURSDAY, 15 JULY, 1858.

1. Papers:—Mr. Cowper laid upon the Table the undermentioned Papers:—

* * * * *

(3.) Return to the Order, in reference to the dismissal of Mr. Ross, Second Lieutenant of Native Police, made by this House, on motion of Mr. Hodgson, on the 21st May last.

Referred to the Select Committee on Murders by Aborigines on the Dawson River.

VOTES, No. 65. TUESDAY, 27 JULY, 1858.

1. Paper:—Mr. Cowper laid upon the Table a communication from Captain Wickham, Government Resident at Moreton Bay, dated 21st July, 1858, in reference to the Native Police.

Ordered to be printed, and referred to the Select Committee on Murders by Aborigines on the Dawson River.

VOTES, No. 69. TUESDAY, 3 AUGUST, 1858.

7. Murders by the Aborigines on the Dawson River:—Mr. Hodgson, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before the Select Committee appointed, on the 15th June last, to inquire into, and report upon, the Murders which have recently taken place on the Dawson River, and generally on the state of outrage between the white population and the aborigines in the Northern Districts, with a view to providing for the better protection of life and property.

Ordered to be printed.

1858.

MURDERS BY THE ABORIGINES ON THE DAWSON RIVER.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 15th June last "to inquire into and report upon the Murders which have recently taken place on the Dawson River, and generally on the state of outrage between the white population and the aborigines in the Northern Districts, with a view to providing for the better protection of life and property"; and to whom were referred, on the 13th ultimo, a "Letter from the Government Resident at Brisbane, Moreton Bay, dated 8th July, 1858, enclosing Returns of the expense, strength, and distribution of the Native Police"; on the 15th ultimo, a "Return to Order in reference to the dismissal of Mr. Ross, Second Lieutenant of Native Police"; and, on the 27th ultimo, a further "communication from Captain Wickham, Government Resident at Moreton Bay, dated 21st July, 1858, in reference to the Native Police";—have agreed to the following Report:—

Your Committee are convinced, by the evidence of the various witnesses examined, that the murders which have been committed on the Northern Frontier of this Colony may be attributed to those inevitable collisions which take place more or less between the blacks and whites in opening out a new tract of country, aggravated in a great measure by the inefficiency of the Native Police Force, and the mountainous and scrubby nature of the district.

It will further appear that the sudden disbandment of a large portion of the Native Police was a most untoward event, as there is too much reason to believe that the disbanded troopers have been leaders in most of the murderous attacks upon the whites, and to this cause the inefficiency of the Native Police Force, as at present constituted, may be undoubtedly traced. It appears also that the troopers who did such good service from 1848 to 1852, under their late Commandant, Mr. Walker, on the M'Intyre, and other places, were brought from the Murrumbidgee, Murray, and Edward Rivers; and it is conclusive that the conduct of these men was the cause of the force enjoying that high character which it is deeply to be regretted it no longer possesses.

After a careful consideration of the evidence taken, your Committee would submit the following recommendations for the favorable consideration of your Honorable House:—

- (1.) That the Native Police Force, properly organized and well officered, is the force best capable of protecting life and property in the outlying districts; and an attempt to amalgamate white troopers with such a force would probably be futile, as in almost every instance the natives, after perpetrating an outrage, take refuge in the scrubs, which are inaccessible to horses, and where, except in certain instances, none but native troopers could follow and overtake them. To discipline a mixed force of this kind would, moreover, be a difficult task, as considerable jealousy would undoubtedly arise, and would generally result in the white troopers compelling the native troopers to act as their servants, and do all the more menial work.
- (2.) Your Committee would, however, recommend that ten mounted troopers should be immediately forwarded, by steamer, to Brisbane or Maryborough, and there placed under the orders of the Commandant, with instructions to that officer that these men are not to be amalgamated with the Native Police Force,

Force, but are to patrol the districts in two or more parties, more especially in the open country, where they could, from time to time, render good service ; as they are of opinion that the existence of such a force would soon be known, and would act as a salutary check.

- (3.) Your Committee forbear to recommend the supplementing of the present Native Police Force by a Militia of Border Settlers, but would suggest that two sections for the present should be permanently stationed on the frontier, in the neighbourhood of Taroom, under the command of two experienced officers, fully authorised to enter into such offensive or defensive operations as they may consider necessary.
- (4.) Your Committee are of opinion that the system of recruiting in the Northern Districts is most pernicious, and has led, and will continue to lead, to the most mischievous results—wholesale desertion having, in consequence, taken place. All the witnesses agree that troopers should be raised from distant parts of the Colony, not less than 500 or 600 miles away from the district in which they are to act ; and one highly intelligent witness recommends that the troopers should be placed under military law, so that it might be possible in future to keep them under better subordination—a proposal in which your Committee fully concur.
- (5.) Your Committee would further recommend that instructions be immediately forwarded to the Commandant to send a party to the Lower Darling, Edward, and Murray Rivers, with horses and clothing, with the view of recruiting for the completion of the Force without delay.
- (6.) Your Committee are of opinion that the present Commandant should be allowed the opportunity of carrying out the work which, under many disadvantages, he appears to have so well commenced. That the process of reorganization must require time ; for, although much has already been done, a considerable period must necessarily elapse before the Force assumes its proper and most useful element—that of a *preventive* character—sufficiently numerous and active to check and overawe the blacks in their aggressions upon the settlers.
- (7.) No evidence has been adduced to lead your Committee to the conclusion that the Native Police Force cannot be restored to that state of efficiency to which it at one time attained ; and from a perusal of the two letters from the Government Resident at Brisbane, referred for their consideration on the 20th and 27th ultimo, it would appear that the Force has now been increased to the number of 92, and that, consequently, some efforts are being made to revive the corps.
- (8.) By certain returns transmitted in the communication of the Government Resident of the 20th ultimo, the present number of officers, including the Commandant, is shewn to amount to 16, some of whom are apparently useless ; and the services of these should be immediately dispensed with, and the number of officers might thus be reduced to 13.
- (9.) All the evidence taken tends to affirm the fact, that many persons have been injudiciously placed in the force as Lieutenants, by the Government, totally incompetent, from various causes, to render any service ; your Committee would therefore strongly urge that the recommendations of the Select Committee of 1856-7 should be carried out with regard to the appointment and dismissal by the Commandant of all his subordinate officers, and that the Government should interfere as little as possible in such appointments.
- (10.) Your Committee have had under their careful consideration the evidence of the Commissioner of Crown Lands at Port Curtis, more particularly as to the future site of the head quarters of the Native Police Force, but are of opinion that his suggestion cannot be carried out, not only on the ground of expense, but because as the country becomes occupied and the settlers push out, the head-quarters should be moved to the most central place, and ought, therefore, to be only temporary.

(11.)

- (11.) Your Committee are of opinion that the head-quarters of the Commandant of the Native Police should for the present be fixed about 100 miles north-west of Gayndah, on account of its central position as regards the distribution of the Force. The presence of the Commandant at Brisbane appears, however, to be altogether unnecessary; but they consider that the Secretary ought to be stationed there, through whom the correspondence and payments could then be transacted, subject, as at present, to the control and supervision of the Government Resident, who fills the important offices of Treasurer and Paymaster. The greater facilities of communication with Sydney and the Dawson, and the absence of any Banking Establishment at Wide Bay or Port Curtis, induce your Committee to recommend Brisbane as the residence of the Secretary and Accountant.
- (12.) As it is clearly shewn by the evidence that the Native Police Force is no longer required in the Clarence River District, your Committee would recommend the immediate withdrawal of Lieutenant Dempster and his troopers therefrom.
- (13.) Your Committee consider that the pay of the Native Troopers should be increased from 5d. to 8d. per diem; the additional expense to be met by the contemplated reduction of three officers.
- (14.) After carefully perusing the papers connected with the dismissal of Lieutenant Ross from the Native Police, referred for their consideration, your Committee can see no reason to disturb the opinion which has been arrived at by the Executive Government in the matter.

In bringing their labors to a close, your Committee desire to state that they feel satisfied that the efforts now being made are well calculated to allay those feelings of alarm and apprehension which have been so long prevalent in the unhappy district of the Leichhardt; and whilst they repudiate, in the strongest terms, any attempt to wage a war of extermination against the Aborigines, they are satisfied that there is no alternative but to carry matters through with a strong hand, and punish with necessary severity all future outrages upon life and property, in order that the sanguinary conflicts between the native blacks and the settlers may for the future be avoided.

ARTHUR HODGSON,
Chairman.

*Legislative Assembly Chamber,
Sydney, 3rd August, 1858.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 17 JUNE, 1858.

Members Present:—

Mr. Hodgson,	Mr. Jones,
Mr. Cowper,	Mr. Taylor,
Mr. Richardson,	Mr. Cribb,
Mr. Buckley,	Mr. Donaldson.

Mr. Hodgson was called to the Chair.

Committee deliberated as to their course of proceeding.

The Chairman stated that he had requested the Clerk to cause Captain O'Connell, Commissioner of Crown Lands for the Port Curtis District, to be summoned before the Committee as a witness, for *this day*, and that Captain O'Connell was now in attendance in answer to such summons.

Whereupon Motion made and Question—"That Captain O'Connell be now called in "and examined"—*agreed to.*

Captain M. C. O'Connell, Commissioner of Crown Lands, Port Curtis, examined.

[Adjourned till to-morrow, at *Eleven o'clock.*]

FRIDAY, 18 JUNE, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.

Mr. Taylor,	Mr. Jones,
Mr. Cribb,	Mr. Richardson,
Mr. Buckley,	Mr. Forster,

Mr. Forster, a Member of the Committee, examined in his place.

Letter from Mr. William Archer, excusing his attendance before the Committee as a witness, for *this day*, read by the Chairman.

[Adjourned till Tuesday next, at *Eleven o'clock.*]

TUESDAY, 22 JUNE, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.

Mr. Forster,	Mr. Donaldson,
Mr. Taylor,	Mr. Cowper,

Mr. Richardson.

Mr. William Archer, J.P., and Mr. E. M. Royds, J.P., examined.

[Adjourned till to-morrow, at *Eleven o'clock.*]

WEDNESDAY, 23 JUNE, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.

Mr. Forster,	Mr. Taylor,
Mr. Buckley,	

Mr. J. B. Reid, Mr. W. B. Tooth, M.P., and Mr. H. M. Pearse, severally examined.

[Adjourned till Tuesday, 6 proximo, at *Eleven o'clock.*]

TUESDAY, 6 JULY, 1858.

Members Present:—

Mr. Donaldson,	Mr. Foster,
Mr. Richardson,	Mr. Taylor.

Mr. Donaldson, in the absence of the Chairman, was called to the Chair.

The Chairman, expressing his own disinclination to proceed with any business *this day*, in consequence of the death, at an early hour this morning, of the Venerable Arch-deacon Cowper, desired the opinion of the Committee as to the expediency of at once adjourning.

Committee

Committee deliberated, and it was *Resolved* :—

" That this Committee deems it undesirable to transact any business *this day*, in consequence of the demise of the Venerable Archdeacon Cowper, Father of the Principal Secretary, and determines therefore on now adjourning till Friday next."

[Adjourned till Friday next, at *Eleven o'clock*.]

FRIDAY, 9 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.

THURSDAY, 15 JULY, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.

Mr. Cribb,	Mr. Forster,
Mr. Taylor,	Mr. Buckley,
Mr. Jones,	Mr. Richardson.

Mr. Alfred Brown, Mr. W. E. Plunkett, Secretary to the Crown Law Officers, and Mr. W. H. Gaden, severally examined.
Committee deliberated.

[Adjourned till to-morrow, at *half-past Eleven o'clock*.]

FRIDAY, 16 JULY, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.

Mr. Buckley,	Mr. Cribb,
Mr. Taylor.	

By direction of the Chairman, Resolution of the House referring to the Committee, on 14th instant—

" Letter from the Government Resident, Brisbane, Moreton Bay, dated 8th instant, enclosing Returns of the expense, strength, and distribution of the Native Police;—

And on the 15th instant—

" Copies of all Correspondence which has taken place between the Government and the present Commandant of Native Police, as to the suspension or dismissal of Mr. Ross, Second Lieutenant of the Native Police, together with a copy of the Evidence relative thereto, as taken by Lieutenant Murray"—

read by the Clerk.

Mr. Daniel Connor and Mr. John Miller examined.

Committee deliberated.

[Adjourned till Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 21 JULY, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.

Mr. Richardson,	Mr. Forster,
Mr. Buckley,	Mr. Taylor.

The Chairman having laid before the Committee copy of a letter from Mr. Commissioner Wiseman to the Attorney General, dated 29th April last, enclosing the depositions in the case of the murder of four white men by the blacks, and representing the necessity to the Government of affording adequate protection to the stockholders and their men, in the Leichhardt District against the aborigines,—read the same.

Ordered to be printed in Appendix. (*Vide Separate Appendix A.*)

Mr. W. Small examined.

Letter from Mr. E. B. Uhr, excusing his attendance as a witness before the Committee for *this day*, read by the Chairman.

Motion made and Question—" That E. B. Uhr, Esquire, be now summoned before the Committee, as a witness, for Friday next"—*agreed to.*

[Adjourned till Friday next, at *Eleven o'clock*.]

FRIDAY, 23 JULY, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.
 Mr. Buckley, | Mr. Taylor.

Committee deliberated on the correspondence referred to them on the 15th instant, relating to the dismissal of Mr. Rcss.

Deliberation adjourned.

Captain *M. C. O'Connell* further examined.

Mr. *E. B. Uhr*, J. P., examined.

Witnesses withdrew.

Committee deliberated, and it was *Resolved:—*

"That it is expedient to take the evidence of Captain *McLerie* before closing this inquiry."

Motion made (Mr. *Buckley*) and *Question*,—"That the Chairman do now prepare a Draft Report for the consideration of the Committee"—*agreed to*.

[Adjourned till Thursday next, at *Eleven o'clock*.]

THURSDAY, 29 JULY, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.
 Mr. Donaldson, | Mr. Smith,
 Mr. Richardson, | Mr. Taylor,
 Mr. Buckley, | Mr. Forster.

By direction of the Chairman, Resolution of the House referring to the Committee on 27th instant, "A communication from the Government Resident at Moreton Bay, dated 21st July, 1858, stating that by the arrival of fifteen recruits at Brisbane, on the 20th July, the Native Police Force was augmented to 92 troopers,"—read by the Clerk.

The Chairman then laid before the Committee a Draft Report.

Motion made (Mr. *Donaldson*) and *Question*,—"That the Draft Report proposed by the Chairman be now read 1^o"—*agreed to*.

Draft Report read accordingly.

Committee deliberated.

Motion made (Mr. *Buckley*) and *Question*,—"That this Report be now read 2^o, and considered paragraph by paragraph"—*agreed to*.

The Chairman here withdrawing,—Mr. *Buckley* was called to the Chair.

Paragraphs 1, 2, 3, and 4, initiating the Report, read, considered, verbally amended, and agreed to.

Paragraph 5, comprising 1st Resolution, then read, considered, verbally amended, and agreed to.

Whereupon Motion made (Mr. *Richardson*) and *Question*,—"That the consideration of the remaining paragraphs be postponed till to-morrow"—*agreed to*.

[Adjourned till to-morrow, at *Eleven o'clock*.]

FRIDAY, 30 JULY, 1858.

Members Present:—

A. Hodgson, Esq., in the Chair.
 Mr. Forster, | Mr. Richardson,
 Mr. Buckley, | Mr. Taylor.

Committee proceeded with the consideration of the Draft Report, *proposed* by the Chairman.

Paragraph 6, comprising 2nd Resolution, read.

Motion made and *Question proposed*,—"That this paragraph, comprising the 2nd Resolution, stand part of the Report."

Committee deliberated as to the expediency of expunging the portion of this paragraph, which negatives the amalgamation of Mounted Troopers with the Native Police.

Question put.

Committee divided.

Ayes, 2.	No, 1.
Mr. Buckley,	Mr. Forster.
Mr. Richardson.	

Paragraph 7, comprising 3rd Resolution, read, considered, and agreed to without amendment.

Paragraphs 8, 9, and 10, comprising 4th, 5th, and 6th Resolutions, read, considered, verbally amended, and agreed to.

Paragraph 11, comprising 7th Resolution, read.

Motion

Motion made and *Question proposed*—"That the paragraph, comprising the 7th Resolution, stand part of the Report."

Amendment proposed (Mr. Forster)—"That this paragraph be amended by the insertion after the words 'to which it' of the words 'is believed that it.'"

Question put—"That these words be there inserted."

Committee divided.

Ayes, 2.

Mr. Forster,
Mr. Taylor,

Noes, 2.

Mr. Buckley,
Mr. Richardson.

Whereupon the Chairman declared himself with the "Noes."

Original Question then put and agreed to.

Paragraphs 12 and 13, comprising 8th and 9th Resolutions, read, considered, verbally amended, and agreed to.

Paragraph 14, comprising 10th Resolution, read, considered, and agreed to without amendment.

Paragraph 15, comprising 11th Resolution, read.

Motion made and *Question proposed*—"That the paragraph, comprising the 11th Resolution, stand part of the Report."

Committee deliberated.

Question put.

Committee divided.

Ayes, 2.

Mr. Buckley,
Mr. Richardson,

Noes, 2.

Mr. Forster,
Mr. Taylor.

Whereupon the Chairman declared himself with the "Ayes."

Paragraphs 16 and 17, comprising 12th and 13th Resolutions, read, considered, verbally amended, and agreed to.

Paragraph 17, comprising 14th Resolution, read, viz. :—

"Your Committee here feel compelled to allude to the present objectionable system
"of taking up extensive tracts of land without any immediate intention of
"stocking the same; and thus, by keeping the stations so far apart, increasing
"the difficulty of protection, and affording to the blacks greater facilities for
"committing depredations."

Motion made and *Question proposed*,—"That this paragraph, comprising the 14th Resolution, stand part of the Report."

Committee deliberated.

Question put and negatived.

Paragraph struck out accordingly.

Paragraph 18 (now 17), comprising 15th (now 14th) Resolution, read, considered, and agreed to, without amendment.

Concluding paragraph read, considered, verbally amended, and agreed to.

Motion then made and *Question put*,—"That this Report, as amended, be the Report of the Committee."

Committee divided.

Ayes, 2.

Mr. Buckley,
Mr. Richardson,

Noes, 2.

Mr. Taylor,
Mr. Forster.

Whereupon the Chairman declared himself with the "Ayes."

Chairman requested to report to the House.

LIST OF WITNESSES.

<i>Thursday, 17 June, 1858.</i>		PAGE.
Captain M. C. O'Connell, <i>Commissioner of Crown Lands, Port Curtis</i>	.. .. .	1
<i>Friday, 18 June, 1858.</i>		
William Forster, Esquire, M. P.	.. .. .	10
<i>Tuesday, 22 June, 1858.</i>		
W. Archer, Esquire, J. P.	.. .. .	14
E. M. Royds, Esquire, J. P.	.. .. .	20
<i>Wednesday, 23 June, 1858.</i>		
J. B. Reid, Esquire	.. .. .	23
W. B. Tooth, Esquire, M. P.	.. .. .	26
H. M. Pearse, Esquire	.. .. .	29
<i>Thursday, 15 July, 1858.</i>		
Alfred Brown, Esquire	.. .. .	31
W. E. Plunkett, Esquire, <i>Secretary to the Crown Law Officers</i>	.. .. .	36
W. H. Gaden, Esquire	.. .. .	36
<i>Friday, 16 July, 1858.</i>		
Daniel Connor, Esquire	.. .. .	40
John Miller, Esquire	.. .. .	43
<i>Wednesday, 21 July, 1858.</i>		
William Small, Esquire	.. .. .	45
<i>Friday, 23 July, 1858.</i>		
Captain M. C. O'Connell, <i>Second Examination</i>	.. .. .	48
E. B. Uhr, Esquire, J. P.	.. .. .	51
<i>Thursday, 29 July, 1858.</i>		
Captain M'Leerie, <i>Inspector General of Police</i>	.. .. .	54

LIST OF APPENDIX.

(To Evidence given by Captain M. C. O'Connell, on 17 June, 1858.)

APPENDIX A.

Remarks on the formation of a Corps of Mounted Police for service on the Frontier Districts of New South Wales	Page. 7
--	---------	------------

APPENDIX B.

Estimate showing the cost, strength, and establishment of a Corps of Mounted Police for service on the Frontier Districts of New South Wales	9
--	---------	---

APPENDIX C.

Estimate showing amount of preliminary expenses for raising a Frontier Mounted Police Force	9
---	---------	---

(To Evidence given by Mr. John Miller, on 16 July, 1858.)

APPENDIX A.

Remarks on the organization of the Native Police Force, and the general management of the Corps	44
---	---------	----

APPENDIX A.

(To Evidence given by Captain O'Connell, on 23 July, 1858.)

Estimate of expenditure for a Mounted Police Force for the Port Curtis and Leichhardt Districts	51
---	---------	----

LIST OF SEPARATE APPENDIX.

A		Page.
Letter from Mr. Commissioner Wiseman to the Attorney General, dated 29 April, 1858, enclosing depositions in case of the murder of four white men by the blacks, and representing the necessity to the Government of affording adequate protection to the stockholders and their men in the Leichhardt District against the Aborigines	.. .. .	55

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

MURDERS BY THE ABORIGINES ON THE DAWSON RIVER.

THURSDAY, 17 JUNE, 1858.

Present:—

MR. HODGSON,
MR. TAYLOR,
MR. COWPER,
MR. JONES,

MR. RICHARDSON,
MR. CRIBB,
MR. BUCKLEY,
MR. DONALDSON.

ARTHUR HODGSON, Esq., IN THE CHAIR.

Captain Maurice Charles O'Connell, called in and examined:—

1. *By the Chairman*: You are Commissioner of Crown Lands for the District of Port Curtis? Yes. Capt. M. C. O'Connell.
2. You have been there some time? Rather more than four years.
3. You resided previously in the Barnett District? Yes; for five or six years. It is ten years altogether since I first was stationed frontier of occupation. 17 June, 1858.
4. You have had many opportunities of seeing the working of the Native Police Force? Yes.
5. Under Mr. Walker? Under Mr. Walker, and since his removal from the command.
6. *By Mr. Cowper*: In fact, Port Curtis was the head-quarters of the force? No; it never was head-quarters. I had control, when I first went up there, of the detachment that belonged to the Port Curtis District.
7. *By the Chairman*: Do you consider the Native Police Force, as at present constituted, efficient? Certainly not, at the present moment. It is very inefficient. It seems to have broken down from a want of any proper system of organization. When I first saw the Native Police, as originally raised by Mr. Walker, it struck me that he had worked a change and improvement in the aborigines I was hardly prepared to think they were capable of; he had got them into very creditable order; but since his removal from the command, as far as my observation goes, the men are not kept together under proper discipline, or with sufficient obedience to their officers, or even sufficient regard for them. At present it seems almost impossible to keep the newly raised recruits attached to the corps. I believe, in several instances, they have been deserting in considerable numbers.
8. Can you inform the Committee where the recruits come from? I cannot. I know nothing on that point, except from hearsay.
9. Do you think they come from the neighbouring districts, or from remote districts of the Colony? I have understood that some who have been brought to the Port Curtis district were recruited in the Wide Bay district, which is the adjoining one, and these men, very shortly after their arrival on the Fitz Roy, deserted.
10. Do you not think that would be a very probable consequence of their being employed so near their own district? I think it is very difficult to keep aborigines in the neighbourhood of their own tribes.
11. *By Mr. Richardson*: You think recruits should not be obtained from the neighbouring tribes? I do.

Capt. M. C.
O'Connell.

17 June, 1858.

12. Do you think it would be desirable to get them from distant districts, such as the Murrumbidgee and Murray? Yes, or from the Namoi or Gwydir, or other distant districts.
13. Do you think the body can be rendered efficient at all on the present system? I do not think they can, without a considerable change of system.
14. *By the Chairman:* Would you be kind enough to favor the Committee with your ideas as to what is necessary for the reformation of the present system? It appears to me that the great want of the present system is a proper organization. Neither men nor officers are trained to their duty, so as to understand what they have to do when called upon to perform it. The officers have not that control over the men which they ought to have; and there is no *esprit de corps*. The duty is a particularly harassing and unpleasant one, and there is nothing to induce to the zealous performance of it beyond the bare fact of its being a duty.
15. Could you propose any remedy? The only plan which has occurred to me, as one which would be at all likely to be effectual, is that of raising a force under a law which, somewhat on the example of the Mutiny Act, shall compel a due observance of discipline, and prevent desertion. I think, under such a law, there ought to be a number of white troopers enlisted, in the proportion of one white man to two blacks; and in that way an efficient working corps would be created. I do not think the expense would be much greater than it is at present; and a body of men could be thus raised and disciplined who would really be useful.
16. Would you not prefer that the white troopers should preponderate? I would, provided the expense was not considered too great; but I think a force composed of one-third whites to two-thirds natives would be efficient, and, at the same time, much less expensive than a larger proportion of white men.
17. You recommend these proportions solely on the ground of expense? Solely on the ground of expense. In some parts of the country the native troopers are much more efficient than white men would be in following up and punishing the blacks for outrages committed, because they can follow them into the scrubs with greater facility—for instance, the scrubs of the Mackenzie and Upper Dawson; but, in all ordinary cases, I think a corps of white men with black trackers would be the most efficient.
18. *By Mr. Cowper:* In these scrubs you speak of, do you contemplate the Native Police being allowed to penetrate and murder the blacks, apart from their officers? No; I think such a system would be very objectionable. It is frequently the habit of the blacks, when they have committed an outrage or murder, to seek shelter on the border of a large scrub; and when they find themselves attacked they immediately disappear in the interior of the scrub; they have then to be followed, and in the pursuit the natives will, in all probability, get in advance of any white men who may be with them, though I have heard of cases where white men—Mr. Walker, for instance—managed to keep up with them all through the scrub.
19. *By the Chairman:* There are open spots frequently in these scrubs? Yes, often. The Native Police are in the habit of throwing off their clothes and entering the scrub with nothing but their accoutrements—their ammunition and carbine. They have a quicker eye, and they follow the blacks with greater certainty; they pick up a track with a sort of instinct, which guides them unerringly, from early habit, and which the white man does not possess.
20. *By Mr. Cowper:* You have a division of the Native Police at Gladstone, under Lieutenant Murray? Yes.
21. Were they often called out? Not when we first went there. I can tell you what happened when I first went up there, or very soon after Mr. Walker's removal took place. Mr. Murray reported to me that his men were all going away; that they had stated to him their intention of going to see Mr. Walker, and that they were, in point of fact, going to desert.
22. *By Mr. Jones:* Was any cause assigned? They said it was on account of Mr. Walker's removal from the command.
23. *By Mr. Cowper:* On account of their personal attachment to him? Yes; he having raised them. I asked Mr. Murray if he thought there would be any use in my speaking to the men. He said he thought it might have some effect; and I directed him to have his men paraded. I then put on my uniform, and rode out to endeavor to induce them to remain—because it was a matter of serious importance to us at that time, as we were then on an unoccupied part of the coast, surrounded by wild tribes, with a large extent of vacant country intervening between us and the nearest settlements; and had they left us, we should have found it very difficult to communicate with the settled portion of the country. On speaking to the men, I found they stated very reasonably their causes for dissatisfaction. They said they had been promised by Mr. Walker that after a certain time they should be taken back to their own country again to see their friends and relatives, and that they had now been five years in the force, and they were determined to go in. I could not prevail on them to change their intention, until I remarked to them that the country they were serving—it was the time the Russian war had just broken out—was then at war with other white people, and that it was a disgraceful thing on their parts to desert us at such a time. I pointed out that we were then on the coast where our white enemies might attack us, and we might suffer from the want of their aid; and they took the idea immediately, and declared that under the circumstance they would remain, and they even followed me into Gladstone, to express more strongly their determination to do so. I mention this, as I think it a strong proof that these aborigines are capable of generous impulses; and they did remain until about two years afterwards. The force was in the meantime removed from my control; and I may here say, that I think these men were subsequently very unjustly discharged. On the occasion I speak of, I promised them that the Government would find them the means of getting back to their own districts on horseback. I reported this to Sir Charles Fitz Roy, and received a confirmation of my pledge, and yet afterwards that pledge was broken, and the men were discharged to find their way on foot to their own country. I believe they committed many depredations on the road.

Capt. M. C.
O'Connell.

17 June, 1858.

24. *By Mr. Jones*: These men did not desert? No; they were discharged.
25. The Government actually broke faith with them twice, Mr. Walker having, previously to your promise to them, undertaken on the part of the Government to return them to their own country—you have no reason to doubt that statement? No; but I do not think there was any time fixed by Mr. Walker, so that we cannot say it was a breach of faith.
26. Did you ever ascertain from Mr. Walker at what time he had undertaken to return them? No.
27. You yourself, however, gave them a distinct promise, and that promise was never fulfilled? Yes; that pledge was broken. I reported the circumstances to Mr. Parker, who was Colonial Secretary, I think, at the time; but we were so distant, and the correspondence was so long on the road, that it was too late to do anything in the way of remedy by the time it came to a conclusion.
28. *By Mr. Cowper*: Do you know what became of these men? I wrote to the officer at the Condamine, to beg that he would find means of support for them to the extent of £20, pending my reference of the matter to the Government in Sydney, and I would be answerable for that amount myself; but he wrote back to me to say that they had been about his place, and had been committing depredations—that they had fired at a woman, and had been stealing ammunition at the huts; some of them, he said, had joined his force, but had behaved very badly after joining, and he did not know where the others were gone.
29. *By the Chairman*: Do you know whether any personal attachment exists between the present Commandant and his troopers? I have no means of forming an opinion on this point.
30. Do you know the feeling amongst the squatters in the northern districts with regard to the Native Police Force? From expressions I have heard, I believe the squatters, generally, are not satisfied with the working of the corps. I presume they cannot be, for in my part of the country there are no men—or at least not sufficient to be of service.
31. *By Mr. Cowper*: Has Mr. Murray no men with him? I am not sure of the strength of his detachment at the present moment, but for the last two years it has been considerably under its proper number. When I left Port Curtis, twelve men lately recruited had just gone to the Fitz Roy, and I have since heard they have deserted.
32. *By Mr. Jones*: What was the strength of Mr. Murray's force at the time you left? He has had very few men for the last year and a half. I do not think there are more than four or five men at Gladstone now.
33. *By Mr. Richardson*: Have the settlers themselves proposed any plan for the reorganization of the Native Police? I have heard so many different opinions, that I could not say what is the general opinion among the squatters.
34. *By Mr. Cowper*: Have you ever sustained any attacks on the part of the blacks yourself? Never.
35. Have there been any attacks within your district? Within fourteen miles of Gladstone, at Mr. Young's station, they killed everybody on the place except a black boy; and within the last year they killed three men on Mr. Tolson's station, and wounded him.
36. *By the Chairman*: Have you understood that the squatters are not disposed to co-operate with the Native Police? I have never observed anything of the sort myself.
37. Are you personally aware how Mr. Walker is employed at the present time? I am not.
38. *By Mr. Cowper*: Have you considered this matter sufficiently to enable you to make any suggestions to the Committee, which you think would advance the reconstruction of the Native Police Force, or the construction of a force in lieu of it? I do not think it possible to reconstruct the Native Police Force on the present system. I think any such attempt would be likely to end in mischief, from the mixture of the old material with the new. I think, to do anything effectual you must originate a new system; and until the new one can be put in operation, it should be kept entirely separate from the old. To lay down what I believe desirable for a new system, would perhaps require longer time than the Committee are now inclined to afford me; but I may state that I propose to lay before the Committee, at another opportunity, a paper containing a design of that which I suppose to be the best mode of forming another corps. (*Vide Appendix A.*)
39. *By the Chairman*: Leaving expense out of the question, what number of white men would you employ in conjunction with the Native Police, in order to make the force as efficient as possible? Supposing the force to consist altogether of one hundred and twenty men—a number which the last Committee presumed to be sufficient—I should say there should be forty white troopers and eighty aboriginal troopers, independently of staff sergeants, and a number of bat men.
40. You think a force of whites and natives combined in those proportions would work efficiently? I think so; but it must first be properly organized before it is put to work. The great fault of the present system seems to me to be that there is no organization. The men are taken from the bush, and the officers are selected from other walks in life, and the two are put together and told to perform certain duties for which they have had no previous training, and they feel that awkwardness which all men naturally feel who do not understand their duty.
41. *By Mr. Cowper*: Is not the proportion you name, of eighty blacks to forty whites, rather at variance with the idea of using the blacks merely as trackers? I only propose these proportions for the sake of economy; but still I think the intelligence of the whites, combined with the physical force which such a number of natives would give, would make it work as an effective force, and they would be able to accomplish many duties they cannot perform now, such as the execution of warrants, &c. An intelligent white sergeant, with two aboriginal native troopers with him, could perform many duties that half-a-dozen native troopers alone could not perform, and many services which one white constable would not be able by himself to accomplish.
42. *By Mr. Richardson*: Keeping expense out of the question, would it not be as well to have

Capt. M. C.
O'Connell.

17 June, 1858.

have two white men to one black? I think it would be better. If expense is not an object, I think the larger proportion of whites would make it a more effective force.

43. *By the Chairman:* Are you at all aware of the number of the force at present? No, I am not.

44. Are you at all aware of the difficulty the present Commandant has in increasing the force? I am not; but I presume there must be great difficulty in recruiting, from the native troopers being so scarce in the Port Curtis District. In order to induce the men to remain in the service, I think it would be a great advantage to give a band at head-quarters, and all the paraphernalia of a regiment to this corps. Where it is all hard work and no play, you must do something to induce the men to join. It would tend to induce an *esprit de corps*.

45. You have not yourself been resident in any districts where the blacks have been committing outrages? Yes; in the Burnett.

46. Were they very mischievous there at the time of your residence? They killed a number of men in different parts of the district. I think some twenty were killed in the space of five years.

47. *By the Chairman:* Could you give the Committee any idea of the extent of country in length over which you consider a protective force necessary? If I had one of the maps showing the Electoral Districts as proposed, I think I could explain to the Committee what I think are the best positions in which to locate detachments of the force. (*A map being produced, the witness proceeded to point out the various positions which, in his opinion, the force should occupy.*) The country to be protected would be about four hundred miles in length, by about 150 or 200 in breadth. I think there is a very good position for a central depot on the Calliope, where Mr. Walker himself once fixed on a spot for head-quarters. The situation is one from which most of the different districts, now that occupation has progressed to the north, could be relieved periodically with the greatest ease. There might, I think, be out-stations at Taroom, Rannock, the Fitz Roy, Maryborough, Brisbane, Nanango, and at the Condamine—in all seven stations, independently of the central one. The object of the central dépôt is to have some place where the force could be organized—where the recruits could be trained, and from whence relief might be sent to the out-stations as required. It is absolutely necessary, in my opinion, to bring in the men from the out-lying stations to head-quarters at certain intervals, in order that they may have their horses, clothing, saddlery, arms, and so on looked to, and that they may have a certain period of rest. I think also that there should be a system of constant patrolling kept up by all the different sections, so that the blacks in the intermediate country might be kept in awe. That would be likely to prevent a good deal of mischief. I am convinced an efficient system of patrol is the only way to work the force in a proper manner.

48. *By Mr. Couper:* Is it not the fact that these outbreaks are chiefly confined to one district at any one time. For instance, it now appears that the Upper Dawson is the district in which the blacks are most threatening—would it not therefore be better to concentrate in that particular district a powerful force, rather than to have a number of stations scattered over a wide extent of country? The object of a dépôt would be, that you might at once mass a large force on any given point. I propose that there should always be a considerable number—say thirty men—at head-quarters, and in the event of outbreaks similar to that on the Upper Dawson, the whole of these men could be moved to the spot at once, and other parties might likewise be moved towards the same point. In this way a large amount of force could be brought to bear on any disturbed district, until the outrages had been put an end to.

49. *By the Chairman:* Your plan would involve the erection of barracks? At the head-quarters, certainly.

50. Not at the out-lying stations? I am not prepared to say that. I think the officers ought to have quarters; it is hard work for Europeans to compel them to sleep out every night, year after year.

51. Are they not well received at the different stations? Yes, I believe they are; but I think it would be as well they should stop with their men.

52. Do you think the amalgamation of white and native troopers would bring about much jealousy on the part of the latter? I think not.

53. Not even though the white men should be made sergeants and leading men in each division? I think not. They would, of course, require selection. It would be necessary to make a selection of those who were best adapted by nature to govern and lead the blacks. It is not every man who is fitted by disposition and intelligence to command the respect and attention of the blacks.

54. Do you consider the number of officers now employed—seventeen—excessive or not? They would be decidedly too many under the system I recommend. But I recollect now that most of the officers at present are merely substitutes for sergeants. The men formerly employed as sergeants were found to be of such bad character that it was difficult to keep them in order, as they were not enlisted under any law; and one of the Commandants—I think Mr. Marshall—fancied it would be better to get young men of education, who should be called officers, but do the duty of sergeants. Under that view there are not too many.

55. Can you tell the Committee whether that idea of Mr. Marshall's has been carried out with any effect? I think not. I do not think it has answered the purpose.

56. *By Mr. Jones:* Have you ever been concerned with black troopers in any engagement with the aborigines? No.

57. Have you ever heard any statement, on authority on which you can rely, as to the general conduct of the black troopers when they have been engaged with blacks who have committed depredations—I mean as to whether they exhibit undue ferocity? I do not believe they are at all imbued with any feeling of humanity, as far as consideration for human life is concerned.

58. You do not believe they would act with the same circumspection in a case of that kind that

that the white troopers would? No; I believe they are quite beyond the control of their officers when once let loose.

59. You think in engagements of this kind the black troopers would take life more recklessly than white troopers would do? I think so.

60. Do you think they would exercise any discrimination between the males and women of the tribes on whom they make attacks in these cases? I cannot give an answer on that point from any personal observation. I do not know whether they would themselves have any hesitation in sacrificing the lives of females; but I incline to think they would avoid doing so.

61. *By the Chairman:* Do you not know that in the skirmishes which do take place the black women are invariably saved—that they are not killed except by accident? I believe that where it is possible the women are saved; but in an indiscriminate attack they may accidentally get shot.

62. *By Mr. Jones:* Do you think the native troopers would, as white men would do, avoid destroying the women in such a case? I think they would. I do not think they would voluntarily shoot the women.

63. But you believe that, as compared with white men, they would be reckless in taking the lives of the male blacks? Quite so. I do not think they ought to be trusted by themselves.

64. You think it would not be safe to employ them, unless in conjunction with a sufficient number of white men to keep them in check? Just so.

65. *By Mr. Richardson:* You think it undesirable that the blacks should preponderate so much as they do? Decidedly.

66. *By Mr. Jones:* What is the ordinary conduct and demeanor of the native troopers towards the neighbouring tribes when not actively engaged against them? I think, whilst under control, their conduct is very good; but if not restrained, I believe they would seize upon the women of the neighbouring tribes, and would in a very short time become exceedingly troublesome in consequence. I had an instance of the sort myself; but I put a stop to it at once. When I first allowed the wild blacks to come into my camp at Port Curtis they soon complained that the Native Police had taken one of their women. It caused great excitement amongst them, and I immediately rode out to the police camp, and requested Mr. Murray to parade his men. When that was done I told them the woman must be returned by sundown. Mr. Murray's men indignantly denied that they had had anything to do with it, but said the woman had been taken by a trooper who had come down on escort from Rannes; and they promised they would have the woman returned, which they did.

67. Do you think that, with regard to the women, there would be any material difference between the conduct of the black troopers and of the white troopers—that the conduct of the blacks would be worse than that of the whites under the like circumstances? I think so, decidedly. It would be more easy to keep white men under control in that matter.

68. Taking into consideration the average character of the officers whose services we may expect to secure, do you think it possible to ensure a proper state of discipline where the force consists exclusively of native troopers? I should say it is very difficult to do so; there are few men I should consider competent to control such a force.

69. It would, I apprehend, be much easier to insure a proper state of discipline in a force composed mainly of whites, than in one consisting entirely of blacks? Of course; but there must be a stringent law to govern even the whites.

70. With or without such a law it would, as a rule, be easier for the officers to manage whites than to manage blacks? That would depend a good deal on the temptation to which they are subject. I think a number of white men collected together under circumstances of temptation, without a law to govern them, subject merely to their own ideas of right and wrong, with no penalty but dismissal, would be rather more difficult to retain under any strict discipline than a similar number of blacks.

71. But, under such a law as you speak of, you think there would be comparatively little difficulty in managing a force of white men? Quite so.

72. While the management of the blacks would depend on the tact and skill of their officer? Entirely on his personal character.

73. What do you regard as the relative value of white and black troopers in a case of this kind:—Say it requires a force of one hundred blacks for the protection of a certain district, what number of white men would you consider equal to the same amount of duty? I do not think any great difference could be made in the numbers, because having in all these cases a large tract of country to cover, you would, I think, require nearly the same number of one description as the other.

74. In the event of disturbances leading to engagements with the wild tribes, would you not consider a force of ten white men equal to the work of twice that number of blacks? You mean blacks by themselves?

75. Blacks, with one white officer to lead them. Would not an officer go into an engagement with ten white men with the same confidence as with double the number of blacks? I think not in these peculiar districts. I think an officer accustomed to the blacks would feel himself quite as confident as if he had an equal number of whites.

76. Then, if the character of the force be changed by the introduction of a larger proportion of whites, you do not think it would be wise to diminish the total number of the force on that account? I think not. The amount of physical force required to bring an engagement to a successful issue would be much the same, whether whites or blacks be employed; but the introduction of a larger number of whites into the force would make it more efficient by increasing its moral power; because the whites could perform many duties which require a certain amount of intelligence and education, but to which blacks alone would be quite incompetent. For instance, one white man and two blacks would make an efficient patrolling party; but you could hardly trust three ordinary black troopers by themselves as a detachment for a similar purpose.

Capt. M. C.
O'Connell.
17 June, 1858.

77. *By Mr. Cribb*: Do you not think a force of eight white troopers, with two blacks as trackers, would be more efficient than an ordinary troop of twelve black troopers with one officer to lead them? They would be more efficient for many purposes, but for the purpose of following up and punishing blacks who had committed outrage, I do not think they would.
78. Would they not be more under control? If you are talking of the force as it at present exists, I grant that the whites would be more efficient; but if the black troopers were under a proper system, and as well disciplined as they should be, and certainly were under Mr. Walker, I think twelve of these would be as efficient for that particular purpose as eight whites and two black trackers.
79. Taking the force as it at present exists, would not eight whites and two blacks be more efficient than twelve blacks under their present officers? Decidedly more efficient than the present force.
80. *By Mr. Jones*: Do you not think the black tribes would stand more in awe of a force composed mainly of white men? No; they are desperately afraid of the Native Police.
81. *By Mr. Buckley*: Do you think white troopers would be able to follow the blacks through scrubs of the same density as black troopers would get through after them? No; I say they would not in that peculiar country.
82. In attacking the blacks, it frequently happens that the Native Police are obliged to penetrate dense scrubs, for which purpose they strip themselves of everything, merely taking with them their arms and ammunition—would white troopers be in a position to follow the blacks with the same facility through these scrubs? I do not think they could get so rapidly through the scrubs.
83. Could they get through at all? Yes, with black troopers with them, as I propose.
84. *By Mr. Jones*: What is the state of feeling among the blacks, are you aware, as compared with what it was a few years ago—are they less afraid of the whites than they were prior to the disorganization of the Native Police Force taking place? Judging from the frequency of outrages and murders on the Dawson, I should be inclined to believe they are less afraid of the whites than they were, and less under awe of punishment than they used to be.
85. Do you think that feeling is an increasing one at the present time? I have no grounds upon which to offer an opinion on that point.
86. I presume the blacks are still very numerous in the Northern Districts? Yes.
87. Supposing this feeling of boldness were to grow on them, and lead to its natural consequences, do you not think it would require considerable expenditure of life and money to restore the state of things that now exists in those districts? Yes; I have no doubt of it.
88. Then you think it better to take effective measures at once, to convince the blacks that any country the white people once take up they will keep? Yes; no doubt of it. The wisest and most humane system is at once to cause prompt punishment to follow all outrages.
89. Do you think it possible that result can be arrived at, with the Native Police Force as at present organized? I think not.
90. Then you believe it is absolutely necessary to reorganize this force without delay? Yes.
91. *By Mr. Donaldson*: Public attention has been lately drawn to some very remarkable circumstances, namely, that the blacks in the Northern Districts, especially those about the Dawson, not only travel by night, and fight by night, but that the men separate from the women; and that tribes supposed to be hostile combine their fighting men for the purposes of aggression—have you in any way noticed these peculiarities? The combination of the tribes is new to me, and if it be true, it is a very dangerous feature in their character.
92. You do not know that it is so? I do not.
93. With regard to leaving their women? That I have seen—at least I know they do it when going to their own robberies.
94. Do you know anything about their attacking at night? That they do.
95. That is a new feature, and a very dangerous one? It is. Formerly it was understood that superstition prevented them from attacking at night; and they must either have outgrown that superstition, or these must be tribes that are not subject to it.
96. *By the Chairman*: Can you tell the Committee the amount of pay received by the Native Troopers? I think it is eighteen-pence a day, to cover their feeding and clothing.
97. Should you recommend a difference of pay between the white and native troopers, on the new system you propose? Decidedly. I assume that the native trooper should get his eighteen-pence a day, as at present, and that the white trooper should get three shillings and sixpence a day, and rations.
98. Do you anticipate that any feeling of jealousy would exist on account of the difference of wages? I think not at all.
99. Would you recommend, as an immediate remedy, to prevent any more murders on the Dawson River, that a body of white troopers should be sent up, if possible, from Sydney? Doubtless that would be the best mode of providing for the present emergency that could be adopted, if they were men fitted for the bush.
100. *By Mr. Richardson*: Would it not be desirable that they should be men accustomed to the bush? Decidedly it would be an advantage; but under the plan I was sketching an idea of, they would all undergo a training at head-quarters before being put to active service in the different districts.
101. Supposing a number of Captain McLerie's men were sent, do you think they would be efficient at first? They would soon get into working order, if well commanded.
102. *By Mr. Buckley*: From your own knowledge of the disposition of the aborigines, should you imagine that these murders on the Dawson have been committed in consequence of too much freedom having been permitted with the blacks? I have never seen the blacks do mischief without some previous injury being inflicted on them by the whites.
103. Are you aware whether there was any thing of the kind in these cases? No.
104. But, from what you know of the blacks, you do not think they are likely to do it wantonly? As far as I have any knowledge of them, I should think not.

105. *By Mr. Tuglor*: Do you think the Commandant should habitually reside at the dépôt? After he has once formed his corps he would be at liberty to move about, and should do so occasionally; but at the commencement I think his presence would be absolutely necessary at the head-quarters, as he himself would be the very soul of the system to be established.
106. *By Mr. Buckley*: I think you stated that Maryborough would be a good station for a detachment of this force—do you not think Gayndah would be better? No; the blacks are more troublesome, and very numerous, at Maryborough. At Gayndah they have never been troublesome.

Capt. M. C.
O'Connell.
17 June, 1858.

APPENDIX A.

Remarks on the formation of a Corps of Mounted Police for service on the Frontier Districts of New South Wales.

1. There can be no doubt of the vast importance to the Northern Districts of this Colony, and to its pastoral interests generally, for the disposal of whose surplus stock these districts now form the chief outlet, of devising and carrying into execution, with as little delay as possible, some more efficient system for the protection of life and property against aboriginal outrage than any which is now in operation.
2. I have therefore much pleasure in laying before the Committee on Aboriginal Outrages on the Dawson River, in accordance with the promise I made when under examination, a carefully-prepared memorandum of what appears to me the best mode of providing a force adequate to the task of affording police protection to the frontier and disturbed districts.
3. I believe the fundamental error in the constitution of the Native Police Force as it now exists, and the cause of its consequent inefficiency, to be the want of primary organization—that is to say, the institution of the corps without any organized and arranged system for its government and discipline, as well as the absence of any method in the drill and training of the officers and men who compose it.
4. The mere clothing and arming a certain number of undisciplined men, be they either whites or blacks, is not a sufficient preliminary precaution before you call upon them to perform duties which, alike important and arduous in their nature, require also skill and intelligence in their execution. It appears to me that all who, either as leaders or followers, are liable to be placed in such a position ought undoubtedly to be thoroughly grounded in a knowledge of the work they have to perform; and that such has not been the case with the Native Police, is in my eyes quite a sufficient reason to account for the failure of that experiment, notwithstanding the undoubted zeal and desire to succeed of many of the gentlemen appointed as officers.
5. The great objects to be held in view in the organization of a body of armed men intended to act in concert for the accomplishment of any particular purposes are, in the first instance, to render each individual member of the force as expert in the use of the weapons entrusted to him as he is capable of becoming, and then, by establishing a system of united action, to give to the whole body a cohesion which shall make its operations the result of regulated efforts and not of occasional and isolated impulses—in fact, to establish individual efficiency and combined discipline.
6. But to accomplish these ends it is absolutely necessary men should be brought under some more stringent laws than those which enforce the fulfilment of civil contracts; and as a preliminary measure to the organization of any armed force, laws should be passed authorizing enlistment, constituting tribunals for the trial of offences, and enacting summary punishments for infractions of discipline, and crimes which are more dangerous to the community when liable to be committed by men with arms in their hands, and assembled together in large numbers, than when springing from the actions of isolated individuals amongst the masses of society.
7. For the particular purposes under the consideration of the Committee also, there ought to be a law empowering the Executive Government to proclaim any particular district in which frequent outrages occur as a “disturbed district,” and to institute therein some more summary process for the trial and punishment of crimes of violence than a resort to the ordinary tribunals of the country will allow.
8. With these protections from the Legislature—and I confess I think them very necessary ones—I apprehend there would be little difficulty in organizing an efficient force for the purposes contemplated by the Committee—the said force to consist of an admixture of Europeans and Aborigines, in such proportions as may be determined on.
9. In accordance with this view of the nature of the Force to be instituted, I have drawn out and append a detailed and numerical return of its strength and organization, and I add estimates of the probable amount of expenditure.
10. I have already stated that I believe the great cause of the inefficiency of the Native Police, as now constituted, to be its want of organization and training; and I would here impress upon the consideration of the Committee the absolute necessity of giving to any body of men raised either to supplement or supersede that Force, time and opportunity to be brought together, trained, and organized, before being called on to enter on their duties; and I should say, considering the small numbers to be drilled and disciplined, six months from the time the recruits are brought together might be the period allowed for this purpose.
11. A primary consideration, also, with reference to the future efficiency of this Force, will be the choice of the localities in which recruiting for aboriginal troopers is to take place; and I would recommend recourse should be had to districts as far removed as possible from those in which the men are to be called upon to serve. I believe the Namoi, Gwydir, and older settled western country generally, would afford the best description of recruits.

Capt. M. C.
O'Connell.
17 June, 1858.

12. With regard to the European troopers, they must of course be, in the first instance, obtained in Sydney; and so soon as a sufficient number are engaged, I would recommend their being despatched by sea to the spot which may be determined on as the central depôt for the corps; and I would suggest for this purpose the neighbourhood of Port Curtis, on the banks of the Calliope River, as strategically the best point to select, and as affording many facilities for the transport of supplies; it being quite possible to choose a spot having, with every other advantage of soil and situation, water carriage to the very depôt itself.

13. The place having been decided on, no time ought to be lost in commencing the erection of the necessary buildings, and fencing in about 2,000 acres of land.

14. This being the central depôt of the corps, all horses purchased will have to be brought there in the first instance, to be broken in and trained; all horses sick or disabled will be left there for treatment or recovery; and detached sections will occasionally be brought in to recruit the condition of horses overworked and requiring rest. For these purposes, and to prevent the straying of horses to be an impediment to operations when a party happens to be suddenly called on for duty, I think the provision of a few good paddocks absolutely essential, and I propose 2000 acres as affording pasturage for about 200 horses.

The buildings which would be required would, I presume, be nearly as under:—

One Commandant's quarters.

Six Officers' quarters, with mess-room and kitchen.

Barrack accommodation for about 60 men, with hospital.

Stabling for, say 30 horses; and

A guard-house and cells.

But as these needs only be constructed of cheap materials (slabs and shingles) I have no doubt the entire expense of buildings and fencing would not exceed £5,000.

15. Whilst these buildings are in course of construction, the organization and training of such men as had been engaged could be going on—they being under temporary huts in the meanwhile; and as successive drafts of aboriginal recruits could be obtained, I would propose they likewise should be forwarded *via* Sydney to their destination by sea.

16. The Committee will perceive I have included in my estimate an expenditure on account of a band for this force; and I will explain why I consider this necessary.

17. It must be recollected that the duty on which these men are to be engaged is of the most monotonous description, entailing much fatigue, discomfort, and privation; that a great deal of that duty, and a very important portion of it, viz., the patrols, has to be performed by small sections of the corps, released from all observation of their superiors; and that it is of the highest importance, to ensure the diligent performance of its duties, to create in this body of men an *esprit de corps*. In fact, to lead each individual member of it to feel and act as belonging to a body whose general character he knows to be affected by his conduct.

18. Now, to create this feeling, and train it to its best uses in incitement to a zealous discharge of duty in support of the character of the corps with which the individual is connected, it is necessary to give him some pride in the connection itself—some idea he belongs to a body whose services are important to the public; and with a corps such as that I am now contemplating the formation of, I know of no measure I could suggest as more calculated to produce the desired effect than that of attaching a band to its head-quarters.

19. The depressing influence of a monotonous routine of duties carried on from year's end to year's end, in the most desolate and thinly peopled portions of the country, ought likewise to be taken into consideration, as the most energetic individual organization is liable to become broken down and stale under such a pressure. I believe the stimulus given to the spirits of the men by marching out a section to its bush duties, or marching one in for occasional rest or relaxation, with a band of music at its head, would do more good in the maintenance of discipline and zeal than would a whole volume of written commendation, or an hour's verbal praise.

20. I think also a band would have a great attraction for the blacks, and render recruiting much more successful. But although I look upon the expense as not to be weighed in the balance with the good which may be anticipated from this measure as a means to an end, this item can be struck out of the estimate, without directly affecting the other portions of it, if the Committee see fit so to do.

21. I must remark, likewise, that I have provided, on "the establishment of the corps," for fifteen supernumeraries (dismounted)—whom I mean as "men in training to supply vacancies," "Officers servants," and generally to perform any services which might otherwise withdraw effectives from field duties.

22. The total annual expense, therefore, of this Force, according to my estimate, would be about £16,446 7s 6d., irrespective of the pay of the Commandant, which I have not included, as its amount would have to be decided on by Government, under many considerations I am unable to take into account; but whatever this item may be fixed at, it is evident that even with an improved constitution of the Force, by the reversal of the proportion I have taken of Aborigines to Europeans, and employing eighty of the latter to forty of the former, the annual expenditure may yet be kept a good deal within £20,000, and the Colony be provided with a body of men in every way adequate to the performance of their duties, and who would form a nucleus for extension in the event of any sudden emergency requiring us to arm hastily for defence against hostile attack from without.

23. I have added, also, an estimate of the preliminary expenses which will unavoidably have to be incurred ere the Force can be brought into working order; and it only remains for me to point out that, in the event of any such plan as that I have suggested being adopted, it would be necessary to make provision for the gradual absorption of the officers and men of the present Native Police into the new corps.

M. C. O'CONNELL,
June 24th, 1858.

APPENDIX

APPENDIX B.

PROPOSED Strength and Establishment of a Corps of Mounted Police for service on the Frontier Districts of New South Wales.

Capt. M. C.
O'Connell.

17 June, 1858.

Regimental Staff :—

1	Commandant ... ..	...	...	...	...
1	Adjutant and Riding Master, per annum	...	...	...	365 0 0
1	Paymaster,	"	...	...	365 0 0
1	Surgeon,	"	...	...	365 0 0
1	Sergeant-Major,	"	...	...	150 0 0
1	Saddle Sergeant,	"	...	...	120 0 0
2	Farrriers, at 3s. 6d., per diem, each	...	...	...	127 15 0
4	Rough-riders. do. do.	...	...	...	255 10 0

Establishment of 2 Troops or Divisions of 60 effectives each, irrespective of Non-commissioned Officers and Supernumeraries:—

2 Officers commanding divisions, £450 each	...	...	900	0	0
4 Subalterns, at £300 each	...	...	1,200	0	0
2 Troop Sergeant-Majors, at £120 each	...	...	240	0	0
2 Pay Sergeants,	...	...	240	0	0
40 European Troopers, at 3s. 6d. per diem, each	...	...	2,555	0	0
15 European Supernumeraries, do. do.	...	...	1,058	2	6
80 Aboriginal Troopers, at 1s. 6d. do. do.	...	...	2,190	0	0
Extra pay of 1s. per diem to 20 Sergeants	...	...	365	0	0

Total of Pay	£10,496 7 6
---------------------	-------------

Band:—

1 Bandmaster, and 12 Bandsmen	1,090	10	0
-------------------------------	-----	-----	-----	-----	-------	----	---

Contingent Expenses :—

80 Rations—allowance in lieu of, at 1s each, per diem...	...	1,400	0	0
Annual Clothing, say...	...	1,400	0	0
Remounts and Contingencies...	...	1,000	0	0
Forage	...	1,000	0	0

16,446 7 6

Extra expense of 40 Europeans in lieu of 40 black troopers...	1,490	0	0
---	-------	---	---

£17,936 7 6

APPENDIX C.

ESTIMATED amount of preliminary expenses in raising Frontier Mounted Police.

Purchase of Horses	5,000	0	0
Recruiting Expenses	2,000	0	0
Buildings and Fences	5,000	0	0
Arms and Accoutrements	2,000	0	0
Forage, first year, extra	2,000	0	0
Six months Pay and Allowances, say	8,000	0	0

£24,000 0 0

MEMO.—Say this expenditure amounts to £30,000. I think it might be very properly covered by a loan, to be raised for this purpose; and which loan might be gradually paid off by a light assessment on the property to be protected.

Probable distribution of Frontier Mounted Police, for 1858.

STATIONS.	Commandant.	Staff Officers.	Officers.	Staff Serjeants.	Troop Serjeant Majors.	Troopers.	Super-numeraries.	Band.	Farriers	Rough Riders.	TOTAL.
1. Head Quarters	1	3	1	4	...	30	10	13	2	4	68
2. Taroom .....	...	...	2	...	1	20	2	...	...	...	25
3. Condamine .....	...	...	...	...	...	10	...	...	...	...	10
4. Rannets .....	...	...	...	...	...	10	...	...	...	...	10
5. Nanango .....	...	...	1	...	1	10	1	...	...	...	13
6. Maryborough .....	...	...	1	...	...	10	1	...	...	...	12
7. Brisbane .....	...	...	1	...	...	20	1	...	...	...	22
8. Fitz Roy .....	...	...	...	...	...	10	...	...	...	...	10
TOTAL.....	1	3	6	4	2	120	15	13	2	4	170

Under ordinary circumstances, each detachment would be four months at Head Quarters, and eight months at out-stations, during the year.

FRIDAY, 18 JUNE, 1858.

Present:—

Mr. HODGSON,
Mr. JONES,
Mr. TAYLOR,

Mr. FORSTER.

Mr. RICHARDSON,
Mr. CRIBB,
Mr. BUCKLEY,

ARTHUR HODGSON, Esq., IN THE CHAIR.

William Forster, Esq., M.P., a Member of the Committee, examined in his place:—

- Wm. Forster, Esq., M.P.
18 June, 1858.
1. *By the Chairman:* I believe you were resident for some time in the Northern Districts? I was a resident in the Northern Districts for thirteen or fourteen years—about eight years on the Clarence, and five or six at Wide Bay.
 2. During that time, I presume, you had many opportunities of knowing the manners and customs of the aborigines? Yes; not only from my residence there, but through my intercourse with the natives in other parts of the Colony, I have a tolerable knowledge of their manners and customs.
 3. You have heard of the murders that have recently been committed in the Northern Districts? Yes; I may say they are notorious. I have learnt them from the newspapers, and also from conversation with gentlemen from that quarter.
 4. To what cause do you attribute those murders? I should say murders of that kind must always be expected on the frontier of a Colony like this, more or less. The great number of murders committed recently may be owing to peculiar causes; but that murders must occur in taking up new country, by collisions between the whites and the aborigines, is a necessity almost of that sort of colonization.
 5. Do you not attribute these numerous murders to the inefficient state of the Native Police? I should not be inclined to come to that conclusion without being on the spot, to feel certain of their being caused by the inefficiency of the Native Police; because I am satisfied that, no matter how you organize any force on the border, enterprising men, induced by the large profit, or appearance of profit, held out in undertakings of the kind, will always go beyond any protection the Government can give them; and, in that case, murders will be committed by the natives, and upon the natives, in spite of any force you can organize. It appears to me, however, that the number of murders that have recently occurred on the Upper Dawson are rather more than we should be warranted in expecting under the circumstances; and I should be inclined to draw the conclusion from that, either that there is some want of efficient protection, or that the squatters have been led to rely on the Native Police more than they ought to do. But it is difficult for any one at this distance to come to the conclusion that the inefficiency of the force is the actual cause of the murders, without knowing more of the circumstances. It seems to me, that the circumstance to be taken into consideration, is the relative proportion of these murders to what we may expect. I believe some murders must occur; but there seems to have been a large number of murders lately, and certainly a larger number than generally occur in other places.
 6. Were the Native Police in the Northern Districts when you were residing there? Yes.
 7. Who was the Commandant then? Mr. Walker.
 8. Was it an efficient force at that time? I should say it was certainly not an efficient force, in this sense, that it did not seem to me to do all the good that might have been done with it; but I should be sorry to say it did not do some good, for I believe almost the most inefficient force that you can have will to a certain extent control the outrages of the natives. But I believe that force has never been, properly speaking, efficient; I believe it has never done as much as might reasonably have been expected from the amount of money expended upon it.
 9. Could you suggest any improvement in the formation of the force? I consider that one of the most difficult questions we have to deal with is, the mode of rendering a force of that sort efficient. I believe one reason of its inefficiency is, in some degree, (I may say this is a conclusion at which I have arrived on reflection,) attributable to the peculiar character of the first Commandant, and the difficulty of supplying his place with another man of his peculiar characteristics. He was, I believe, a man of some natural ability, but I think his talent in dealing with these blacks has been somewhat overrated; because it appeared to me that his control over them was owing rather to his having lived on familiar terms with a large number of the men under his command in other districts before they were enlisted in the Native Police.
 10. To what part of the Colony do you allude when you say Mr. Walker lived with these men on familiar terms? He was resident in the south-western districts—in the districts, I believe about the Edward River; and there he had the means, for a long time before he was appointed to the office of Commandant, of becoming very familiar with the particular individuals who were appointed to his force. I do not want to deny his talent; but I think his influence over the men composing the Native Police Force arose a good deal from his previous acquaintance with the individuals who were then appointed to his force. They, no question, had acquired a certain respect for his character, and received commands from him which were carried out without any derogation from his authority, notwithstanding the familiar terms on which he lived with them. From what I have gathered of his dealing with these natives, it would appear that Mr. Walker was extraordinarily familiar with them. He was more familiar than we should consider it right to be with servants, for instance—he treated them almost as friends; and thus, when he was removed from the force, there arose a peculiar difficulty in supplying his place. He was dismissed, no doubt, quite rightly by the Government; for, notwithstanding his abilities, his conduct was such that no Government could have retained him in office with any propriety. My belief indeed is, that they grossly neglected

neglected their duty in not having dismissed him three years before. For the reasons I have stated, I infer that the terms on which he lived with these natives placed a peculiar difficulty on the officers who came into the command afterwards. They found themselves unable to enforce their authority over men with whom they were unacquainted individually. They had been accustomed to notice the familiar terms on which Mr. Walker lived with the men, and they, in most cases, fell in to the error of carrying on the same familiar intercourse; but, owing to their being deficient in those peculiar qualities which Mr. Walker possessed, it resulted in making them objects of contempt to their men. I believe that was the case with a great number of the young officers who had charge of the men afterwards. The consequence was, that the force became disorganized, and the men came to obey or not to obey orders according to their own will and pleasure. Every man must see that under such a state of things nothing could result but complete disorganization; and the evils thus produced were not remedied by the measures taken by the Police authorities. They attempted then to organize a force out of the natives who were close at hand. They could not go back to the Edward River—probably they had not time; and if they had they would only have enlisted a number of new men not acquainted with the officers, and who would probably not have obeyed them much better. But they fell into the worse error of employing a number of men in the districts close at hand, and that completed the disorganization, and led to consequences that were very injurious; because these men carried on an intercourse with the tribes from which they were taken, and used their police authority to exercise a kind of tyranny over the tribes, without, at the same time, rendering much assistance to the squatters. Another circumstance that tended to the disorganization of the force was, that there was a sort of trade in the women of the different tribes by these Native Police. Wherever they came into a new district a number of young women of the tribes were brought forward and placed at their disposal—at least they lived in their camps. Wherever they went they were always surrounded by a number of these women, who always act as emissaries between the wild tribes and those with whom they want to deal. The consequence of all these things was, that the Native Police enforced their authority only at their own option. The officers had hardly any power over them, and whatever good they did was greatly curtailed. I will not say that even under these circumstances they did not effect some good; but still the inefficiency of the force was greatly increased, and its disorganization completed; for it has, up to the present time, been in a thorough state of disorganization.

11. Could you state to the Committee any views you may entertain as to the best means of ameliorating the present condition of the force? Having stated what appear to me to have been the peculiar causes of its disorganization, I may say that the subject is an exceedingly difficult one, and that any suggestions I make I offer with great diffidence. I have thought, that, in order to enable the officers to obtain any authority over these blacks, they must always have a certain number of white men acting with them; and it appears to me that they might be associated in the proportion of, say, half white troopers, or two white troopers to three natives. I state this proportion with the greatest diffidence, because it is a mere matter of detail; but, having stated that a great part of the disorganization of the present force arises from the absence of authority on the part of the officers over their men, it appears to me that there must be some white men in the force in order to give them confidence. I think that young men placed in the circumstances that the officers of the Native Police now are, would be very likely to feel themselves in a great degree at the mercy of their men; and placing a certain number of white men among the blacks—perhaps in some position of authority over them—would go far to the root of that portion of the evil that we are at present considering. The proportion is a difficult point, however. I should be inclined to make it such as would give the officers full confidence in dealing with their men, but not so great as entirely to get rid of these blacks as an essential part of the force. I have heard it suggested that they should only be retained as trackers; but I think they should be retained as troopers, not altogether on account of the good they do, but because I think the idea of a Native Police Force is likely to be beneficial to the blacks themselves. It has done good, and, if the force could have been kept under control, would have done more good. Its effect upon the men enlisted, I think, has been beneficial. They seem to be a better race than the wild men they were taken from. The vanity of each individual is affected by having an uniform, and being made a soldier of, and an *esprit de corps* is formed among them. Besides all this, I think they are able to act against the blacks in the scrubs better than white men would. The pursuit in a scrub is a very difficult matter. No white man with his clothes on, or even without them, could get through the scrubs with anything like a chance of overtaking the blacks; but the Native Police throw their clothes off, and very often come up with them. The pursuit of certain of the wild tribes—when pursuit is necessary—cannot well be effected without a certain proportion of these black troopers, because in the country to the northward these scrubs are frequent, and therefore I should be sorry to see them done away with altogether.

12. *By Mr. Richardson:* You seem to think a great deal of the disorganization of the Native Police has arisen from the connection of the black troopers with the women of the tribes? Yes; I believe that has been carried on to a great extent.

13. Do you think the same would be the case with white men? I have not the slightest doubt intercourse of the same kind would occur, but not to the same extent; at all events, not to the same dangerous extent. I cannot believe white men would be influenced in the discharge of their duty in the same way as the blacks are. In most cases these men are dealing with their own tribes, or allies of their own tribes, for there are alliances between these tribes extending over large tracts of country.

14. *By Mr. Jones:* Where the troopers were white men, the women could not act as emissaries? No.

15. *By Mr. Richardson:* Do you think a lieutenant in command of a division would have much power over the white men under him? He would not feel the fear that an inexperienced young man must feel when placed among a number of armed savages.

16.

Wm. Forster,
Esq., M.P.

18 June, 1868.

Wm. Forster,
Esq., M.P.

18 June, 1858.

16. *By the Chairman:* Would you have any special law put in force for the control of the kind of force you propose? It has been suggested by a very intelligent gentleman, Mr. William Archer—whose evidence would be of great use to the Committee—and I think the suggestion is a very excellent one:—that if we employ black troopers, there should be a law passed to subject them to some kind of military authority, in the same way as the Sepoys in India, and the Kaffirs at the Cape. As I have said, I believe this experiment of a Native Police is useful to the natives themselves; and I think the advantages derived from it may be greatly increased by making it a legal body. At present it is my opinion that giving arms to the blacks is a direct violation of the law as it stands.

17. In the event of the proposal to associate some white troopers with the blacks being carried out, in the proportion of two whites to three blacks, do you think it would be advisable to discharge the black troopers at present employed? Of course their first enlistment ought to be voluntary; and to carry out that principle it would not be right to retain their services, unless they were willing to remain under the new system. If they were willing to remain, I would let them do so. But I would in no case employ native troopers in the districts from which they came. It is not enough to go over a range or river and take them from a different tribe, because, from my knowledge of the blacks in the Northern Districts, I believe I may say that alliances between the tribes extend in some cases along extensive tracts of the country, whereas a single range will sometimes disconnect them altogether. I believe a dialect that is common to a great number of tribes extends all the way along the coast from Clarence River to Wide Bay; but when you go inland you meet with a totally different dialect. Wherever these common words occur, common intercourse and alliances take place. I know this to be a fact, that young men from the tribes will go from one tribe to another, until they reach tribes whose language they scarcely know; and they get wives from these tribes, and go back afterwards. I think it ought to be a rule never to employ any natives who may be enlisted in the force within reach of their own tribes, or those with whom they may be in alliance.

18. Where would you propose getting them from? I have no doubt plenty of blacks could be got from the Murrumbidgee and the adjacent districts. Nor do I see any great danger in getting them from the Clarence; for, although certain Clarence River words are known to the blacks at Wide Bay, I do not thence infer any great connection between the tribes. These words are probably carried from tribe to tribe by young men wandering, as I have just stated. Still, a certain degree of connection and alliance is thus kept up.

19. *By Mr. Jones:* Have you any knowledge of the conduct of the black troopers in engagements with the wild tribes? I have no personal knowledge, but my impression is, that it is impossible to restrain them when once an affray takes place, and particularly when a single young officer is placed at the head of a large number of these troopers. Any one may see at once that it is quite impossible for him to have his orders executed when a *melée* takes place. No doubt in many cases the discretion of the officer regulates the period of attack; but after the affray commences, you cannot blame him if he cannot restrain his men. I think the circumstance of having a number of white troopers, even if they were not able in certain cases to follow the wild tribes, would still have the effect of controlling the native troopers.

20. I gather from what you say, that in consequence of the employment of these black troopers, when an affray takes place there is greater sacrifice of human life than there would be if white men were employed, from the impossibility of restraining the black troopers? I think so. I think the presence of white troopers would enable the officer in command to do just what he wanted to do, and no more. We know that it is hardly possible to restrain even civilized soldiers when they are excited. In the siege of a town, for instance, no commanding officer can prevent his men from carrying on slaughter after the necessity for it has ceased.

21. The white troopers would be more able to answer signals? Yes; they would be more under control, for two reasons;—because, in the first place, they understand that there is a possibility of their being called to account afterwards; and also because, being human beings of a superior order, they are less impulsive than the blacks, and more able to keep their passions under control.

22. Do you believe it is at all possible to insure, as a rule, any proper degree of discipline and control amongst a force composed entirely of natives? I think it is exceedingly difficult. I believe it was done by Mr. Walker, in the way I have stated,—that he had an individual knowledge of these men which gave him a control over them that it would be almost impossible for another officer to acquire.

23. Taking the average class of officers, do you believe they would be able to obtain an effective control over their troopers, and get them into a proper state of discipline, if there were none but blacks in the force? I believe men generally would not do it.

24. It would only be in special cases, where men like Mr. Walker happened to be in command, that such a body could be retained in a state of discipline? If Mr. Walker himself had engaged a number of new troopers, unless he had retained a good many of the old ones, I doubt whether he could have done what he did with them; because he would not have had the same individual familiarity with them that he had with those who first joined him.

25. Do you believe that a smaller white force would be as effective in repressing and preventing outrage as a larger force of black troopers? I think that would depend on the management.

26. Supposing them to be equally well managed? A white force do you mean, without any blacks?

27. Either a wholly white force, or a force in which the whites were sufficiently predominating to give the officers effective control. I think a force of that kind would be more effective, for the reason I have stated,—that there would be a superior control over it in the hands of the officers. I believe the efficiency of a force like the present depends a great deal on the humour and caprice of these blacks. The officer in command cannot control them unless they happen

happen to be in a good temper. Many cases have been stated to me in which the officer could not do with his men as he liked.

28. Then you believe a white force, or a force composed to a considerable extent of whites, would be much more effective in proportion to its numbers than a black force? I believe it would. Wm. Forster,
Esq., M.P.
18 June, 1858.

29. Do you think the fact of the employment of a considerable number of white men as a frontier force would have a moral effect in restraining the wild tribes from aggression? I think it would, because it would make the force more efficient, and the efficiency of the force is of a great consequence in producing a moral effect.

30. The blacks would be more apprehensive, if white men were employed against them, that they would be followed up more systematically? They would be followed up more systematically in all cases; and I believe the punishment is more effective where it is certain. It is an old maxim, that it is not the severity, but the certainty of punishment that deters.

31. Then you believe, I presume, that if a considerable proportion of whites be infused into the frontier force, a less number of men than are now employed would be able to do the work more efficiently? That is, supposing the present number is a sufficient number, or ought to be sufficient if they were effective. I have heard it said that the present number is not sufficient; but I believe, whatever may be the number, there will always be some murders by the blacks, because enterprising men will always go beyond any protection that can be afforded them.

32. *By the Chairman:* Do you think any jealousy would be caused among the black troopers by this amalgamation of white men with them? Possibly there might be some jealousy among those formerly employed; but, I presume, that if any difficulty should arise from that cause, it might be remedied by getting rid of all the individuals at present employed, and introducing others, with whom there would be no difficulty of that kind, because from the first they would be placed in subordination to the white men.

33. Would you recommend that the Commandant should have the sole appointment of officers, or that it should rest with the Government, as at present? I consider it a dangerous power to give to any officer in command of a force at a long distance. Take the example of Mr. Walker: Supposing he had had the appointment of his officers, I think the evils which were caused by his conduct would only have been enhanced. It was his virtual irresponsibility that made him so bad an officer. I believe if he had felt himself fully responsible, and had been made so by the Government, he would not have committed the excesses he did. But his want of responsibility made him, in fact, entirely regardless of opinion—of what was said or done respecting him; and I think if he had had greater power, in the way you speak of, it would only have increased the evils complained of. I will not say, that if you once get a good Commandant you might not give him that power; but I would always leave a veto in the hands of the Government.

34. *By Mr. Jones:* Would you make him like the heads of other departments are now in this respect—giving him the privilege of recommending his officers, but leaving the actual appointment in the hands of the Government? I think he should have the same power over his officers out there as the commanding officer of a body of troops has; but I would not give him the final power.

35. *By Mr. Richardson:* You are aware that the present Commandant, Captain Morissett, urges as one reason why he cannot get on, his not having the power to choose his own officers? I have heard that that is the case.

36. Do you think it would be desirable to choose men who had been accustomed to a bush life? I would not carry out a rule of that kind rigidly. I have great faith in the appointment of young men—if you select them well, they can be trained to do anything. Men who have been squatters, although very expert bushmen, might be unfit for the office in many ways; and there are others who would make very good officers. I would not follow any rule of that kind. I would give the Commandant great liberty in appointing and suspending his officers, but I would not give him any final power.

37. *By Mr. Jones:* Do you think troopers, whether white or black, or officers, are fit to undertake the duties devolving on a frontier force without some previous teaching and training? Generally speaking, I should say not; because, if discipline be necessary in an army, I do not see why it should not be necessary also in a force of this kind. As a general rule, some degree of training is necessary for every occupation.

38. Do you not think it quite as necessary to train and discipline these men as ordinary military bodies? I think they could not be well managed without some training. But in cases of emergency we have young recruits enlisted and sent out, and they get trained on the spot. Perhaps the best training is actual service.

39. Even these young troops undergo some preliminary training? I think that so far as preliminary training is necessary in military matters; it would be so in this.

40. Do you think it desirable, with a view to the efficiency of this force, that there should be some kind of central depôt established, to which the officers as well as the men should be sent to acquire the necessary training to make them effective? I think that is a matter of detail; but I see many advantages that might be derived from such a central depôt, though I am afraid it would be found very expensive. If a thing of the kind be determined upon, it should be on the frontier, not in the neighbourhood of Maryborough or Brisbane, or any such places. I think a plan of that kind would be reasonable under certain limits.

41. Do you not think an officer should be stationed at this depôt, whose duty, like that of an adjutant, should be to discipline and teach the raw recruits sent to the depôt? I think so.

42. *By Mr. Cribb:* Do you happen to know, from circumstances within your own knowledge, whether any of these murders and outrages have been committed by any disbanded troopers or deserters? I have no knowledge of that; I am inclined to doubt whether it is so.

43. *By the Chairman:* From your knowledge of the Northern Districts, could you point out to the Committee the spot where you think such a depôt as that you have just spoken of could

Wm. Forster, could be best placed? It should be always on the frontier. As the Colony is now situated, Esq., M.P. I think it should be on the Fitz Roy River. I should put a depôt of that kind in the very middle of the districts requiring protection. If any good effect is to be produced by the employment of the force, a portion of that effect would be derived from the circumstance of the depôt being placed there.

18 June, 1858.

44. The head-quarters would naturally be at the depôt? I think the head-quarters ought to be moved, like any other portion of the force, from time to time.

45. *By Mr. Richardson*: Do you think the blacks who have deserted have taken their fire-arms with them? I have understood that some of them have run away with their arms from Wide Bay; but guns would never be much use to them, particularly after their ammunition was spent; they would not keep them clean.

46. *By the Chairman*: What immediate remedy would you suggest to stay these outrages in the Dawson District? I can think of nothing, excepting making the force efficient. If that cannot be done immediately, I can propose nothing.

47. And you think the way to make the force efficient would be to amalgamate it with a white force? That is the only suggestion I can make. I made a suggestion to the former Committee, to the effect that a power of reporting, without interfering with the operations of the police, ought to be vested in the Benches of Magistrates. I think the Government would be able to place reliance on their reports.

48. *By Mr. Jones*: Do you think it desirable that any white force should be immediately despatched from Sydney to the districts where the murders have recently taken place, without waiting for the reorganization of the Native Police—for instance, do you think it might be advisable to send a picked detachment of some dozen or twenty of the Sydney Police, taking care to select men to some extent accustomed to the bush, to co-operate with the Native Police in putting down these disturbances? I think a dozen or twenty would be too many, almost. I think if you send five or six good troopers it would have a good effect.

49. To act in conjunction with the black troopers? Yes.

50. *By Mr. Taylor*: The presence of these men would give the officers more confidence? Yes. I mean it as an immediate measure.

51. *By Mr. Jones*: Do you think half-a-dozen well armed and mounted white men would hesitate in facing any number of the wild blacks? In my opinion, four well armed men might go from Wide Bay to Port Essington, and be in no danger from the blacks.

52. *By Mr. Cribb*: Do you think half-a-dozen white men, with a few blacks as scouts, would be more efficient than a detachment of twelve of the present Native Police? I think every white man should be attached to two blacks, and that the operations of a force of that kind would be greatly assisted by an arrangement of that sort; because a division often takes place when the force is actively employed. No troop of this kind acts in a body. It is not like a phalanx or a legion. I would give the white men a sort of authority over the blacks; and in certain extreme cases, where a blackfellow had been a long time in the force, and his character was well known, it might exercise a good effect if you gave him promotion. We know black men are often placed in the same positions of confidence as white men, where we know them well; and I think in some cases, a very well known individual might be rewarded by giving him the same authority as you would give to one of the white troopers over the blacks. It would have a good effect, as holding out something to these men to look forward to.

TUESDAY, 22 JUNE, 1858.

Present:—

MR. FORSTER,
MR. HODGSON,
MR. TAYLOR,

MR. RICHARDSON,
MR. DONALDSON,
MR. COWPER.

ARTHUR HODGSON, ESQ., IN THE CHAIR.

William Archer, Esq., called in and examined:—

W. Archer,
Esq.

22 June, 1858.

1. *By the Chairman*: You are a resident in the Northern Districts? Yes, at Tracemere, on the Fitz Roy River.

2. How far is that from Rockhampton? Five miles.

3. And from Gladstone? About seventy.

4. You have had great experience in forming stations in new districts? Yes, I have had some experience. I have been at the forming of four stations.

5. In what districts? In the districts of Moreton Bay, Burnett, and Port Curtis.

6. Is not your station on the Fitz Roy the farthest out at present? No; there are two others beyond us.

7. You have had many opportunities of becoming acquainted with the habits of the native blacks? Yes.

8. Can you draw any distinction between the blacks to the northward and the blacks in the Burnett District? No, not a decided distinction; but I can draw a very decided distinction between the blacks to the westward of Sydney, on Liverpool Plains for instance, and those on the Fitz Roy. I think the blacks on the Fitz Roy are a much lower caste—a more savage and a more treacherous race of people than those to the westward of Sydney. I may mention that I have also had great experience in the districts to the westward of Sydney, having resided there for ten years, and formed stations there.

9. Are the blacks on the Fitz Roy a stronger race of men? I do not think they are physically stronger; but they are more treacherous, and less to be depended upon. It is more difficult to attach them in any way.

10. Do you believe they are very numerous in the Northern Districts? They are exceedingly numerous in the neighbourhood of our station, and I think I may say generally along the coast to the northward.

11. Had you any serious difficulties with the natives in forming your last station? There was a difficulty, not with ourselves, but with a Mr. Elliot, who was located on the run for some time: he was attacked by the blacks; one of his men was killed, and he was himself speared in several places, and otherwise injured very considerably. That was the only collision that has happened on our run that I am aware of.

12. What is the nature of the country to the northward? A very large portion of it is covered with briclow and vine scrub, particularly the valley of the Mackenzie. The open country consists of undulating ridges, timbered with box and silver-leaved iron-bark.

13. Can the natives easily escape from pursuit, after committing murder or outrage, in consequence of the scrubby nature of the country? They have very great facilities of escaping, owing to the mountainous nature of some parts of the country, and the exceeding density of the scrubs. It is with great difficulty, in some districts, that the blacks can be followed.

14. You are aware that several murders have been committed on the Dawson River by the blacks? Yes.

15. Have you ever been there? No.

16. Can you suggest any reason to the Committee for the numerous murders that have been committed? The only reason I can give is, that the blacks are fond of getting sheep and cattle. When gathered together, as they sometimes are, in exceedingly large numbers, their food frequently becomes scarce, from their being in the same neighbourhood for a great length of time; they see quantities of sheep and cattle roaming about, and they prefer them to the difficulty of getting food for themselves according to their usual methods; they therefore attack and kill the shepherds for the sake of getting the sheep. Then there is retaliation, and thus the thing goes on.

17. Do you consider that the blacks have been emboldened by success? I have not had much opportunity of knowing, for there have been no depredations committed in the immediate neighbourhood of our stations. I have not come in contact with the tribes that have been committing violence.

18. They are to the west and south-west of you? Yes. There is no doubt, as a general rule, that the blacks become emboldened by success. If they commit a murder, and are not severely punished for it, they become emboldened.

19. Have you had any opportunities of noticing how the Native Police Force has been constituted of late? Yes; I have had considerable means of seeing a good deal of the working of them, having had head-quarters on two of our stations.

20. Will you state to the Committee your opinion of the present state of that force? To do that, it is almost necessary to go back for some time. I believe that the force under Mr. Frederick Walker was originally very effective; but, from certain reasons in his own conduct, I believe the force was afterwards considerably reduced in efficiency. Subsequently, when the force was under the management of Mr. Marshall, I have reason to believe that his hands were very much tied by the Government, by the reduction of the force, and in a great many different ways; he could not act independently, and the force became very much reduced both in numbers and efficiency. Since the appointment of Mr. Morrisett, I think he has not yet had time to organize the force. I think, from what I have heard him state myself, that he would, in time, take the proper steps to do so; which, I may mention to the Committee, I think to be, that troopers should be raised from very distant parts of the country—not less than five or six hundred miles away from the districts in which they are to be employed—and that they should be put under some kind of military law, so that it would be possible to keep them under some kind of subordination, as they are very apt to run away from their officers.

21. You mention the efficiency of Mr. Walker's police —? Yes, in the beginning, when he first brought them up there.

22. To what cause do you attribute that efficiency? He had a peculiar tact, I think, with the blacks.

23. Are you aware where these troopers came from in the first instance? I was told they came from the neighbourhood of the Edward River.

24. Are you aware that many of them were personally known to Mr. Walker before he took them to the north? I have reason to believe they were.

25. Would not that previous knowledge materially assist Mr. Walker in the conduct of his force? No doubt of it.

26. From your observation, would you say the troopers were attached to Mr. Walker? I should say so, decidedly, when he first came up there.

27. And his removal from the command would naturally cause desertion on the part of many of his troopers? Yes, I should say it would, as no person was found immediately to take his place who had the same influence or opportunities of getting men previously attached to him.

28. You mention that it would be desirable to enlist troopers at a distance of five or six hundred miles—do you think that practicable? Decidedly. I have not the slightest doubt it is practicable.

29. How would you proceed? By sending a person into the districts —

30. Will you mention the districts in which you would select the men? The district of the Lower Namoi (I would begin there if I went on such a duty,) the Castlereagh, the Macquarie, and down towards the Darling. I think in those districts a sufficient number might be found in a very short time by a person who had an adaptation for that sort of work. I could do it myself, I am sure.

31. Will you state how you would go about it? I know a little of their language, and I would go about talking to them, taking an interest in their manners and customs; and at

W. Archer,
Esq.

22 June, 1858.

W. Archer,
Esq.

22 June, 1858.

a convenient time I would propose to them what they were required for, and the country to which I wished them to go. I would take the jackets and trousers with red stripes, to show them, and put them in uniform.

32. Would you take horses with you? Decidedly; I would take horses, and mount them at once.

33. *By Mr. Richardson*: You say the blacks were attached to Mr. Walker at first? Yes.

34. Did that attachment fall off? Yes; from the capricious way in which he treated them.

35. You think Mr. Walker's force was very efficient at first? Yes.

36. Do you think it possible for any one else to have managed them as well? Under the same circumstances I have no doubt it might be done. In time I have no doubt Mr. Morissett might attach a body of men to himself in the same way.

37. Supposing Mr. Walker had remained in the force and had got his troopers from the neighbouring tribes, do you think he could have managed them as well as he did? No, decidedly not. No person could have managed them as well taken from the neighbouring tribes.

38. Do you approve of having so many native troopers as at present? I do, decidedly.

39. You would disapprove of having a larger infusion of whites? I would decidedly disapprove of any large infusion of white men into the force.

40. You would object to anything like half? Certainly. I think there should, at most, not be more than one white man to three blacks, and that only to strengthen the hands of the officer in command, the troopers at the same time being under some discipline—some military law.

41. You would think white men in the proportion of two to three would be too many? Yes; I would not have so many, because I consider them to be inefficient; when after the blacks they are perfectly useless.

42. Have you any reason to believe that when they encounter blacks who have committed depredations, the Native Police would take life wantonly? I have no reason to suppose so; nor have I reason to suppose they kill women and children, as has been stated.

43. Do you think they are sufficiently under the control of their officers to obey them? I cannot say. I do not know all the officers.

44. Supposing the officers to be efficient men? Then I have no doubt they could be kept under very effective control.

45. *By Mr. Taylor*: You think it would be an improvement to have a certain number of white men in the force—that it would then be more effective than if it consisted entirely of blacks? Yes; with first rate officers, not more than one white man would be required in each section; but with the choice we have of officers, I think it would be better to have their hands strengthened by having one white trooper to three blacks.

46. *By Mr. Richardson*: Do you think, if some of Captain M'Leir's men were sent up from Sydney—taking care to select men accustomed to the bush—that they would be useful? I think they would be useful, if three or four of them were stationed at each station to protect it; but in case of outrage being committed they could not follow up the blacks; they could not go through the country; they never would see a blackfellow.

47. From what you have said, of course we infer that you would not use the blacks only as trackers? No; they must be employed as troopers. They would track for themselves of course.

48. *By the Chairman*: Can you mention the name of any one in particular who would satisfactorily perform the duty of selecting natives as troopers in the distant districts in which you have suggested they should be raised? The best person I can think of, on the spur of the moment, is Mr. John Murray, who is now, I think, second in command of the Native Police.

49. Do you know where he is now? The last time I heard from him, which was a few days ago, he was on the Dawson.

50. *By Mr. Cowper*: You think he would be able to perform this duty with some hope of the recruits remaining in the force when once enlisted? Yes, if they were engaged at a sufficient distance from the districts where they are to be employed.

51. You are aware that some recruits have been taken from the Clarence River? Yes; and I am aware that twelve of them ran away from one of our stations in one night. I heard it by a letter from my brother.

52. Can you tell why the effort has not been made to get recruits from the Namoi? I think Mr. Morissett's exigencies have been so great that he has not had time to organize the body sufficiently for that purpose. I know it was in contemplation to have sent Mr. Murray to the country I have mentioned for the purpose of raising troopers there; but there have been so many murders that Mr. Morissett has been glad to get police troopers from any part of the country.

53. He has not been very successful in getting them, has he? I believe he has got them in sufficient numbers, but they are always apt to run away.

54. *By Mr. Richardson*: Supposing he could get troopers, as you suggest, at a distance of five or six hundred miles, would you discharge the present force? No? I would make a selection of the best of them—those that are faithful. I believe a great many of them run away under intimidation; perhaps the majority wish to go, and they coerce the remainder to go with them.

55. *By the Chairman*: Would not the amalgamation of whites with the blacks materially prevent such desertion? I do not see what effect it would have, except they were under military discipline, and liable to be shot if they deserted. In that case I think they would not desert so frequently.

56. You believe that is necessary? I believe it is necessary to put them under some kind of military discipline. They will not endure a great deal of discipline, but there is a certain amount of it which suits them very well.

57. Do you think there is any *esprit de corps* amongst the present troopers? Not a great deal.

W. Archer,
Esq.

22 June, 1858.

58. Do you think there was amongst those formerly employed? Yes.
59. That has disappeared? Yes, in a great measure.
60. *By Mr. Couper*: You think Mr. Walker at first brought his force into a state of discipline by means of his personal influence? I think so; he possessed peculiar tact in dealing with them.
61. The personal influence that the officer in command should exercise over them seems to enter into your idea of discipline? A great deal would depend on that; but he must be supported by certain regulations and laws, so that when his commands are not carried out, he may enforce them.
62. What is the mode of punishing them? There is none now. Under Mr. Walker they used to be flogged, with great efficacy.
63. You mean to say he assumed a power of summary punishment? I have not seen it myself.
64. But you have understood that he flogged them? Yes—a regular scourging—the fellow being tied up and flogged by one of his mates.
65. *By the Chairman*: And that had a beneficial effect? Decidedly; it is an excellent way of appealing to the feelings of a black trooper.
66. *By Mr. Couper*: The men did not abscond in consequence? No; I never heard of the men absconding in Mr. Walker's time; he could flog them, and the next moment be friendly with them.
67. Who inflicted the punishment? One of themselves. He had corporals and sergeants among them.
68. Do you know whether any form of trial was observed? Yes; he used to call them all up and tell them—"this fellow has been doing so and so—isn't he a great rascal—hadn't we 'better flog him'"; and then he would have him tied up and flogged. My brother has seen it.
69. I think I understood you to say you objected to a white force, because it could not follow the blacks—could not come into contact with them? Yes. I think white men would have great difficulty in doing so.
70. Are you aware that the Native Police themselves, under the command of their officers, have lately made two or three very extensive journeys, and have totally failed in coming in contact with the blacks? I have not heard of it lately, but I have known frequent instances of it.
71. After the blacks have committed aggressions they retire back for a time? Yes, away into the most inaccessible parts of the country; nothing but a blackfellow has any chance of getting near them.
72. *By the Chairman*: What immediate remedy would you suggest to put a stop to the outrages on the Dawson? There are only two things I could suggest;—either to send a body of white troopers in the first instance, to overawe the blacks —
73. How many do you think would be sufficient? I cannot say. I do not know how they could work, except by stationing a few at every station in the disturbed parts. I suppose there are from fifteen to twenty stations.
74. Would twenty or twenty-five be beneficial? Yes, I should think so. I cannot propose anything better.
75. You mentioned two;—what other course would you propose? Or allow the people in the country to embody themselves into some kind of militia, for a time, with strong powers.
76. Do you believe that would work? It used to work in the olden times, without any powers.
77. Would you make the militia force compulsory? I think I would, under a disturbed state of the country.
78. You think it would work? I have my doubts about the working of it, but it would be worth trying.
79. Are you aware that the blacks are let in to some stations and kept out at others? I am. I think it a most unjust thing to keep the blacks out from the stations. They must exist somewhere; they cannot be driven from the face of the earth altogether. If they were allowed in they would have less temptation to commit aggressions.
80. *By Mr. Couper*: Does not the keeping of them out arise from apprehension of attack from their treachery? Yes. Our plan has always been, to allow the first tribe we find, on the station, when we occupy it, to remain on it; and we get information from them as to the movements of the tribes outside.
81. You do not drive them off their own territory? No, we do not.
82. Suppose a family going down into that country and dealing with the blacks on this principle, and some of the servants of the establishment getting into a quarrel with them, from causes we may easily imagine; may not the family then be sacrificed, owing to the misconduct of the servants? I grant you they may. The blacks like to have revenge in some shape, and they are not particular upon whom they get it.
83. They might revenge the offence of a servant upon the family? Yes.
84. *By the Chairman*: You are aware they have done it? Yes.
85. *By Mr. Couper*: There is, therefore, considerable risk in allowing the blacks to remain upon a station? If every person would do it, the risk would be less. The blacks must live somewhere; and they can only remain on their own ground. If every person on a station, where the country is taken up, would allow them to locate themselves on it, there would be less danger. We know every person on our station, and give him a name; in fact there is a record kept on the station. If every person did the same, and they were allowed to live on the face of the country, they would not be so much disposed to commit aggression.
86. *By Mr. Taylor*: In that case, they would not collect in such large numbers? They would, at certain periods of the year; and this I would prohibit. Two or three tribes, for certain religious purposes of their own, meet at particular places; and then is the time at which the great mischief is done. These gatherings I would discountenance where white people

W. Archer,
Esq.

22 June, 1858.

people are; for, where such large numbers of blacks are located for any length of time, their food gets scarce, and then they attack and kill the shepherds in order to get at the sheep.

87. *By the Chairman*: Do you know the present number of the Native Police Force? No.

88. To what number would you raise the Police Force, with a view of defending the whole of the country out there? I have not studied the matter; but I should think one hundred and twenty men altogether would be sufficient.

89. Ninety black troopers to thirty white men? Yes.

90. Where would you make the head-quarters? I would make it at our station on the Fitz Roy River for the present, on account of the water carriage. It appears rather invidious to name my own station, but I do not do so because I require more than ordinary protection; I can always protect myself. If there is a station formed beyond us in Broad Sound, I would recommend the head-quarters to be there.

91. *By Mr. Richardson*: Do you think that would be sufficiently central? Yes; I think so. You should have the head-quarters near the centre of the country that requires protection.

92. *By Mr. Couper*: What is your idea of the use of head-quarters? I think it should be a dépôt where the police would get their clothing, and to which they could come down once a-year to have a yarn with their mates. All the stores should be kept at head-quarters.

93. *By the Chairman*: An accountant is necessary at head-quarters? Yes, I think so, decidedly.

94. Would you suggest that the accountant should act as adjutant, and drill the recruits at head-quarters? I think a man's time might be very profitably employed in drilling young recruits without having anything else to do.

95. How are provisions obtained for the Native Police? They are generally supplied wherever the troopers are at the time, for they are continually going about, at a price agreed on with the officer.

96. Varying, I suppose, according to the distance from water carriage? Yes.

97. Therefore, the head-quarters being at a distance from water carriage would make their supply more expensive? Decidedly.

98. *By Mr. Couper*: I think I understood, from your evidence, that you think that if proper steps were taken to secure recruits they could be obtained from the districts to which you have alluded? Yes.

99. Then you do not look on the attempt as a failure, but you think it has not been made in a proper direction? It has not yet been made in a proper direction.

100. *By Mr. Taylor*: I think you said that Mr. Morissett has not had time to make the trial, but that he intends to do so? Yes. Mr. Murray told me he was to be sent down, but then these murders began, and he could not get away. They are glad now to get recruits anywhere.

101. *By Mr. Richardson*: How many divisions would you make of the hundred and twenty men you think necessary for the whole force? About twelve men in a body are quite enough to face any number of blacks. A section of twelve men with an officer would be quite sufficient for any purpose to be together at any one time.

102. Three whites and nine blacks, with an officer? Yes.

103. You could then have them stationed in about eight different places? Yes.

104. You think it necessary these blacks should undergo a kind of military training at head-quarters? Yes; more for the sake of discipline than anything else.

105. You say the head-quarters are now on your station? Yes; they were forming there.

106. Have they any barracks there? They had just contracted for a barrack.

107. Would you recommend barracks at the out-stations of the Native Police? No; they would be perfectly useless.

108. Only one central barrack? Yes. The officers should have good tents to live in.

109. Can you inform the Committee what is the probable distance of your head station from the scene of the late murders? About one hundred and fifty miles.

110. In what direction? About south-west, or west south-west.

111. Are the squatters extending in that direction, or further to the northward? Further to the northward and north-west.

112. What is the name of the district? It is the Leichhardt beyond us.

113. What is the name of the river where these stations are forming? There are only small creeks. There are but two stations beyond us yet; but they are extending in that direction.

114. Then you imagine that in course of time your head station will become more central than it is at present? No, I think not, because as people go beyond us I expect our station will become quiet. As stations are formed to the northward it will become less central; it is now central in the disturbed districts.

115. I thought you said there were only two stations formed beyond you, and you mentioned fifteen or twenty in the neighbourhood of these murders? Yes.

116. Therefore it would appear to be an outside point of the district, and one hundred and fifty miles from the scene of the murders? But the whole country is disturbed. There was an attack made upon the Barnard station—our neighbouring station—the other day. I look upon the whole country as disturbed country, although the actual murders have taken place lately at the Dawson, a distance of one hundred and fifty miles from us.

117. *By the Chairman*: I would ask you, from your knowledge of Brisbane, whether you would recommend that the drilling should take place there? Not at all.

118. Why not? Because it is not so near the disturbed districts.

119. Do you not think there are too many public houses at Brisbane? Yes; that is a very serious objection. There is a public house at Rockhampton; but that could be kept under control.

120. *By Mr. Richardson*: Do you think the native troopers have been in the habit of getting drunk at stations? Not at stations, but at public houses. I have often seen them drunk about Brisbane and about Gayndah; and I dare say they get drunk at other places.

121. Do you not think they should be prevented from getting spirits? I certainly think it would be a very good rule if you could carry it out. I think it would be very much better if the whole thing was put on a legal footing—making their embodiment, and giving them fire-arms, legal.

W. Archer,
Esq.
22 June, 1853.

122. *By Mr. Forster:* In speaking of the efficiency of the Native Police under Mr. Walker, are you of opinion that they were more efficient than they have ever been since? When Mr. Walker first came up they were.

123. But their efficiency declined under Mr. Walker himself, before his dismissal? Decidedly.

124. Do you not think a great deal of his influence was owing to his previous individual acquaintance with a great many of his troopers? I think it was.

125. And the circumstance of their not been individually known to the other officers in the same way as they were to Mr. Walker placed those officers under peculiar difficulties? It would place them at a disadvantage.

126. Do you think Mr. Marshall would have brought the force into a state of efficiency if he had remained? I think he would.

127. Are you of opinion that any portion of the present inefficiency of the force is owing to the recent appointments as officers having been of improper persons? I do not know anything about them of my own knowledge.

128. Are you aware whether general intercourse is carried on between the black women of the tribes in the neighbourhood wherever the Native Police are situated? Yes.

129. Are there not always a number of the women of the tribes in the camps of the Native Police? There are generally a few; perhaps two or three attached to every section.

130. Do these women travel about with them? Yes.

131. Have you ever seen them riding on the police horses? Yes, frequently.

132. Are you aware whether that has been with the sanction of the officer in command, or of the Government? It must have been with the sanction of the officer, because I have seen the officer travelling with them. I do not see the slightest objection to it.

133. Are you not aware that these black women act as emissaries of the tribes? No.

134. Is not that a general impression? No, I think not.

135. If these black women live continually in the camps of the Native Police, might they not acquire information which they might distribute afterwards to the people of their own tribes? The women I have known to be in their camps generally came from a distance; they did not belong to the tribes in the immediate neighbourhood.

136. Was there not a general impression that the native troopers made use of their authority, and the terror they create among the blacks, to compel them to supply them with women? I have not heard of it. I think it is a thing they are likely to do; but I do not know that they have done it.

137. May not a good deal of the inefficiency of that force arise from the want of authority in the officers themselves over their men? A good deal, I think.

138. I think you stated that the employment of a certain proportion of white troopers would give the officers a greater feeling of security in dealing with the blacks, and that to that extent you thought it would be beneficial? Yes.

139. There might be many cases, also, where white men would be able to act as troopers with some degree of success? Yes, generally they might; but not in pursuing the blacks into heavy country after a murder, or anything of that kind.

140. Do you think the circumstance of having white troopers acting with them would in any way create a feeling of *esprit de corps* among the black troopers themselves? I think it would rather have that effect, if there were a good selection of white troopers; a great deal would depend on that.

141. The example of the white men would have a good effect on the black troopers? Yes; but it would altogether depend on the class of white troopers appointed, I think.

142. Supposing the Native Police were altogether suppressed, what do you think would be the result—do you think it would lead to the country not being occupied at all? I do not think it would. As an individual, I think it probable I would leave the country; but I do not think it would be left by others.

143. You think the squatters would take the law into their own hands? Yes; and they would very soon exterminate the blacks. It would be a war of extermination.

144. Then your opinion is, that if the Native Police were withdrawn, it would lead to a more rapid extermination of the blacks? Yes, no doubt of it.

145. Then you consider the existence of the Native Police is merciful to the blacks themselves? Yes.

146. Do not your remarks lead to this conclusion, that it is better the punishment, which must be necessary in certain cases, should be inflicted by authority, rather than by the squatters themselves? Decidedly. I have always thought so.

147. You are very well acquainted with the character of the country in the Northern Districts? Yes; I have seen a large portion of it.

148. Do you not consider that the squatters are placed in greater difficulty in taking up new runs there than they are in the country to the south, owing to the large scrubs? We had a great many scrubs in the Moreton Bay country; but I do not know that we have had more difficulty on that account.

149. Do you not find the scrubby country increase as you go north? No. The valley of the Mackenzie is full of scrub; but as a general rule the scrub does not increase as you go northward on the coast.

150. Is the country close to the coast pastoral country? Yes.

151. There is an absence of scrub there? Yes; that is a peculiarity of the country. On stations now being formed to the northward of us, there is little or no scrub, I am told.

152. That will render it more easily maintained? Yes.

153. Have you ever heard a suggestion that reports on the state of the Native Police should be

- W. Archer, Esq.
22 June, 1858.
- be made to the Government by the Benches of Magistrates in whose neighbourhood they might happen to be? No.
154. What do you think of such a suggestion—I mean merely reports of the state of the force, without interference with their management, made by the Benches, irrespective of the officers of the Native Police, in order that the Government might have a kind of check upon them? I do not see any objection to that.
155. *By the Chairman*: Would it not give the Government more certain information? Yes; having reports both from the Benches and from the officers of the Police, I think the Government would have a better chance of obtaining correct information.
156. *By Mr Forster*: Did not the force get into a state of great disorganization about the time of Mr. Walker's dismissal, and the Government, though informed of it, did not interfere? I do not remember the circumstances.
157. Were not complaints made by squatters in the Wide Bay and Burnett Districts which were not attended to? I have heard of complaints, but I do not know whether they were attended to or not.
158. *By Mr. Cowper*: Do you consider that the magistrates of these districts would have sufficient information to enable them to make reports of the proceedings of the Native Police? No; they would only be able to report as to the state of discipline, or anything of that kind, from what they may observe when the police are encamped on their stations. They would see then what they are doing, and whether there is any *esprit de corps* among them.
159. As a magistrate, or one of a Bench, would you not consider that you would always have authority to report to the Government any matter connected with the Native Police which might call for notice? Yes; if I were a magistrate I would consider it my duty to do so.

Edmund Molyneux Royds, Esq., J. P., called in and examined:—

- E. M. Royds, Esq., J. P.
22 June, 1858.
1. *By the Chairman*: You are a magistrate of the territory? Yes.
2. Where do you reside? At Juandah Station, on the Upper Dawson.
3. Did you form that station? No; it had been formed three or four years when I got it.
4. How long have you been resident there? Since 1852.
5. Have you had many opportunities of making yourself acquainted with the native blacks? Yes.
6. Have you suffered much from their attacks? One person was murdered at my station; that is the only case in which they have done me harm.
7. *By Mr. Cowper*: When was that? I forget whether it was two or three years ago.
8. Nothing of the sort has happened on your station recently? No.
9. Is your station situated among those that have been attacked? It is about thirty-five or forty miles in a direct line from Hornet Bank.
10. *By the Chairman*: Do you allow the blacks in at your station? Not now, since the murders recently.
11. Had you done so previously? Yes, for years.
12. Why did you discontinue it? It was thought better to keep them out, because they distribute intelligence among the neighbouring tribes.
13. Is that plan generally adopted now? Yes. No blacks were allowed at any of the stations on the Dawson at the time I left.
14. *By Mr. Cowper*: How did you communicate to them that they were not to come on to the station? I did not communicate it to them, but it was communicated in a very strong way.
15. Was that considered matter of offence by the blacks? I must say I had some doubts about the safety of some of my own out-stations after it had taken place.
16. *By Mr. Richardson*: Do you not think that if you allowed the blacks to come about the stations, and were to be friendly with them, you would learn a great deal of what was going on amongst them? No.
17. You think it desirable to keep them away? Yes, under present circumstances. The blacks are different there from what they are in other parts of the country. The tribes seem to mix up together more than others do. Our own blacks have travelled right into the middle of the Downs.
18. *By the Chairman*: What distance may that be? Upwards of two hundred miles.
19. Is that usual with the blacks? It is not usual in other parts of the country. I have reason to believe the interior blacks come in to us. I am certain the tribes that have been committing the recent murders have often been at our stations.
20. What is your opinion of the present system on which the Native Police is constituted? I approve of the Native Police; but there are a great many improvements that might be made.
21. Will you state what those improvements are? To increase the force, for one thing.
22. Would you mix any white troopers with the native troopers? I do not know that I would; I might put a sergeant with each section, to assist the officer.
23. What would you call a section? Each officer has six or eight men at present, when he has his full number.
24. Are you aware that blacks have been recruited within a very short distance of where these murders have been committed? Yes; some were recruited on my own stations.
25. Out of the tribe that has committed the murders? That is not the same tribe; but still, I suppose, they are connected with them to a certain extent.
26. Where are these recruits employed? I believe they were sent to Wide Bay and Moreton Bay.
27. What would you suggest as a sufficient number for the Native Police Force? I can hardly say without putting it down on paper. I do not know how many the other districts require.

28. *By Mr. Cowper*: You spoke of sections of six—do you think that is a sufficient number to attack a party of blacks with? Yes, I think it is.
29. One officer, a sergeant, and six troopers, you think sufficient for each section? Yes; it is very seldom the blacks stand against them even for a moment.
30. *By Mr. Richardson*: Where would you get the troopers from? I think the further away you get them the better.
31. How far do you think? Four or five hundred miles, I should say.
32. You think it very undesirable to have them from the neighbouring tribes? I think so, if they can be got elsewhere.
33. You do not think it would be desirable to have a larger infusion of white men? No; they would only be an incumbrance.
34. *By the Chairman*: Have you considered the subject well, with regard to the amalgamation of a white force with the native troopers? Yes; I think I have.
35. You have, probably, often heard it mentioned and discussed? Yes. I think, generally speaking, it is thought that they would not act well together.
36. For what reason? I think the whites would interfere with the working of the troopers—be in their way, in fact, in following the blacks up.
37. That would be in a scrubby, mountainous country? Yes.
38. But not in open country? In open country white troopers might be of as much service as black.
39. Do you think there would be any jealousy on account of the amalgamation? There might be on the part of the whites, but not on the part of the blacks.
40. Where would you suggest that the head-quarters of the Native Police should be? It depends on what is to be done at head-quarters. If it is to be a depôt for all the stores and everything required by the force, you want it at some place where there would be easy communication with the different stations.
41. What place would you suggest for that purpose? I think the present place, Wide Bay, is a very good place.
42. You are not aware there are no head-quarters there now? I was not aware of that.
43. You would suggest Wide Bay on account of its central position? Yes.
44. *By Mr. Richardson*: Do you think any number of men sent from Sydney would be of service in putting down outrages? They would be of no use in the world until they had had some training in the bush.
45. If they were smart young men, who had had some experience in the bush, might they not soon pick up a knowledge of the mode of warfare? They might.
46. Do not many men who have not been much in the bush soon become good bushmen, from natural talent? Yes.
47. *By the Chairman*: What remedy would you suggest to stay the outrages on the Dawson? I really cannot say, except increasing the Native Police Force.
48. Without a mixture of whites? Without any more whites than I have mentioned—not very many more at any rate. The only use of a force of white men going up would be that the blacks hearing of it might be frightened.
49. *By Mr. Richardson*: Had you many opportunities of seeing the Native Police when Mr. Walker first took charge of them? No.
50. You did not come in contact with them then? I did a little, but not much. When I first knew the force it was going to the dogs, under Mr. Walker.
51. *By the Chairman*: Are you aware that the blacks have become bold in consequence of their successes? Yes; I have not the slightest doubt of it.
52. Are they superstitious to any extent? Yes; in some ways.
53. Are you aware that they have attacked stations at night? Yes.
54. Is not that unusual? I have heard of other cases besides that of Hornet Bank.
55. You are aware it has hitherto been unusual for the blacks to attack at night? It is unusual; but I have heard of their attacking parties in camp at night; for instance, on the very night the Hornet Bank murders took place, Mr. Walker and another person were attacked.
56. Are all these cases of night attack confined to the same neighbourhood? I have heard it spoken of as having taken place at the Big River.
57. *By Mr. Taylor*: Even hostile tribes have joined to attack the Europeans, have they not? I cannot say about that.
58. Do you think the Commandant of the force should be stationed at the depôt, or that he should travel about? He should travel, most decidedly. Of course a good many of his duties might keep him at the central depôt for a time.
59. Do you not think it would be a more effective force if he were chiefly at head-quarters? Without he travelled he would hardly be able to know how the different sections of the force were managed. It would be mere matter of hearsay with him.
60. *By the Chairman*: You know the late Commandant of the Native Police—Mr. Walker? Yes.
61. Where is he now? He has a small Native Force of his own about Euroombah and Hornet Bank.
62. Who employs him? I believe some of the neighbouring squatters keep him to patrol about their stations.
63. Has he many troopers? Eight or ten, I think; I do not know exactly.
64. *By Mr. Richardson*: Are they in any way efficient, do you know? They do not seem to protect the place much, because two men were killed on the station he is chiefly employed on.
65. Do you think his force has met the expectations of the parties who employ him? Hardly, I think, as they have interfered with the working of the Native Police.
66. *By the Chairman*: If a party of Native Police came to your station, and the officer in command invited you to assist them, would you join them? If he told me he thought I should be of service, I would.

- E. M. Royds, Esq., J.P.
22 June, 1858.
67. Are they generally well received at the stations? Very well indeed, as far as my experience goes.
68. When co-operation is requested, is it afforded? I do not think it is ever requested; I never heard of it.
69. *By Mr. Richardson:* Have you gathered, through the medium of the press, that there has been any unwillingness on the part of the settlers to assist the Native Police? I do not remember having noticed it.
70. *By the Chairman:* But you think that, generally speaking, there is a strong desire to co-operate with them, and render them every assistance? Decidedly. There are men, I have no doubt, who have a great dislike to the force.
71. Which is the nearest Police Court to your station? The Police Court at Taroom, about twenty-five miles.
72. How far is Taroom from Hornet Bank? About thirty-five miles.
73. Would you suggest that there should be any permanent police-station at Taroom? Not exactly at Taroom, but in the neighbourhood. I believe they have barracks on the Dawson.
74. Do you know the name of the place? No; but it lies between Euroombah and Kinnoull, the station of Miller and Turnbull.
75. Are the squatters always ready to give supplies to the Native Police on application? I think so. I never heard of their being refused.
76. Is the nature of the payment for these supplies well understood? Yes; the quarter's accounts are always given in to the officer in command—in fact the chief officer of the district always gives a cheque for them. Sometimes there has been a little delay for a few months, but people do not care about that. There has been no difficulty about it since Mr. Walker left.
77. *By Mr. Forster:* How long have you been acquainted with the Native Police? Five or six years.
78. Do you consider it an efficient force? They are efficient as far as they go, but there are so few of them.
79. Have you ever known them to be an efficient force? Yes; I have known many cases in which they have done a great deal of service.
80. No doubt they do some good, but are they as efficient as they ought to be, considering the money expended upon them? I cannot say about that.
81. You seem to think that the sole cause of their inefficiency is the want of numbers? Yes.
82. Do you think if they were increased in number they would be fully efficient? I think so, if they were under good officers. Everything depends on the officers.
83. Would you recommend that the Commandant should have the appointment of his own officers exclusively? I do not know about that. He has so few opportunities in the bush of meeting with a sufficient number of fit men. I think it is a great mistake to send men out of Sydney, who have only been accustomed to a town life.
84. Do you think the inefficiency of the force has at all arisen from improper appointments? I have not the slightest doubt about it.
85. You think with good officers the force might be made efficient? I think so, certainly.
86. *By the Chairman:* Do you know, from your own knowledge, that some of the officers are inefficient? Yes; I have known some officers that are not of the slightest use.
87. Are they still in the force? I am not aware. There have been a good many changes lately.
88. *By Mr. Forster:* Supposing the Native Police Force were altogether abolished, what do you think would be the consequence? The squatters would have to fight for themselves.
89. You think they would still keep the country? I am certain they would.
90. Then you think the maintenance of a Native Police Force is merciful both to blacks and whites? Yes. I do not think the squatters would be beaten out of the country for want of the Native Police Force.
91. Does that not rather contradict what you were saying about the uselessness of white troopers, because, if the squatters were to maintain the country in the absence of a Native Police Force, it would have to be done by white men? It would be done by white men; but the squatters, having their interests at stake, would do what paid men never would do.
92. Do you not think that if white troopers were employed in the proportion of one to three or one to two, they would do good? That is nearly what I said—an officer and sergeant, or a corporal, to each half dozen native troopers.
93. Do you not think four well armed men might go from one end of the country to the other without fear of the blacks? Yes. No doubt they might travel across the whole continent without the slightest fear; but they would not easily find the blacks if they were looking for them.
94. Is it the habit of the Native Police to take native women about with them? Yes, I believe it is; but not when after blacks.
95. Do you know a camp of Native Police where there are not a lot of these women? Some officers will not allow them to have them.
96. Do you think the presence of these native women is prejudicial or otherwise? It is one way of keeping the troopers quiet.
97. Do you not think it has a bad effect in keeping up intelligence between the tribes and the Native Police? I think it has a bad effect in that way.

WEDNESDAY, 23 JUNE, 1858.

Present:—

MR. HODGSON,
MR. TAYLOR,MR. FORSTER,
MR. BUCKLEY.

ARTHUR HODGSON, ESQ., IN THE CHAIR.

James Blain Reid, Esq., called in and examined:—

J. B. Reid,
Esq.

23 June, 1858.

1. *By the Chairman:* You are a squatter on the Burnett? I am.
2. How many years have you been there? Nearly ten years.
3. Did you form your station yourself? I did.
4. Were there many squatters out there when you first formed your station? Very few.
5. In the formation of that station did you come in contact with the natives? Several times.
6. Did they harass you at first? On several occasions they have done so.
7. Have you ever lost any men? I never had a man killed; but they have left them for dead on two occasions, though the men recovered.
8. Are the blacks in your district more quiet than they were when you first formed your station? In my immediate neighbourhood they are quiet; that is to say, life is perfectly safe, but they are given to sheep stealing.
9. Do you admit them on your station? Yes.
10. Is that the general practice in your district? I fancy it is the case all over the Burnett district. I do not refer to the Dawson country.
11. Do you approve of that? I do.
12. You are aware that many murders have been committed in the Dawson district? I have heard so.
13. To what cause do you attribute those murders? I suppose they must either be a more determined race of blacks there; or, in many cases, from what I hear, it has been traced to aggression on the part of the whites, such as firing salt at them at night. That was the case in poor Treverthan's murder.
14. What would be the effect of firing salt at them? It would cut the skin and irritate them—make the blacks mad almost.
15. From what you have heard do you imagine that the blacks on the Dawson River are a more treacherous and more powerful race of men than the blacks on the Burnett? From what I have heard I would suppose so. I do not know the men who have been dealing with them though.
16. Do you know anything of the Native Police Force? I did formerly. I used to see them frequently in Commandant Walker's time.
17. What did you think of the force at that time? Before he forgot himself it was better than it ever has been since; that is, the men were kept in proper discipline, and you never heard of them running away, as they do now.
18. What is your opinion of the force as it is now constituted? It is anything but what it might be if proper measures were adopted.
19. What remedy would you suggest for its improvement? That the troopers should be recruited from the Southern Districts; they are a superior race of blacks there; and of course they would not be so liable to abscond. I would also suggest that they ought to have a greater number of horses, say three horses to every two men. At present there is only one horse to each trooper; and when one of the officers returns with his troopers to barracks, after being away some time, their horses are knocked up and have sore backs; news may then come of depredations committed probably a hundred and fifty miles off, and there are only these same horses to go away.
20. Would two horses to each trooper be sufficient? That would be ample.
21. Would you recommend any mixture of white troopers with the natives? I would recommend that there should be one man to each section to look after the saddles, because none of these native troopers know how to saddle a horse, and that is the reason why they get knocked up so soon. It is very difficult to teach a blackfellow that. But I would not recommend a mixture of white troopers with the natives, for this reason, that the principal work they have to do is in the scrubs, and white men cannot come up to the natives there.
22. One white man to each section, to look after the saddles, is all you would recommend? Yes; besides the officer in charge. I believe a section consists of twelve men; but there is generally one deficient.
23. You would not recommend a white sergeant? No.
24. What reasons do you give for not approving the mixture of white troopers with the natives? Because white troopers would be of no use now. Whenever they come up to the blacks it is generally at the edge of a scrub; the wild blacks run into this, and the black troopers can follow them as quickly, but you or I could not keep up to them.
25. Do you believe the native troopers, when they are in hot pursuit in these scrubs, effectually come in contact with the natives? I do. I think the present men are probably not so good as those formerly recruited on the Murray, because on several occasions they have been taken out against their own relatives.
26. Do you know that to be a fact, that recruiting has gone on in the districts where murders have been committed? Yes.
27. Do you not consider that highly objectionable? Decidedly.
28. When you mention the Southern Districts, to what districts do you particularly allude? I think you should get men from the Barwan and Lower Namoi, and down towards Fort Bourke.
29. Do you think there would be much difficulty in recruiting in those districts? No, I do not think there would.

J. B. Reid,
Esq.

23 June, 1853.

30. What means would you take to recruit there, in the first instance? I would send one of the officers, accompanied by one of the present troopers who can speak the kamilaroi language, used down there, and I have no doubt he would be able to procure men.
31. Would you send horses for them? I would either send horses or buy them there.
32. Are you aware of the present number of the Native Police? No.
33. Of what number would you recommend the Native Police Force to consist? I am not well aware how many are needed; but I fancy seven sections would be sufficient.
34. Could you suggest to the Committee the proper site for the head-quarters of this force? I think the head quarters ought to be temporary, because as stations push out they ought to move to the most central place.
35. Would you not suggest that there should be head-quarters where the arms and stores should be kept? Yes.
36. Do you not think this ought to be a permanent station? Do you mean the residence of the Commandant?
37. The residence of the accountant more particularly? All that had better be done at Brisbane, where there are the greatest facilities for communicating with Sydney.
38. You would not recommend any port further to the north? Certainly, at Wide Bay you would be nearer to where the different sections are, but then again you are further removed from those on the Clarence.
39. If a Native Police Force were not considered necessary on the Clarence, would you recommend Wide Bay in preference to Brisbane? Yes; it is nearer to the unsettled parts of the country. As to the Dawson country, I not think there are many miles of difference from the Dawson to Brisbane, and from the Dawson to Wide Bay; but taking the country further north, Wide Bay would be much nearer.
40. By Mr. Forster: You alluded to aggressions by the whites as one of the causes of the great number of murders that have taken place? Yes; I refer to Treverthan's case.
41. That occurred, how long ago? I should think six years ago.
42. You alluded to that case particularly? That is the only instance I know of.
43. Then you do not mention aggression by the whites as the rule? No; but in this case I believe Treverthan fired salt at them during the night.
44. Did you ever hear of firing salt at them in any other case? No.
45. Then I presume you do not mean to infer that the murders committed by the blacks are in general caused by aggression from the whites? No, I should say not.
46. Does not your experience lead to the contrary impression,—that in general aggression is first committed by the blacks? Yes; for instance, Humphreys and Herbert were not forty-eight hours on the run before a man was killed.
47. Do you not think the most conciliatory measures have failed? I do not think conciliatory measures are adopted by the men.
48. But by the squatters—is it not their general desire, and also their interest, to conciliate the blacks? Of course it is.
49. Do you not think they would always endeavor to be on good terms with them? Of course. In that unfortunate affair of Wilkins, the man who was killed fired at two blacks the day before he was killed.
50. May it not have been caused by some aggression of theirs previously—you are not aware to the contrary? No.
51. Are you not of opinion that, whatever means of protection the Government may give, and however efficient a border police there may be, some murders will occur. There always will be occasional murders.
52. Do you not think that, however well a district may be protected, enterprising men will go beyond protection, induced by the profit derived, or supposed to be derived, from such adventure? It has always been the case in my experience.
53. I think you have come to the conclusion that, in the cases we are considering now, the murders are more than might have been expected from the circumstances? Yes; they are more than when the Burnett District was first settled.
54. You stated that you considered the Native Police Force was efficient under Mr. Walker? Yes, up to a certain time.
55. Did you consider it even then as efficient as it might have been? No, I do not think it was, because he kept far too many men together.
56. Do you not think a great part of the time of the men was taken up uselessly in travelling along lines of road, and going to stations where they were not required, even in his time? I never saw anything of that. On one occasion I saw him at Barber's station, where he had about fifty men together.
57. Where the force was not required? He had been to the Bunya, where the blacks were, to disperse them.
58. Do you think that in his time the force was kept as near the frontiers as it ought to be? I should say not, when the head-quarters were at Callandoon.
59. You have never known the force in an efficient state since? The men have never been in the same order as when Mr. Walker had charge of them.
60. Do you think a good deal of the discipline he maintained may not have been owing to the individual knowledge which Mr. Walker had of these blacks, he having lived with them before they joined the force? I think that had a great deal to do with it. He was very severe, more so than any other person has been since.
61. Are you at all acquainted with the force said to have been organized by Mr. Walker since his removal? Merely by rumour. I have not seen him for years.
62. Can you give the Committee any idea whether that force is useful or efficient? No, I cannot.
63. Has it ever come to your knowledge that constant intercourse is kept up between the native troopers and the women of the wild tribes in the neighbourhood where they are stationed? I have heard so; but I cannot speak from experience.

J. B. Reid,
Esq.

23 June, 1858.

64. You have been in the camps of the Native Police? Yes.
65. Have you not always seen these native women there? I have frequently; but whether they were living with the troopers I cannot say.
66. Were these women the wives of the troopers—had they come from the same part of the country, do you suppose? I think, when Mr. Walker was in command, there were two girls from the south country with the Native Police.
67. Did you ever see a camp of the Native Police without a quantity of women about it? Yes.
68. A camp where they had been stationed some time; I do not mean where they had camped for the night only? The only station I was ever at is Wallah, Mr. Thompson's station; I have been there several times, and I always saw women.
69. You are aware, at all events, that there is an impression that they are always supplied with women by the tribes, wherever they go? So it is said.
70. Supposing that to be the case, do you think it would tend to injure the efficiency of the force, and render it less useful? I think it does. For instance, they were attacked at Rannes; and from what we hear, it was because the Native Police had taken a number of girls away. That is the story; and it is very probable, I think.
71. You are not favorable, I think you said, to the employment of white troopers? No; only one to each section.
72. One white trooper to two blacks, or one to three, you would not approve of? No, that would be too many.
73. In what sense too many? I think the less military the more useful the force will be. I would make them throw away their heavy swords, for instance; they do not know how to use them. The carbine is all they want.
74. Are you aware of any instances in which the Native Police have been employed as constables, to take up white men? I once saw Mr. Walker at Gayndah order his men to put a drunken man in the lock-up, who was very violent.
75. Do you approve of the native troopers being employed in any case of the kind? No. I do not see how they can do it; they cannot take the oath; but if the officer was with them all the time, I would see no objection.
76. An officer being with them, of course they could be legally employed, because any peace officer may call on any of Her Majesty's subjects to assist him, and I presume they might act in that case, whether they were constables or not? Yes.
77. *By Mr. Taylor:* Do you not think the presence of a few white men in the force would increase the authority of the Commandant? No, I do not see how it would.
78. Do you think it safe for any one white man to be surrounded by these men alone, without any protection from his own race? Quite safe. I do not think there is any danger from them.
79. It would be merely as a kind of servant that you would recommend a white man with each section? Yes. Mr. Marshall when he was First Lieutenant, used to saddle all his troopers horses himself; he would take his coat off and set to work to put all the saddles on; and consequently his horses were in better condition than the rest. You have no idea how careless these black troopers are.
80. *By the Chairman:* Could you suggest any immediate remedy to stay the murders on the Dawson? No, I do not know of any. There are plenty of troopers up there at present.
81. Sufficient to protect life and property? I believe so. I have heard of two sections being in that part of the country. Some of the natives of the Dawson have come in as far as Gayndah; I have seen several of them there; they are afraid to go out, I believe, on account of the Native Police. I dare say they have been pursued by the police, and have come in to the settled parts for protection. I saw a Dawson black at my own station a few days before I came away, who was wounded both in the face and in the thigh.
82. Are you aware that the natives on the Dawson have become very bold? So I hear.
83. To what do you attribute this boldness? I fancy they are very numerous; and probably the people there are very much afraid of them.
84. The squatters you mean? Yes. That station where so many people were murdered is a very unprotected place to have so many females at. It was rash to have them there.
85. Are you aware that the natives on the Dawson have been murdering people at night? I have heard so.
86. Is not that unusual? Very.
87. Have you ever heard a similar case? I have never known it in the south country. The blacks on the Burnett go about at night; in fact, it is at night they steal the sheep, principally.
88. Are they very superstitious in the northern districts? They are.
89. Do you not think their continued success in their attacks—these murders being so frequently committed, and no punishment following—has tended to do away with that superstition? I know of one instance in which the fact of a blackfellow's being shot has made him bolder. He was shot through the nose, another ball passed through his throat, and a third along the front of his body, without killing him; and he believes now that no ball can kill him.
90. Are the horses used by the native troopers generally useful animals? Yes, I think they are very fair. In summer one horse to each man would do the work very well; but in winter there is very little feed, and one horse will not then stand riding every day.
91. Do the native troopers generally take care of their horses? No; I do not think they do.
92. Nor of their saddles? Nor of their saddles, nor of their arms.
93. Under these circumstances do you not think it would be better to have a white sergeant attached to each section? Probably it would, to see after the arms. If he were a saddler as well it would be of great use; or, probably, there should be a sergeant and a saddler also. There is tremendous wear and tear of saddles and accoutrements. For instance, if they stop for a short time they will take the bridles off their horses, leave the carbine in the saddle, and probably the brute rolls, and breaks one or both.

- J. B. Reid, Esq.
23 June, 1858.
94. Would you propose that there should be barracks at any other point than the head-quarters? Yes; I think it would be prudent to have barracks more in the interior—probably two besides the head-quarters.
 95. You think that would be sufficient? Yes; one in the southern and the other in the northern part of the district.
 96. Have you ever been at Rockhampton? Never.
 97. You know where it is? Yes.
 98. Do you think that would be a proper site for the head-quarters of the Native Police? Yes. It is not a great way from the Dawson country; in fact, in a straight line it is nearer than Brisbane.
 99. You are well acquainted with Brisbane? I am.
 100. Do you not think there are too many public-houses in Brisbane to make the head-quarters of the Native Police there? Yes; there are a great many public-houses there.
 101. Do you not think that a serious objection when you come to think over it? I have never seen any of the troopers intoxicated, but I have never seen them at a place where they could get drink, except at Gayndah, and they had no money there.
 102. Do you think it possible to prevent the native troopers from getting drunk when it is within their reach? Nearly all of them will take it, if they can get it; but I have never heard that any of them were guilty of drunkenness.
 103. Would you suggest that the native troopers should be under any strict military discipline? Decidedly.
 104. Would you appoint any punishment in case of desertion? I think if it were possible to have them flogged and returned to their duty, it would be the best punishment for them.
 105. Are you aware that they ever were flogged? I have heard that Mr. Walker used to make a black sergeant flog any black trooper who misbehaved; but I have never heard of such a thing since his time.
 106. Would you invest the Commandant with the power of appointing all his subordinate officers? It would certainly be a great power to invest in one individual.
 107. Are you aware whether the officers, generally speaking, are efficient? Some of them are said not to be efficient.

William Butler Tooth, Esq., M. P., examined:—

- W. B. Tooth, Esq., M. P.
23 June, 1858.
1. *By the Chairman:* You are a Member of the Legislative Assembly, for the Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, Port Curtis, and Leichhardt? Yes.
 2. I believe you are generally connected with squatting pursuits in those districts? Yes.
 3. Have you formed any stations yourself? Yes, in the Wide Bay District.
 4. Were you the original discoverer of those stations? I was the original occupant. Other people had seen them before, but I took them up.
 5. You have had opportunities of knowing something of the natives in that part of the country? Yes; in consequence of taking up these stations particularly.
 6. Have you suffered in property or in the lives of your shepherds from the natives? I have never had a man killed.
 7. Have you had sheep taken away? I never had sheep taken away, but I have had plenty of cattle killed. The stations I formed were for cattle. Stockmen are not so liable to be killed as shepherds.
 8. Are the natives allowed in upon your stations? We kept them out at first, but they are now allowed in. I approve of the principle when all can pull together; but for one squatter to allow them in and others to keep them out is wrong.
 9. Are they generally allowed in, in your district? Yes, now they are. As soon as Mr. Walker came down with a company of police, we agreed together to let them in, but before that we dared not do it.
 10. Then the presence of a section of Mr. Walker's Native Police tended to protect your property? Decidedly.
 11. As well as the lives of the native blacks? Yes.
 12. Then you consider that the employment of the Native Police is merciful, both to the squatters and the natives? An effective force would be so. I will point to the case of the very first company or section of native troopers that Mr. Walker brought from the southward to Callandoon. That was the first scene of his operations. I bought a large cattle station there, from Mr. Larnach, just before the troopers came up. The blacks before that had been so very troublesome that he could not get a purchaser for it, and he had to sell it at a sacrifice, in fact. You could scarcely get a man to go into that district for double the wages paid anywhere else, and no woman would go near it at all. The hut-keepers would not venture to go down to the water-hole without being armed with gun or pistol. But in less than three months after the Native Police came up, that district was so quiet that a man could walk about anywhere. Mr. Walker met the blacks killing cattle close to my camp, and they had a stand up fight for it. The blacks were so completely put down on that occasion, and terrified at the power of the police, that they never committed any more depredations near there. The place was quiet at once, and property became fifty per cent. more valuable.
 13. Then the Native Police Force under Mr. Walker was efficient? That section was more efficient than they have ever been since; because, when he got more to do he had to trust to others. To increase the force, he had to go away a second time to the Murrumbidgee and Lachlan, and those places. Mr. Walker had several advantages: he was a superintendent in these Southern Districts, and knew a great deal of the country, and the blacks there individually, and that enabled him to recruit successfully. I do not think a stranger going there would find it such an easy matter; and I could tell him, whoever he might be, that the squatters

squatters would not at all like his presence to take their black servants; because it is not wild men we want for troopers, but men broken in by the squatters; and they do not like these men to leave their service to join the police. I remember there was a great deal of dissatisfaction about it.

W. B. Tooth,
Esq., M.P.

23 June, 1868.

14. In what district? When they tried to get men in the neighbourhood of Callandoon to send out to Wide Bay. I believe a letter was written to the Colonial Secretary on the subject, and a correspondence took place between Mr. Walker and the Government.

15. Are you at all aware of the state of the Native Police Force at present? It is in a wretched state.

16. How do you account for that? In this way: that the Native Police Force having been disbanded, it has required more time than there has been to re-organize it as it ought to be done. For instance, there has not been time for the Commandant to go away to get troopers; he has had to get them in the district where they do duty. Even now, I understand, he is only going as far as Callandoon and the Clarence. I think he will have a great deal of difficulty in doing it. I think if anything could be done temporarily to give better protection for a short time, an attempt ought to be made to get troopers from the Lower Darling.

17. What temporary measure would you suggest? I should say protection might be afforded by supplementing the force with about one-third European troopers. I do not see any other way of doing it.

18. You think that should take place immediately? Yes; and then if they should seem to work well together the arrangement could be continued, and if not, other troopers could be got in the meantime. They will always be wanted as long as we want a border police force at all; and it would be far better to get them by degrees—ten or twenty at a time, than fifty at once—and much easier to do it.

19. If it were possible to send twenty white troopers at once from Sydney to the scene of these murders, do you think it would be desirable? I do, decidedly. I think it ought to be tried. It is worth trying. There is no other way that I see.

20. If this could be done, the Commandant of the Native Police would have an opportunity of seeing how the amalgamation of white and black troopers would work? Yes. I think I would give him power to distribute the white troopers as he pleased. I would not order him to put any particular number of whites with blacks. There may be one or two companies of native troopers who are quite efficient by themselves; for instance, the section under Mr. Murray's command. The Commandant might think it inadvisable to disturb that section. I would therefore give him power to mix the Europeans with the natives as he might think best.

21. Mr. Murray bears the name of a very efficient officer? Yes, he does.

22. Do you think if Murray were sent to the Namoi and the adjoining districts, he would be able to recruit native troopers there? I do not think he could on the Namoi; the time has gone by. When I was sending some cattle from there, we could scarcely get a black boy to go with the stockmen. I believe the best place is near the junction of the Darling with the Murray.

23. Do you think that the best place on account of the number of natives there? Not only on account of their numbers, but because they are a superior class of blacks, and are more to be depended upon, than in the northern districts—they are more skilful in warfare, and are a finer race of men.

24. Suppose it were possible to send up twenty troopers from Sydney, would you send horses with them? No; I would rather buy horses that have been bred in the districts, because they do better, and are acclimatised.

25. Are horses easily obtainable in the district? I should say so. I noticed that at a large sale of horses the other day at Brisbane, from Mr. Leslie's stud, the average was only £9 a head.

26. Where would you suggest that these white troopers should be landed in the first instance? That would depend on circumstances, and where the Commandant was. If the Commandant were at Wide Bay, I would land them there, but if at Brisbane, then I would send them there. I should send them wherever the Commandant might be.

27. Where would you suggest that the head-quarters of the Native Police should be? I think Maryborough would be most central. There is not much need of the Native Police on the Clarence, I should think; and the Commandant has very little to look after there. If he were at Brisbane his work would be nearly all to the north.

28. You are in favor of having head-quarters? Not of having any great quantity of police at head-quarters, but of head-quarters for the accounts and stores.

29. And for drilling? That is quite another thing. But after they were drilled and formed into sections, I do not see any necessity for them to go to head-quarters any more.

30. Would you suggest barracks at head-quarters? I would not have barrack accommodation for more than twenty men.

31. Are there barracks now erected at Maryborough? I do not know; I believe the station is at Tyro Lagoon, about sixteen miles up the river.

32. You are not aware whether there are any buildings erected, or not? No; but the settlers, if they regarded their own interest, would build barracks for the troopers on their stations. I did it; I built a large place for the troopers, where they could come and stop a day or two, and then go on. They must be moving about to be effective. They will not sleep in a hut, if you build the barracks, they will put their saddles inside, and sleep out.

33. You would surely suggest buildings at head-quarters? Yes, at head-quarters; but not for more than fifteen or twenty men. I do not see the necessity of going to any great expense about it either.

34. By Mr. Forster: Would not a large tent or tarpaulin, or several such things, be found useful in place of barracks? They would soon wear out. If heavy, the objection would be to the load for the horses to carry; and if light, the friction would soon wear them out.

35.

- W. B. Tooth, Esq., M.P.
23 June, 1858.
35. Do you think the expense would be greater, on the whole, than that of putting up huts? I think it would; if they were rolled up damp, and allowed to remain so for a short time, they would be spoiled. These men are so careless, that anything that can spoil will spoil in their hands.
36. The officer in command is supposed to look after their accoutrements? No doubt he ought to do it, and perhaps does do it; but fancy having to look after the saddling up of all his troopers. There is inevitably great wear and tear.
37. Do you not think the force might be less expensively managed than it is at present? I can hardly say, unless you can put some particular point of expense to me.
38. I will put the case of their carrying heavy swords, which they never use? They are not required at all, and are a very great incumbrance.
39. Is it not the great object in fitting out a native policeman to put a light weight on his horse? Yes.
40. These swords add a great deal to the weight? A great deal.
41. Are there not other things they carry which are unnecessary—they have different uniforms, for instance? They may have them, but I never saw them—there is no necessity for them.
42. Have you not seen a very heavy kind of military saddle supplied to them, instead of which a much lighter saddle would be better? Yes. A common stockman's saddle would be much better than any other saddle, and more easily kept in order.
43. And last better? Yes.
44. *By the Chairman*: Could they fix holsters on saddles of that description? Yes; stockmen go about with pistols and holsters on their saddles. There is no doubt that European troopers are not able to follow the blacks in these scrubs. Mr. Walker's troopers (I do not know what they do now) used to strip and go in after them naked, because the scrubs are of such a kind that their clothes become entangled. You would not get an European to do the same; in fact he would not be able to do it.
45. *By Mr. Forster*: Have you noticed the kind of intercourse that exists between any of the recently appointed officers and their men? No, I have not.
46. You are not acquainted with any of the new officers, perhaps? I am not, except the Commandant; I have known Mr. Murray for many years.
47. Do you think the officers generally have sufficient authority over the men? They had at one time.
48. That was in Mr. Walker's time? Yes.
49. Do you think they have not since? I think Mr. Murray and Mr. Bligh have, and so had Mr. Marshall, and several other old officers.
50. Did you ever know the force to be in an efficient state since the time you speak of under Mr. Walker? Never since it was disbanded.
51. Was it not inefficient under him latterly? It was not so efficient as it was at first. The section at Callandoon was the perfection of a protective force when it first came up; but it gradually got worse and worse under Mr. Walker himself.
52. Since that time the force has never recovered? It has not began to recover. One-half the troopers are next to no good at all, except to ride about and show themselves.
53. Do you think the troopers, from the way they are selected, are capable of being made useful at all? They can never be efficient while they are selected from the districts where they are employed.
54. Do you not think the squatters would be better without such troopers? Anything is better than nothing.
55. Do you not think a force of white men would be better than troopers selected in that way? Yes, but for the scrubs.
56. Supposing the white troopers cannot pursue the blacks at all in the scrubs, do you not think that the injury that is done by selecting black troopers from the immediate neighbourhood is greater than any good derived from it? I do not think any injury would be done if the men would not abscond.
57. But they do abscond? I have heard they do.
58. Do you not think they would carry on intercourse with their own tribes? That would depend a good deal on circumstances. If you can get men that the tribes have a down upon they will be true, because they know that if they leave you the tribes will kill them; but you do not know when you have actually got these men.
59. All depends on the selection of individuals? Yes.
60. And that again depends on having a good Commandant, in fact? Yes.
61. *By Mr. Taylor*: Do you not think the body would be better organized if there were one main head-quarters stationary, and the whole force divided into different sections with settled stations? The disturbed district is about three hundred miles long and very wide; and I think there would be no necessity for any of the sections ever to come to head-quarters.
62. Still, things might occur at some of these out stations which would require correspondence with the Commandant? The Commandant ought, of course, to have some place where he can be corresponded with, but not a barracks for the main body of the force to come to.
63. Would he not be more useful if he were almost stationary at head-quarters—going out at times, of course, but remaining chiefly at head-quarters? I do not think so; because I think he ought to have power to employ his subordinate officers, and that he ought to be moving about to judge for himself whether the officers were doing their duty. I would make him the responsible man, and expect him to find officers to do the duty. Until that is done you will never get efficient officers. I would give him full power to appoint his own officers, just the same as I would give to the head superintendent of a number of stations power to appoint his own overseers at the different stations, and I would hold him responsible for the efficiency of the corps, in the same way as I would hold the superintendent for the good management of the stations.
64. You would give him the sole power, without referring to the Government at all, to appoint whatever officers he pleases? I would.

Henry

Henry Midland Pearse, Esq., called in and examined:—

H. M. Pearse,
Esq.

23 June, 1858.

1. *By the Chairman:* What is your occupation? I have been managing for Mr. Holt in the Dawson District lately, at Bungaban.
2. How far is that from Gayndah? One hundred and ten miles.
3. In what direction? About west of Gayndah.
4. How far from Hornet Bank? I believe it is about forty-five miles, but I never was there.
5. Were you there when the station at Bungaban was first formed? No.
6. How long have you been there? Since the middle of January, 1857.
7. I presume you have had many opportunities of knowing the manners and customs of the blacks in that part of the country? Only since the time I mention.
8. Do you allow them in upon your station? Yes; they were there till last shearing time.
9. Did they go away then? Yes.
10. Under what circumstances? They went of their own accord.
11. You did not send them away? No.
12. Have you ever sent them away? No, I never did.
13. Have they not returned since? Not up to the time I left the station.
14. To what cause do you attribute their absence? I suppose they were frightened, having heard the news that the police were about after them.
15. Have they ever done any injury on the station under your charge? None whatever. We lost a few wedders at head station, supposed to have been taken by strange blacks.
16. Have they speared no cattle? No; they have never done us any injury whatever.
17. Have they committed depredations and murders in the neighbourhood? Yes, on the next station.
18. Which is the nearest station to you? Mr. Yaldwin's, at Taroom.
19. How long ago? The latter end of 1857.
20. Did they commit murders there? Yes; two men were reported to be killed on Mr. Yaldwin's station.
21. Were they shepherds? I believe they were; it was reported so.
22. How far distant from your station where the murders committed? About twenty-five miles, I believe; I have never been at the place.
23. As long as you have been in the district, the blacks have never injured the property you had in charge? Never.
24. Could you give the Committee your ideas of the reasons for their behaving so well on your station? I imagine we are an inside station, and the stations where the murders have been committed are on the frontier, and surrounded by scrubby and broken country.
25. If the blacks had come in to your station again after they had left, would you have admitted them? Yes; I promised them I would take care of them if they did come in.
26. Have you had opportunities of observing the Native Police Force? I have seen it passing and re-passing at different times.
27. What is your opinion of that force? I have said from the beginning that if there never had been any Native Police Force these murders would not have been committed to such an extent, because the people would have protected themselves.
28. By that remark, I suppose you wish to impress the Committee with the idea that the squatters were hanging to the Native Police for protection? In some measure I should imagine so.
29. *By Mr. Forster:* You say they could have protected themselves without the Native Police? I think they could, because I have been in other parts of the country where we had no Native Police, and we never required them.
30. *By the Chairman:* What I understand from you is that the squatters have not taken any trouble to protect themselves, owing to the presence of the Native Police? I do not know what they have done on the Dawson. I know very few parties out there. I imagine they looked entirely to the Native Police for protection.
31. You imagine that if there had been no Police Force the squatters would have combined and defended themselves with greater advantage? Yes; I think so.
32. In what other parts of the Colony have you been previously? On the Lower Macquarie, and all those western waters down the Barwan and Darling.
33. In these districts you were enabled sufficiently to protect yourselves? Yes. In fact I have never had any trouble with the blacks wherever I have been.
34. Are you aware whether the present Native Police Force is efficient or not? Some of them may be; some are very good men.
35. Could you suggest to the Committee any immediate remedy to stop the outrages? It is really a very difficult thing to suggest. It is difficult even for those people who live in the immediate neighbourhood to do so.
36. Would you approve of white troopers being sent from Sydney? I cannot see what use they would be, unless they were led by men who knew the country.
37. Suppose they were led by the officers of the Native Police and accompanied by the native troopers? If the officers were good bushmen, and were accompanied by blacks who could track, then they might be of some service.
38. Would they not materially strengthen the force? That would depend upon the management of them upon the ground.
39. What is the nature of the country in the Dawson River District? It is scrubby. All the hills, whether high or low, are covered with dense briclow scrub, which it is difficult to get through even on foot.
40. Do the blacks get into these scrubs after they have committed murders? I believe so.
41. Have you ever been out after the blacks? Never.
42. You have never had any occasion? No.
43. Is the country where you have been living open? Tolerably open, with the exception of the tops of the hills.

- H. M. Pearse, Esq.
23 June, 1858.
44. On what water is the station? On a tributary of the Dawson River.
45. Are the Native Police generally well received at the different squatting stations when they come up? I imagine so. They have been always well received at our place.
46. Have you heard anything to the contrary? I cannot say I have.
47. Do you not imagine there is a general feeling of co-operation between the squatters and the native troopers? In some instances there may be. Others speak against them sometimes. Perhaps it is merely because they cannot always get them just when they want them. No doubt the Native Police would be very efficient if they were led by officers that were good bushmen.
48. Is not that the case? I cannot say they are not good bushmen, all of them; but I should think men sent out of the towns cannot be much good in the country.
49. Is that the case with many of the officers? I understand so, in more than one instance.
50. That you think is bad? Decidedly.
51. Are the Native Police troopers generally well horsed? Yes.
52. Do they seem to take care of their horses? I should say they do; but they all require looking after.
53. Have you noticed their saddles? I have.
54. Do you approve of them? I have not made any observation with regard to them. It seems to me almost necessary for them to have the saddles they use, on account of the heavy weight they carry, carbines and cloaks, and such things.
55. It is necessary they should be large? Of course a large saddle is decidedly preferable to a small one in any case for a man to ride on.
56. Could you suggest to the Committee where the head-quarters of the Native Police Force might be? It is difficult to do so. At Maryborough the blacks are sometimes more troublesome than they are any where else.
57. You could not suggest where the head-quarters might be? No.
58. *By Mr. Taylor*: Do you not think the presence of a certain number of white troopers in the district would tend to frighten the blacks, and to prevent these outrages, even though they could not follow them into the scrubs? I do not think so. I think one good man on a station would be worth all that could be sent from Sydney—one good bushman I mean.
59. *By Mr. Buckley*: If you could get desirable men, bushmen, in Sydney to send up to the force, would they not be of use? I do not think much of the Sydney men at all to send into the bush.
60. If good bushmen could be picked up in Sydney and sent up there, would they not be of good service? If they are good bushmen, no matter where they come from, that seems to me to be the principal thing. They must be men who would not be running about on the tracks of roads. Any one can do that.
61. Such an addition to the force you think would be of some service? I think so.
62. *By the Chairman*: Have you felt perfectly secure in your station ever since you have been there? Quite so.
63. Do you imagine that the natives might leave your station, go to those outlying stations, commit murder, and return in again to you? I am very doubtful about that. It is generally supposed that they know of all these things before they are committed—I merely speak from supposition—but still we never can get it out of them. I mean that before a murder is committed, the blacks for hundreds of miles round know that such a thing is going to take place, as far as I can find out from having spoken to the blacks after the event. But such is the combination that you cannot get them to speak out. I have heard of it when they have been talking of the event afterwards.
64. Do you happen to know whether the blacks are admitted on the squatting stations outlying beyond you? No, I believe not. The blacks were admitted at Mr. Yaldwin's place some time after they had left our place; but they were not the same blacks that had left our place; as far as I heard they went in a different direction.
65. Is it not generally known that Mr. Yaldwin has treated the blacks with great kindness? Report has said so.
66. And yet he has lost two men? And yet he has lost two men.
67. Therefore, admitting the blacks on the stations gives no security to the proprietor as to life and property? That depends on the way you treat them in great measure.
68. How would you treat them? I keep them at a proper distance, and if I employ them I give them what I promise, and send them to their camps.
69. Have you employed them? Yes, in many ways,—sheep washing, drafting sheep, cutting bark, and so on. I had them all last winter. I paid them for what they did, and I found them very useful, and always willing to stop with me. They would come back, only that they are frightened now.
70. Have you found the blacks to be a superior race to those you have come in contact with on the Darling? No, I think they are inferior.
71. Are they larger? I do not see any difference with regard to size; if anything, I should say they are smaller.
72. You do not approve of the present Native Police Force? I have said so, and I have heard other people join with me; because, in other parts of the Colony that I have been in, if the blacks committed any depredations the whites always protected themselves.
73. Do you not imagine that the blacks in the districts where these murders have been committed have been greatly assisted by the scrubby and mountainous nature of the country? Yes. And very probably some of the deserters or disbanded Native Police have been the principal leaders.
74. Is not the country on the Dawson more scrubby and mountainous than any other district in the Colony that you have been in? Yes, where the frontier stations are, I think it is. I have never seen it myself; I only speak from hearsay. It is described to me as a broken country extending for hundreds of miles.

75. Do you form your idea of it from your own station? Our country is not much broken. H. M. Pearce, Esq.
We are on the south side of the Dawson; I am speaking of the north-west side.
76. Do you in any way attribute the murders which have been committed by the blacks to the harsh manner in which they have been treated by the squatters? I have often heard of instances of that kind where the blacks have been badly treated or badly used, and that they have retaliated in some way or other. It may be so; I do not say it is in this case. 23 June, 1858.
77. You are speaking generally? Yes.
78. Can you give the Committee any further suggestions? I think the native troopers should be brought up from other parts of the country. It is no use to have men picked up in the neighbourhood, or within a hundred or a hundred and fifty miles, because they are apt to bolt, particularly if there is any mismanagement on the part of the officer. If they were treated as well as blacks should be about a station, I think they would stick to their officers just the same as they would stick to us at a station.
79. Do you know the Commandant of the Native Police, Mr. Morissett? Yes.
80. Would you vest him with the appointment of his subordinate officers? Most assuredly I would.
81. Do you think he is fully capable of carrying out the duties of Commandant? I think it would be difficult to get a better man.
82. Is he a good bushman? I should imagine he is, because he is here and there in every direction across the country.
83. He is an active man? Very much so.
84. Do you think if sufficient time were given him he would be able to reorganize the force? It is very possible he may.
85. From what you have seen of him, do you think it is likely he will do so? I should say if any one can he ought to be able to do it.
86. Have you frequently had opportunities of seeing him? Very frequently. I was not acquainted with him much before he became Commandant; but I have met him since frequently.
87. Have you ever met Mr. Murray? Yes.
88. Is he an efficient officer? Very much so, I think. I speak from general report. Mr. Bligh is also a good officer, I know, and also another officer, Mr. Powell, whom I have seen frequently.
89. Are you aware of the number of officers attached to the Native Police Force? No, I cannot say I am.

THURSDAY, 15 JULY, 1858.

Present:—

MR. BUCKLEY,
MR. CRIBB,
MR. FORSTER,

MR. HODGSON,
MR. JONES,
MR. RICHARDSON,

MR. TAYLOR.

ARTHUR HODGSON, ESQ., IN THE CHAIR.

Alfred Brown, Esq., called in and examined:—

1. *By the Chairman:* You are a resident in the Wide Bay District? Yes.
2. In what part? Gingin is the name of my station.
3. What is the distance from Maryborough? About seventy miles.
4. And from Port Curtis? About a hundred miles.
5. Have you been long there? Four or five years.
6. Did you form the station yourself? No; it was formed by Mr. Forster.
7. Have you had many opportunities of noticing the conduct of the Native Police? I think I have had every opportunity.
8. Do you consider them an efficient corps? I do not.
9. Did you ever consider them efficient? They were at one time—at the commencement.
10. Who was Commandant then? Mr. Frederick Walker.
11. Their efficiency has ceased since Mr. Walker was superseded? Yes.
12. Will you be good enough to state some of your reasons for drawing that conclusion? I think the principal reason of their inefficiency is that they have inefficient officers. Some of the officers appointed are not at all adapted to the command of the force.
13. Are you speaking generally? It is so in many cases, or I might say in most cases.
14. Do you include the present Commandant? I do not think he is an efficient officer; I do not think he understands his business. I have seen personally very little of him; but, if I may judge from the officers, and the way in which the force is conducted, I think he is to blame in some points.
15. Will you be good enough to state to the Committee any instances of inefficiency in the officers that have come under your notice, not mentioning names? I consider that one essential object of the employment of the force is that they should be continuously patrolling the country, which they do not do. I consider they adhere too much to the roads, instead of following the blacks and patrolling through the bush. I consider also, that the officers do not keep up that degree of discipline amongst the troopers that certainly was maintained by Mr. Walker, and to which I attribute his efficiency. I have frequently seen officers entirely led by their troopers; and I consider that the troopers ought not to know in which direction they are going out, for this reason, that at the stations they

A. Brown,
Esq.

15 July, 1858.

A. Brown,
Esq.
15 July, 1858.

they make acquaintance with the blacks, principally through the women, and I believe they give them information which they ought not to possess, as to where the next movement of the force will be. That is one reason of their inefficiency, and I think the principal one.

16. Could you make any suggestions to the Committee, with the view of making the force more efficient? It struck me that the addition of a white force with them would be beneficial.

17. In what proportion? I think the same proportion would not be applicable to all districts. From what I know and have heard of portions of the Leichhardt District, where scrub so much abounds, I scarcely think a white force there would act well; but I would suggest that in my own neighbourhood, which I consider moderately quiet now, there should be a force of, say four white men and two blacks; as trackers, besides the officer. Such a force would be sufficient in moderately quiet neighbourhoods; but in outlying districts where scrub is so very general, through which it is exceedingly difficult, or I might say impossible for white men to follow the natives with sufficient rapidity, I would have a body of Native Police, or two, at disposal, so that in case of necessity they could follow the blacks through the scrubs.

18. You would vary the number of white men according to the nature of the country? Yes.

19. *By Mr. Jones:* In some districts you would have a force consisting chiefly of whites, and in others, a force consisting chiefly of blacks? Yes.

20. *By the Chairman:* You would place the whole force under one Commandant? Yes. My view is that the present disorganization of the force is owing principally to its being very badly officered.

21. From what cause? Because the officers have been appointed by persons from Sydney who know nothing about the force. I consider that the Commandant ought to have the entire appointment of his officers. If you wanted officers for a force consisting entirely of blacks, for the remote districts, you might then make a selection of officers for that purpose from the whole. I could go now and select perhaps six good officers; their sections are moderately efficient; whereas some of them are worse than useless.

22. That you should say from your own observation? Yes.

23. If it were possible to send up twenty troopers from Sydney, would you not place them immediately under the control of the Commandant, and allow him to dispose of them as he thought proper? Yes. I think everything should be left to the direction of the Commandant. I do not know what powers are vested in the Government Resident at Moreton Bay; but he appears to have the control of this force in some way. I do not think he ought to have anything to do with it. Brisbane is quite out of the way of its operations.

24. Where would you suggest that the head-quarters of the Native Police should be? The head-quarters should be as nearly central as possible. If otherwise, I would have it more to the northward, where the force is more wanted.

25. Where would that be? I think the Burnett would be as good a place as any; that is where it was in Mr. Walker's time; but now the squatters have gone out further to the north than they were then.

26. Would you approve of Maryborough? No; the only advantage would be, that it would be economical for the supply of the force; but that gain would be very inconsiderable. I think Gayndah a good place.

27. There would then be inland carriage? Yes, eighty miles, from Maryborough. The Native Police generally get their rations at stations, so that there would be very little carriage.

28. Do they get rations at stations without any difficulty? They have not latterly; many persons have objected to supply them on account of their inefficiency; and not only that, but the difficulty of getting the rations paid for under Mr. Walker's management.

29. The difficulty of getting paid has ceased, has it not? For supplying the present force we have always been paid. I allude to money that has been due.

30. *By Mr. Richardson:* In the districts you have spoken of, where the scrubs are dense, would you have any proportion of whites at all in the Police Force? No; what I meant was, to have no whites at all in such districts, where you can get efficient native troopers. I have known white men to attempt to follow the blacks in the scrubs, but it is almost impossible to do so. They are obliged to strip off their clothing, in order to get through rapidly.

31. You stated that, in your opinion, the present Commandant was not an efficient man? Yes.

32. Supposing any number of white troopers were sent up from Sydney to the scene of the recent outrages, do you think he could manage them? He would not control them as well as a better man. I consider that a man peculiarly adapted for the post may be one in five hundred.

33. Do you think the Commandant is likely to improve—he has not been long there? I believe he does his best. Perhaps he is above the average.

34. Do you think it necessary for the native troopers, when first enlisted, to undergo any training at head-quarters? No; I do not think there could be any benefit from that. I think a few recruits should be put with a force that is in training, and be sent out at once on an expedition. They could have no better training.

35. As I understand you, you do not think the present system a good one, where the scrubs are not so dense as to render it necessary that native troopers should be employed to pursue them? No; I suggest that there should be some white troopers in such cases. If a black force were well officered, I dare say it would do, and it would be economical; but the wild tribes require to be followed and a constant system of patrolling to be kept up, and, as a general rule, the black troopers are not suited to these duties in open country so well as white men. Their habits and dispositions are the reverse of energetic; and it is only under excitement that they work well. I consider that a white force would be much more diligent, and always willing to do some work.

36. You said that one reason of the inefficiency of the present force is, that the native troopers tell the blacks where they are going? That is one element of inefficiency.
37. That could be easily obviated? If you had proper officers it could; but that is the difficulty. Some of the officers of the force are intemperate in their habits.
38. *By the Chairman*: That is generally known to be the case, is it not? Yes, that some of them are intemperate.
39. *By Mr. Richardson*: Would you enlist blacks as troopers at a distance from where they are to be employed? Decidedly.
40. Where do you think would be the best place to enlist them? I should think somewhere about the Murray. You could not have a better class of men than those Mr. Walker brought from that part of the country.
41. Do you attribute the circumstance of Mr. Walker having got good blacks to his good management? Perhaps so. That was partly the reason of his efficiency. I think he had tact in the management of the force.
42. Which you think the present Commandant does not possess? I have not seen so much of the present Commandant as I did of Mr. Walker; but from what I can gather, I think he has not as much tact.
43. *By Mr. Forster*: Do you consider that the presence of the Native Police Force, in its present condition, is useful or mischievous? I think it is mischievous.
44. Do you attribute the occurrence of a larger number of murders than usual to the inefficiency of the force? Yes.
45. Do you think that if there had been no force at all so many murders would have occurred? I do not think they would.
46. In speaking of the inefficiency of the force since Mr. Walker's dismissal, do you mean to infer that it was never inefficient under Mr. Walker himself? No, I do not say that; it was inefficient at times.
47. Do you not consider that it was in a very inefficient state long before his dismissal? Yes, decidedly.
48. Do you consider that his dismissal was a necessary act? Yes, an act of justice; because he was so intemperate.
49. May it not be, then, that the inefficiency to which Mr. Walker reduced the force has remained from that day to the present—that in some degree he was the cause of its present inefficiency? Yes, but from a different reason,—it was from his intemperate habits that his inefficiency arose.
50. You consider that his intemperance led to his becoming unfit for his post? Yes.
51. In what respect do you consider him to have been so far superior to other men in managing this force—was it from a natural power of command, or from his long familiarity with the natives? I cannot describe it better than by saying that he had more tact.
52. You mean that he understood the natives? He understood the native character, and what was necessary to make them act as a force.
53. I think you said a man of that kind it is very difficult to obtain? I think so.
54. Then, in fact, the inefficiency of the force, if it arises from a want of that kind, is exceedingly difficult to remedy? Yes; you not only require the Commandant to be good, but you require his subordinates to be so also.
55. Do you attribute any of the present inefficiency of the Native Police to the circumstance that the troopers have been selected from districts too near the scene of their employment? Yes; they have selected men where they ought not; they have taken them from the neighbourhoods where they are to act. I have stated that the force, in its present state, is worse than useless, and that is one reason. These men, being near their own tribes, are constantly running away, and are now amongst the blacks, who, through them, are acquainted with many of our tactics.
56. Amongst the secondary causes of inefficiency, you place the selection of troopers from tribes in the neighbourhood? Yes.
57. Do you not consider also, that another of the secondary causes is the constant intercourse carried on by the black troopers with the women of the tribes in the neighbourhood? I do not think that would be of much consequence if the officer did not tell his troopers where he was going.
58. You are aware that wherever the Native Police encamp they are always attended by a large number of the women of the tribes? They are in some instances; but I do not think it is general.
59. Where it does occur does it not inevitably lead to the dissemination of the intended movements of the force among the blacks? Yes. The troopers themselves should not know what was going to occur.
60. Then you think that if the officer in command exercised a proper discretion in keeping silence as to his intentions, no harm would result otherwise from this intercourse? Not so much harm.
61. Do you think the presence of these native women, and the intercourse thus going on, might not lead the troopers, in some cases, to neglect their duty—to show, in fact, a sort of favoritism to one tribe more than to another, when they were required to act? Yes, I think it would.
62. In that way it would act prejudicially? It does now, because the troopers are chosen from the immediate neighbourhood. If they were selected from the Murray, or any distant district, I do not think it would have so much effect. Again, if they were constantly on the move, as they should be in patrolling, they could have very little connection with the women of any particular tribe.
63. Do not the gins travel with them? They do; but they are said to belong to each trooper.
64. They are their wives, in a certain way? Yes. Each trooper is supposed to have a spare

A. Brown,
Esq.

15 July, 1858.

spare horse, and I have repeatedly seen the gins riding these spare horses. That is a thing the officers are to blame for.

65. Do you think it is for the public benefit that the wives of the troopers should accompany them in that way? I should imagine not.

66. It would be impossible, I presume, to prevent the troopers from having access to the native women? I think it would.

67. Have you observed at all that the officers since Mr. Walker's time have in their demeanour and in their intercourse with their men shown an improper familiarity—that they have treated them in a way that has led to their entertaining rather a feeling of contempt for their officers? I think they have.

68. Have you observed that very often to prevail amongst the young officers? I cannot say very often; instances have come under my notice.

69. It leads to insubordination among the troopers? Unquestionably.

70. In many cases, do you not think the troopers have had the management of their own movements—that they could do as they liked, because the officer felt himself unable to control them? In some cases that has been so. That arises from officers being sent up who know nothing of what should be done; and when once they have yielded themselves to be guided by their troopers, they cannot well regain their authority.

71. Do you not think that young men might be selected who would get over that first incapacity? I have seen instances of it.

72. Have not the cases you allude to been those, not of young men, but of men with regard to whom there is good reason to suspect that they were previously of intemperate habits—habits which, in fact, unfitted them for other offices, but which were overlooked when they were transferred to these remote localities? Yes.

73. So that the objection does not lie so much against young men, if properly selected, as against men who have been found unfit in other places, and have been put into these offices for which they are also unfit? The objection is against men that should not have been appointed—that I would not myself have appointed—from the evident failing they had.

74. You do not approve of the combination of blacks with whites, in general, as troopers? I think there should be rather more white troopers than blacks, in ordinary cases.

75. Do you not think a proportion of one white trooper to two blacks would be sufficient? I think a larger proportion of white men would be better.

76. The presence of white men would give the officer in command of each section greater confidence in doing his duty, and in controlling his force? I think it would, in a general way.

77. May not the want of control that you speak of on the part of young officers have arisen very often from a feeling of insecurity and a want of confidence in themselves, which would have some chance of being removed by the presence of white troopers? Exactly so. For that reason I recommend an almost entirely white force, where the country is tolerably quiet.

78. Has it come under your notice that a proposal was made some time ago that the Benches of Magistrates should have power to report as to the condition and proceedings of the Native Police, without any power of interference with them? I am aware the proposal was made.

79. Do you approve of it? I do.

80. You think it would have a beneficial effect? I do.

81. You would not give the magistrates any power of active interference? No; I think the direction of all active matters should be left entirely to the Commandant. If you have not confidence in him you can dismiss him.

82. Would you give the absolute appointment of his officers to the Commandant, or would you allow the Government to exercise a veto after he had appointed? He ought not to be swayed in any way by the Government.

83. Might not the entrusting this power solely to the Commandant lead to something like the same state of affairs as that which existed in Mr. Walker's time, so that serious dissatisfaction might arise long before a remedy could be applied? Of course there must be some resource in cases of that kind.

84. How would you propose to check the exercise of this extraordinary power on the part of the Commandant? In any case, it would not be until after the appointment was made that any officer would be found to be unfit. If the appointment were left in the hands of the Government, and the Commandant were to recommend an unfit man to the Government for appointment, the Government would of course, in blindness, approve of it—not being able to tell whether he were fit or unfit.

85. Have you not been aware that several appointments have been made of men who, from the very first, were obviously unfit for the office? Yes.

86. Such a thing might occur again, even under the Commandant, if he were a bad officer—he might appoint unfit men. Might not, in that case, a state of things arise that would lead to serious mischief before a remedy could be applied? Perhaps it would be wise to leave some power with the Government; but I would interfere as little as possible with the Commandant.

87. By Mr. Buckley: What course is adopted in the event of the troopers being obliged to pursue the blacks into the scrubs—are white men found to be of any service? They are not generally found serviceable; they are not quick enough.

88. How do the officers manage when the blacks are pursued into the scrub by the native troopers? They generally stay outside.

89. Would not that be the case with white troopers? I think they would get over it. I do not imagine they would ever be as well able to get through the scrub as blacks; but they would acquire a degree of celerity by practice.

90. If there were a very strong party of blacks to drive out of a scrub, what would be their position if the number of native troopers in each division were not sufficient to drive them out?

out? A few troopers could drive out almost any number. I should not be at all afraid of eight men attempting to drive out a hundred blacks.

91. Have you never heard of two or three hundred being in a scrub? There are seldom more than two hundred fighting men together.

92. Do you think eight men would be sufficient to drive out that number? Quite.

93. *By Mr. Jones:* Are black troopers difficult to manage, in your opinion, generally? No, I think not, provided they are managed judiciously from the commencement.

94. What is necessary to their judicious management? They never should be allowed to be idle for any time together. A degree of discipline should also be insisted on—particularly with regard to cleanliness, and the proper condition of their arms and accoutrements.

95. You think it is difficult to get officers to manage the blacks properly? That is one of the difficulties. You require sixteen or eighteen officers, and out of these you might get six or eight good ones.

96. From your knowledge and experience of the Native Police Force, you think it is difficult to obtain the services of men who are competent, and have a natural aptitude for managing blacks? I judge that it is difficult from the late appointments.

97. In the majority of cases you think the persons appointed are not well qualified? That is my impression.

98. And in consequence of that the force has been inefficient, and, in some cases, actually mischievous? Yes.

99. Looking at the difficulty of getting competent men, as proved by the selections already made, do you not think some change in the composition of the force is shown to be necessary? I do.

100. Do you believe that white men are more easily managed, by the average class of officers, than black troopers? I think they are.

101. You think there are special requisites, not often found in men, to enable them to command black troopers? Yes.

102. It is only such men as Mr. Walker, men of the same stamp, that are likely to be successful in their management? Do you allude to the Commandant—I thought you were also speaking of the junior officers?

103. I speak of the officers generally,—are you not led, by the experience you have acquired of the management of the Native Police, to believe that it is very difficult to find men with these special requisites? I think it is quite possible to find them if you pay them well enough.

104. Can you account for the circumstance that they have not been found up to this time? I do not think the Government have taken sufficient trouble in selecting proper men.

105. Do you think any guarantee can be taken that the Government will act differently in future—that what has been is not likely to be again? I think it is very likely to again occur. I have no confidence in the appointments by the Government.

106. Do you believe that if the character of the force were changed to a certain extent,—that is to say, if a certain proportion of white men were combined with it,—it would be more easy of management than it is as a purely native force? I have expressed my opinions before on that subject,—that in some districts an entirely native force would be advisable, and in quieter districts, where a patrol only would be possibly necessary, that nearly all white men should be employed.

107. But the point on which I wish your opinion is, whether, if a change were made in the composition of the force—if there were an infusion, more or less, of white men—it would be likely to be better managed than a purely native force? It would.

108. Do you not think that even in the more remote districts, where the scrub abounds, it would exercise a beneficial influence on the character and usefulness of the force if there were a small proportion of white men, so as to make the force more manageable, and to give the officer more confidence in acting? In places where they are likely to be required, I would suggest that the force should be composed entirely of blacks, good officers being appointed to command them, for the sole purpose of pursuing the natives through the scrubs; and where scrubs do not abound, I would have a chiefly white force, because I consider white men would display more enterprise. One of the objections I have is, that some of the officers permit what are called corroborries—the gathering together of blacks from all directions, north, south, east and west, to one spot. That has a very baneful effect. The blacks whom we employ as shepherds and stockmen, and who are very useful to us and very beneficial to the country, are obliged to attend these meetings, on pain of excommunication, or something of the kind. I have known many blacks who did not wish to go, but they have told me they were obliged to do so. These corroborries I have frequently wished the officer of Native Police to disperse; but he would merely ride among them and send them away a few miles, without seeing that every tribe went to its own neighbourhood. I attribute many murders and outrages to these corroborries.

109. You do not think any good would arise by sending any white force to the frontier scrub districts? I would have one or two sections of a purely native force at the disposal of the Commandant; but in some districts, within a few miles, there might be a station where a combination of white men and black would be judicious.

110. I understood you that you would keep a sort of special corps for scrub service? Exactly. I would place both white and black men at the disposal of the Commandant, and allow him to distribute them.

111. With regard to those divisions intended for scrub country, you would make it a *sine qua non* that the officer in charge of each should be really a competent man? Yes; not because it is scrub country, but because it is a force of blacks.

112. Have you had any opportunity of observing the conduct of the black troopers in their encounters with the native tribes, as to whether they needlessly destroy life? I think not. My experience is that they do not.

A. Brown,
Esq.
15 July, 1858.

A. Brown,
Esq.
15 July, 1858.

113. Do you think they are under the control of their officers in these encounters? Yes, moderately so. There are some instances in which they are not; but that I attribute to the inefficiency of the officers. I think if they are well officered, and the officer acts as he should, they would be under control.

114. Do you think they are likely to be as much under control when actually engaged in encounters as a white force would? Not quite.

115. And, therefore, there is more risk of their taking life unnecessarily than there would be with a white force, or a force containing a large proportion of white men? Yes, I think there is.

116. *By Mr. Taylor*: If there were more white men than there are at present, would they require the same number of officers? Yes, I think so, for this reason, that there must be an officer to each section. The sections are small. With regard to the selection of officers, I would suggest that you would be more likely to find the description of officers you require in the way of sergeants—in that rank in life.

117. *By the Chairman*: Would you approve of a white trooper being attached to a body of native troopers to look after the saddlery; are you aware that the saddlery is very much neglected? I think very likely it is.

118. Do you think one white man to each section of black troopers would be sufficient to look after the saddlery? I think one white man to twenty blacks ought to be sufficient for that purpose, or he might look after forty.

119. I mean that this man should be a trooper, but that he should also see that the native troopers take care of their saddlery? Unless that saddler were a good trooper, I would rather pay a saddler to attend to the whole force.

120. You do not approve of Brisbane as head-quarters? I do not.

121. On account of its not being central? On account of its not being central.

122. Are you prepared to point out to the Committee what would be the best spot? If Brisbane does not require protection from the force still, I would have it even more north than Gayndah. I think if you have a seaport town, Gladstone would be the best place.

123. Is not Gladstone central? It is very central now. There are always teams going in and out thence in every direction.

124. Under all the circumstances within your knowledge, would you consider that sending up from twenty to twenty-five troopers from Sydney to the scene of the murders would be beneficial? Yes.

125. Is that your decided opinion? It is.

126. Have you allowed the blacks in at your station? Yes.

127. Always? Always.

128. Have you suffered from them? I have had no person killed on my station, but I have had them injured.

129. Are the blacks generally allowed in, in your part of the country? Yes. There is scarcely any station in my neighbourhood where they are not allowed in. I speak of the station where we are living; but I am forming a station where I would never think of allowing them in.

130. *By Mr. Richardson*: Do you think it desirable they should be allowed in? I think so, where they are quiet.

131. Can you gather anything of what is going on amongst the tribes, or of their intentions, from the blacks who come into the stations? Very rarely.

132. How would you enlist the troopers? I think it most essential that some power of control should be possessed by the officer over the men, and in the enlistment of the natives I would advise the adoption of regulations very similar to martial law. At present the troopers leave with impunity. We appear to have no power of punishing. In the case of European troopers also, a desertion by them I would treat, or rather have the power of treating, with severe punishment.

W. B. Plunkett, Esq., Secretary to the Crown Law Officers, called in and examined:—

W. B. Plunkett
Esq.
15 July, 1858.

1. *By the Chairman*: Do you produce some papers sent to the Attorney General by Mr. Commissioner Wiseman, relative to the Murders on the Dawson by the Aborigines? I do. There are some other papers I have brought also, as likely to afford the Committee information. There is a Report from the Government Resident at Brisbane, forwarding a communication from Mr. Commissioner Wiseman. There are also some letters from Mr. Frederick Walker, the late Commandant of the Native Police, complaining of the murder of an aboriginal named Tahiti; and also some papers relating to the murder of the Frazer family at Hornet Bank. I have brought the whole of the papers relative to the murders in the Northern Districts. [*The witness produced the papers referred to.*]

William Henry Gaden, Esq., called in and examined:—

W. H. Gaden,
Esq.
15 July, 1858.

1. *By the Chairman*: You are a squatter? I am.
2. Where do you live? On the Fitz Roy River.
3. How far from Rockhampton? Twenty-five miles.
4. Did you form your station yourself? No; I bought it from Mr. Elliott last year.
5. How long have you been there? Since January last.
6. Have you had many opportunities of seeing the blacks in that part of the country? Not a great deal there, but I have seen something of them in other parts.
7. Where? In the Burnett and Wide Bay districts, and out further to the north.
8. How long have you been in the Northern Districts? Three or four years.

9. During that time have you seen much of the working of the Native Police? Yes. I have W. H. Gaden, Esq.
 been out with them sometimes, when I have had occasion to call for their assistance.
10. What is your opinion of the force at the present time? It is not an efficient force. In many cases the officers are not efficient, and a great number of the men are selected from the country in the immediate neighbourhood, and therefore they have every facility of leaving the force, and going to their own tribes again on the slightest provocation. 15 July, 1858.
11. What remedy would you propose? To get blacks from the southward.
12. You think that practicable? Yes.
13. In what way would you carry it out? I would send one of the experienced officers with means for getting them. He would require to take horses, probably, and military uniforms. I think an experienced man, who knows the ways of the blacks, would get any number.
14. To what district would you send him? About the lower part of the Murray and Murrumbidgee. The men who came from there originally were the best men they have had. There are a few of them in the force now, and they are very good men.
15. Did you know the force under Mr. Walker? No, I did not.
16. Mr. Walker had been superseded previous to your arrival in the Northern Districts? Yes.
17. Do you think it advisable to introduce any white troopers amongst the native troopers? I do not think so.
18. Under no circumstances? Under no circumstances whatever. I think they would be quite useless; the sergeant they have with them is quite sufficient.
19. What sergeant? At each police station there is one white sergeant, merely to look after the saddlery, and see that they keep their accoutrements in order.
20. Is that the case now? Yes; there is a white sergeant attached to each police camp.
21. How many men does a camp consist of? The men are not stationed at the camp, but the sergeant is resident there; and the different sections of the police are backward and forward—it is always a calling place.
22. Are you aware how many camps there are? I am not, for the police have been moved about so much lately, on account of the Dawson murders.
23. Under no circumstances do you think it advisable to introduce white troopers? Decidedly not.
24. Not even in the open country? Not even in the open country. I think black troopers, properly disciplined, are far preferable.
25. Do you think any jealousy would exist on the part of the black troopers if white men were joined with them? I do not think they would get on together at all; and, moreover, the white men could not follow the blacks; and I do not think the men themselves would agree: constantly knocking about in all weathers, they would get tired of it, and would always be quarrelling among themselves.
26. Could you suggest to the Committee the best site for the head-quarters of the Native Police? I do not think I could exactly, for I have been in the outside districts lately, and I do not know the nature of the country about Brisbane and Wide Bay.
27. Do you allow the blacks in at your station? I do not.
28. Are they allowed upon any of the neighbouring stations? Mr. Archer allows them in; he is the only one.
29. Do you think it objectionable? I do; I should never allow them in. Where we are now is a new station, and it is only within the last few months that there have been any stations outside of us.
30. What are your reasons for not allowing the blacks in? They are constantly backwards and forwards about the run; they collect in numbers, and we require to keep a strict watch, to know whether they will be up to mischief or not. They might take us by surprise at any time.
31. Do you think the present Native Police Force a mischievous force? No.
32. Do you think it tends to the protection of life and property? Yes, it does.
33. Have you confidence in the present police force? I have; but I think it might be more efficiently managed.
34. Do you know the present Commandant? Yes.
35. Do you think him an efficient Commandant? I do not think he has had a fair trial yet; nor has he had a fair trial with the men, having been obliged to get recruits from the immediate neighbourhood where the blacks are troublesome.
36. Do you know the officers? I know some of them.
37. What do you think of the officers generally? Most of them are very inefficient.
38. From what cause? From not having any idea of the bush, or of the management of blacks. A great number of them had not been in the bush before their appointment.
39. They are what we vulgarly call "new chums"? Yes.
40. Would you recommend that the Commandant should have the sole power of appointing his officers? Yes; and in that case he would be answerable for their conduct. He has better opportunities than any one else of selecting men who would be efficient, travelling so much about the country as he does.
41. You think he would be more apt to select good officers for his own credit? Yes. Most of them he would know before he gave them appointments; he would know their characters and abilities.
42. By Mr. Richardson: Where would you select the officers from? From different parts of the country. There are great numbers of persons who are, or have been, in situations as superintendents or managers of stations, possessing the necessary experience, who would join the force if they had the opportunity.
43. Do you think that men from Sydney, properly disciplined, would be useful in the northern districts? I do not think they would in the outside districts. They have no idea of the bush, and do not know how to manage the blacks.
44. They might be men naturally adapted for the bush, who would soon acquire that? You might

W. H. Gaden, Esq., might get one or two out of half a dozen who would, but the others would not. If you put an officer over the native troopers who is not efficient they soon find that out, and they have not the same respect for him as for another.

15 July, 1853. 45. *By Mr. Cribb*: Do you think that, acting under officers of that description, they would be more likely to have less regard for the lives of the wild blacks when engaged against them? No; but, under efficient officers, they would know their duty better; they would patrol more; and then the police would be in much better discipline, and, consequently, they would prevent murders and robberies.

46. You do not consider the present Native Police in an efficient state—they are disorganized, to a certain extent? Yes. They have been moved about very much lately, and they are constantly bolting, and men who have deserted have been taken up again in case of necessity.

47. Do you think officers from the interior, acquainted with the bush, would be able to make these same troopers efficient? I think they will require fresh troopers. Those taken from districts so near where they are to do their work will be constantly running away.

48. Supposing that an efficient corps of Native Police could be obtained ultimately, do you not think it would be best to send a body of white troopers from Sydney at once to meet the present emergency? No; if you have white troopers at all, I think more murders would be committed. When they have committed murders the blacks keep close to the scrubs, and, if once they get into them, the white troopers would never see them again. If they caught them on the open country, or plains, they might do something; but it is not often the blacks are to be caught so.

49. What steps would you propose to take now to render the Native Police efficient? By changing a number of the officers, and giving the Commandant full power to appoint his officers.

50. *By Mr. Jones*: Have you ever known the Native Police to be in an efficient state? I did not know Mr. Walker; but I believe they were, under him, a most efficient force.

51. Within your own experience, have you known any of them to be in an efficient state? Yes. I was at Mr. Bligh's station three years ago, and he had a section of men from the Murrumbidgee and Murray, who were quite efficient. The different sections of men who came from the southward are, I believe, efficient now.

52. These men you speak of were good men, and Mr. Bligh, being a competent officer, kept them in a good state of discipline? Yes; he was as good an officer as I have seen.

53. Have you known any other sections to be in an efficient state besides Mr. Bligh's? No, none excepting that.

54. How many sections of Native Police have you been acquainted with, or come in contact with, during your experience in the Northern Districts at different times? Eight or nine, or perhaps ten.

55. Out of that number you have only found this one section which you would consider in an efficient state? Yes.

56. To what do you attribute the inefficiency of the other sections? To different reasons. In some, the officers are not efficient, and in others the men are not. The greater number of the men are from the Burnett and Wide Bay Districts—quite new men—and they never can keep them long enough to become efficient troopers.

57. Supposing we had men from more remote districts, such as the Murray and Murrumbidgee, and the men so obtained were placed under the charge of the officers you have seen in command of other sections, do you think they would be maintained in good discipline? In some cases they would.

58. Of the officers you have known, what proportion do you think were men qualified to command black troopers? About one-half, I think.

59. You do not think it would be very difficult to obtain men qualified to command black troopers? No. If the Commandant had power to appoint, he would get efficient men. There are a great number of men in the bush who are acquainted with the customs of the blacks, and with bush life, and those are the principal qualifications required.

60. Then, you think that if the troopers were obtained from remote districts, and efficient officers were appointed to command them by the Commandant, a black force would be more efficient than a white force, owing to the greater facility with which they could follow the natives after they had committed outrages? Yes.

61. Do you not think that a mixture of white men, in the proportion of one white to two black, or one to three, would give the officers more control over their sections? I do not think it would. I think the black troopers require to be kept distinct.

62. You would not advise or recommend any admixture of whites with blacks? None whatever, excepting the camp sergeant.

63. *By Mr. Buckley*: Would the admixture of whites be likely to create discontent among the black troopers? I think it would. They would not agree at all. When black men and white are brought together they never do agree, even on station work.

64. It would do more harm than good, you think? I think it would. I would rather be without them.

65. Would a few white troopers be of any use in the scrub? None whatever.

66. Do the officers accompany the black troopers on these occasions? I do not think they enter the scrub. The blacks are so quick that it is quite impossible for white men to follow them.

67. Who takes care of the horses when the troopers are in pursuit in the scrubs? Very often the officer and one of the troopers.

68. *By Mr. Forster*: You seem to think it essential that the officers should have previous acquaintance with the bush—do you mean by that that they should be squatters? They should be men who have been employed in the bush, and have a good idea of it.

69. Are there many men of that class to be got? I think so.

70. Are not the best men of that class generally found at some occupation more profitable than an appointment in the Native Police? I do not think so. I have known several who would have given up situations to have gone into the police. W. H. Gaden,
Esq.
71. Persons employed by squatters? Yes. When I have been speaking to them they have expressed a wish to get into the force. 15 July, 1858.
72. How do these gentlemen you speak of manage when they first go into the bush—they have to learn? Yes; but they are not then placed in the same position as an officer of Native Police.
73. Do you think there is anything in the duties of the Native Police that may not be acquired in a few months by a young man who is determined to do his duty? No; but when he is first put in command of a section of Native Police, if he has not a proper method of managing them, the men do not respect him; and it is with difficulty, if at all, that he can afterwards regain his authority.
74. Admitting that it is desirable that men of the kind you speak of should be appointed, do you think it possible to fill all the offices with them? I think so, from different parts of the country.
75. *By Mr. Richardson:* Do you not think that some men would become as good bushmen in a few months as others in as many years? Decidedly.
76. Would not that be good reason for not confining the choice of officers to bushmen? If you were to send young men into the bush for some months before putting them in command of sections, they might then be qualified.
77. Have you not known some men who have lived for years in the bush who never became good bushmen? Yes; but they would get into the way of bush life.
78. What style of men would those be that you recommend—educated men? Yes; superintendents, and young men who go into the bush merely for colonial experience, getting small salaries from the squatters who employ them.
79. You think many of these persons are inclined to go into the Native Police? I think so.
80. *By the Chairman:* Are the Native Police force generally well received at the different stations? Generally they are.
81. Have they any difficulty in obtaining rations? At some of the stations they have. A short time back they had great difficulty, on account of the debts not paid by Mr. Walker.
82. Is that difficulty removed now? Yes, I think it is.
83. But at some of the stations you say they are still not well received? Yes.
84. Why is that? It is hard to be accounted for; but at all stations where there is any need for them they are well received. At some stations, where they are not required—where the country is tolerably quiet—they are thought to be an annoyance, knocking about the place; and some object to them from a spirit of opposition.
85. Are you aware whether the troopers are under any agreement when enlisted in the Native Police Force? Those from the southward were.
86. But they are not at present? Not at present. Those they have enlisted lately have not been under agreement, for they have been obliged to get recruits wherever they could; they were very short-handed on the Dawson.
87. Are you aware whether the native troopers are in the habit of absconding in a body? In some instances they have done so.
88. Could you suggest any remedy for that? No, I think not, excepting getting them from the southward, or at too great distance for them to go back; and any that did abscond I should treat as deserters, and shoot them.
89. Do you think, if an officer going from the northward to the southward, for the purpose of enlisting troopers, were to mention that to the natives there, that they would, under those circumstances, enlist—if told they would be shot? I do not think they would. The idea of being shot would frighten them. They would not have sufficient sense to understand the meaning of it, and would suppose it would be done for some trivial offence, or that you wanted to get them away for the purpose of shooting them. I think they should be enlisted for a certain number of years; and perhaps there would be some intelligent men found who could explain to the others that it was for a certain period, and that then, if they wished, they were to be carried back to their own country.
90. You think that could be effectually carried out under agreement? Yes.
91. Are the Native Police horses generally in good condition—serviceable? I do not think they have enough horses.
92. Do you know how many horses they have—has each trooper a spare horse? No.
93. Have you ever seen gins riding on the horses, in company with the troopers? I have.
94. Is that usual? It is generally the case when the section is moving some distance. Most of the troopers now have gins of their own; and if they are moving from the Burnett to the Dawson, for instance, they take their gins with them; but if they are going out on duty they do not, generally.
95. To whom do the horses they ride on belong? I believe they are the police horses.

FRIDAY, 16 JULY, 1858.

Present:—

Mr. HODGSON,
Mr. CRIBB,Mr. BUCKLEY,
Mr. TAYLOR.

ARTHUR HODGSON, Esq., IN THE CHAIR.

Daniel Connor, Esq., examined:—

- D. Connor, Esq.
16 July, 1858.
1. *By the Chairman:* You reside in the Northern Districts? Yes.
 2. In what part? On the Fitz Roy River.
 3. What is the name of your station? Princhester.
 4. Which is the nearest seaport town? Rockhampton.
 5. Rockhampton is your shipping port? Yes.
 6. Did you form that station yourself? Yes.
 7. How long ago? About eight months ago.
 8. Have you been long resident in the Northern Districts? Yes, I have been out four years.
 9. In what other district? The Dawson.
 10. I suppose you have had constant opportunities of noticing the conduct of the Native Police Force? Yes.
 11. What is your opinion of that force? I think at present it is inefficient.
 12. From what cause? There are not sufficient men, and most of those raw recruits.
 13. Are you aware of the number of men the force is at present composed of? About forty.
 14. Are there only forty troopers at the present time? That is about the number.
 15. Do you know why the numbers are so few? On account of desertions—owing, in a great measure, to the men having been enlisted from the neighbouring districts. A section deserted a very short time ago, from the Fitz Roy River, under Mr. Wheeler.
 16. He is a Lieutenant of Native Police? Yes.
 17. Do you know where they were enlisted? On the Clarence.
 18. Do you know the cause of their desertion? No.
 19. Have any of them been taken? I think not.
 20. Where do you imagine they have gone to? Back to the Clarence.
 21. Did they take their arms and accoutrements? No.
 22. Nor their clothing? Nothing.
 23. Could you offer any suggestion to the Committee as to the best mode of increasing the numbers of the Native Police Force, and rendering it more efficient? I think an efficient officer should be sent down to the southward to enrol men for the Native Police. That would be the best place for recruiting.
 24. Do you think he would experience any difficulty in enlisting them? I think not.
 25. Would you recommend that horses should be sent? Decidedly, and clothes. On the Lower Balonne, also, I think you might get men, and on the Macintyre.
 26. Do you know any officer of Native Police who would be better fitted for such an expedition than the rest? Yes; I think Mr. Murray is best suited for it, or Mr. Bligh.
 27. Do you know the present Commandant? Very slightly.
 28. Do you know whether he is an efficient officer, fit to undertake the duties of Commandant? I cannot say. I have not seen much of him. I should think he is. He is a very active. He has had great difficulties to encounter since he has been in command of the force. It was very inefficient when he took the command, and he has been laboring under great difficulties ever since: he has not had a fair chance.
 29. Do you think that if he has a fair chance he is likely to perform the duties satisfactorily? I do.
 30. Would you recommend any mixture of white men with the native force? I should not, indeed.
 31. For what reasons? Because the natives will not work with Europeans.
 32. From a feeling of jealousy? Yes.
 33. Do you know the wages paid to the black troopers? Five-pence a day.
 34. Do you think that sufficient? No, I do not.
 35. What amount would you think sufficient? I should think about a shilling a day.
 36. Do you not imagine that the low wage paid to the troopers tends materially to their deserting? No, I think not.
 37. Do they care for their wages? Yes, they do.
 38. Upon what grounds should you recommend an increase of wages? I think they would be more satisfied if they could get what they wanted in the shape of extra clothes, or anything else which one shilling a day would give them: five-pence a day is not sufficient to keep them in clothing. I have known the officers to be obliged to pay a great deal for them out of their own pockets.
 39. Do you imagine that raising the wages of the troopers would make the force more efficient? I think so, decidedly.
 40. You are decidedly opposed to any admixture of white troopers? Yes.
 41. Not even one or two to each section? Certainly not.
 42. Are you aware whether any white troopers are now attached to the Native Police? None.
 43. No white sergeants? There are white sergeants.
 44. How many do you think? There is one wherever there is a force stationed.
 45. Do you not approve of that? Yes. A person is required to take charge of the barracks in the officer's absence.
 46. Even in the open country, would you not approve of white police? Where is there any open country? It is all cut up with scrub to the northward.
 47. You are aware of the murders on the Dawson lately? Yes.

48. Could you suggest to the Committee any means of putting a stop to these murders? Only by raising a more efficient force of native troopers. D. Connor,
Esq.
16 July, 1888.
49. Increasing the force? Increasing the force, and increasing the number of horses as well. I think one horse to each man is not sufficient to do the work.
50. Do you think every trooper ought to have a spare horse? I think so.
51. Do you think that the Native Police, if fully reorganized, are calculated to protect life and property in the northern districts? Yes, I think so.
52. You still think that? Yes.
53. In spite of their inefficiency? In spite of their inefficiency at present.
54. I mean, is the force in its present state calculated to protect life and property? No, I think it is not, at present.
55. Do you consider the present force a mischievous force? Yes, rather.
56. That is to say, from its inefficiency you consider the present force mischievous? Yes. All the men have been recruited from the neighbouring districts, which is a great disadvantage. That is the reason there have been so many desertions.
57. Even the distance of the Clarence River is not found to act as a preventive to desertion? No.
58. If the Native Police Force could be made efficient would you consider it a measure of humanity? I do think so.
59. That it would suppress outrages, both on the part of the blacks and whites? Yes.
60. Could you suggest to the Committee the best place for the head-quarters of the Native Police—the most central position? On the borders of the Dawson and Burnett districts, I should think, would be the most convenient spot.
61. Could you mention the name of the place? Somewhere on the Auburn. Mr. Pigott's station is a very central position.
62. How far is that from water carriage? About a hundred and eighty miles, I think; I am not quite certain of the distance.
63. Would not that be a great drawback to head-quarters? I do not see that it would.
64. Do you allow the blacks in at your station? No.
65. Have you ever done so? Yes.
66. Why did you put a stop to it? Because they killed a black boy of mine.
67. Are they allowed in, in your neighbourhood? Yes, at Mr. Archer's run.
68. On grounds of insecurity you do not allow the blacks in now? Yes.
69. But Mr. Archer allows them in, and does not suffer inconvenience? He suffers a little. They steal sheep, and kill cattle sometimes; but they have not committed any murders there.
70. Are the Native Police well received at the different stations? Very well on the Fitz Roy; they have not been well received on the Dawson, I understand.
71. Do they experience any difficulty in getting rations? None whatever.
72. Have the settlers any difficulty in getting paid for these rations? No; with the exception of the former accounts due by Mr. Walker.
73. Did you know the force under Mr. Walker? Yes.
74. Did you consider it then efficient? Yes, very efficient.
75. How do you account for the change? Through Mr. Walker's misconduct he was dismissed. Then Mr. Marshall took the command. He had not the command very long before the Government disbanded most of the troopers; and I think that was the cause of the inefficiency of the Native Police Force.
76. Mr. Marshall does not now belong to the force? No. I do not think there could have been a more efficient force than it was under Mr. Walker.
77. Do the troopers get well fed? Yes—that is, the quality of the rations is good.
78. The rations are sufficient? Hardly sufficient.
79. Do you know what the ration for each man is? Yes,—1lb. of flour, 2lbs. meat, $\frac{1}{2}$ oz. tea, $\frac{1}{2}$ lb. sugar, half a fig of tobacco, and $\frac{1}{2}$ oz. soap, a day.
80. They obtain clothing from the Government? Yes.
81. When you spoke of their pay not being sufficient to provide them with clothing, to what clothing did you allude? Blankets and shirts.
82. Are not those provided by the Government? I think not. The clothing they get I do not think is sufficient.
83. By Mr. Cribb: Have you any grounds for supposing troopers could be obtained from the south? I think Mr. Walker had no difficulty in enlisting men when he brought them out first.
84. Supposing they could not be obtained from the south, would you recommend then a mixture of white and black men? No, I should not. I do not think Europeans would work at all with the natives. I should either have a white force entirely, or a Native Police Force.
85. A white Police Force with one or two blacks as trackers? Yes. At the same time I do not think they would be of any use in keeping the blacks in check.
86. In case of outrage now, the whites frequently meet together and give chase to the blacks, do they not? I do not know that they do, I am sure. It is a well known fact that the whites have never been able to follow the blacks through the scrubs. Even the officers of the Native Police, when out with their men, always stop outside, or in the vicinity.
87. If blacks could not be obtained for the police from the southward, to what other quarter would you go for them? They might be recruited on the Macintyre, the Balonne, the Barwan, and other rivers in that locality.
88. Would there not be the same objection to them as to those from the Clarence? No. I have never heard an instance of any of them from that quarter bolting yet. There were some very fine men disbanded when Mr. Marshall had command, obtained from the Macintyre and Balonne, some of the best men in the force.
89. You say you do not allow the blacks to come on your station—what steps do you take to prevent them? I go out after them.

- D. Connor, Esq.
16 July, 1858.
90. If you see a number of blacks coming on the station you immediately drive them off?
Yes.
91. *By Mr. Buckley*: What became of all these men that were disbanded? They went back to their own country on the Macintyre and Balonne.
92. Did any of them go to the Murrumbidgee? Some of them were Murrumbidgee blacks, and worked their way back to that district.
93. Are there any Murrumbidgee blacks on the Macintyre? I do not know; I think they have all worked down.
94. *By Mr. Taylor*: You think all that is required to make the Native Police efficient is merely to supply more troopers and more horses? I think so.
95. Do you think black troopers are likely to commit more murders than are necessary when they come in contact with the wild blacks? I am not aware that they do.
96. Do you not think they would be checked in their disposition to destroy life if there were a few Europeans with them? No, I do not think they would; because they would never see the whites when once they got into the scrub.
97. *By Mr. Buckley*: Have you ever been in company with the Native Police when in pursuit of wild blacks? Yes; on several occasions.
98. Are the wild blacks generally very frightened of them? Yes; but they show fight very often.
99. Generally speaking, so far as your observation went, were the men under pretty good command? Yes, very good. Still, I think they should be amenable to some military law. I think they should be punished for disobedience, by flogging, or something of that kind.
100. Is any punishment now inflicted for desertion? No; I have never heard of it.
101. There is no summary mode of punishing them on the spot? I think not.
102. *By Mr. Taylor*: Would not the Commandant require some white force to enable him to carry out any system of punishment: do you think the black troopers themselves would carry it out under his orders? Yes; they always used to do it under Mr. Walker. He used to flog them when he was Commandant, and I do not think there could have been a more efficient force than they were under Mr. Walker.
103. *By the Chairman*: Do you think the wild blacks have the same fear of the Native Police Force now as they had when it was under Mr. Walker? Yes, I think so.
104. Still the same fear exists? Still the same fear exists.
105. Do you know many of the officers? Yes, I know several.
106. Are they generally efficient? There are some that are not efficient.
107. From what cause? Inexperience in the bush, and in the management of the blacks.
108. Would you recommend that the Commandant should have the sole power of appointing his subordinate officers? I think he should.
109. You think that would work well? I think it would work much better than the Government appointing men from Sydney who are not adapted for the situation.
110. Is it not the fact that many "new chums" are sent to the northern districts to undertake the duties of the Native Police? Yes; there are several.
111. Are those the appointments to which you particularly allude as being inefficient? Yes.
112. Do you think it possible the Commandant might select his officers in the northern districts? I think so.
113. Are you aware what is the pay of an officer of Native Police? £220 a-year, I believe.
114. Do you consider that sufficient? No, I should think it is not, not to get good men—men who are adapted for the work, in the way before described. Good men could do much better, I think, selected.
115. Do the Government find them horses? No, I think not.
116. Nor rations? I believe they get rations.
117. Could you suggest any steps to be immediately taken with regard to these Dawson murders? I do not see what immediate steps could be taken very well.
118. Would you approve of twenty white troopers being sent up immediately, to be placed at the disposal of the Commandant? I suppose there would be no harm in trying them.
119. But you evidently do not approve of it? I do not approve of white men being employed there at all.
120. Are there not parts of the country free from scrub in the northern districts? Yes; but the blacks always make to the scrubs. You never find them in the open country.
121. Do they never commit depredations in the open country? Yes; but they are off again to the scrub before anybody knows anything about it—perhaps forty or fifty miles away.
122. Do you not think a constant patrol would tend to decrease these outrages? Yes, I think so.
123. Might not that patrol be carried on by white troopers? Yes, it might.
124. Have you ever given the subject your serious consideration, as to the mixture of white men with the Native Force? No, I have not.
125. But you are prejudiced against their employment? Yes. I have seen white people go out, and know what they are. Whites never could quell the disturbances on the Dawson.
126. What white men do you allude to? Stockmen and others.
127. Do you not think that if twenty white troopers were sent up from Sydney to the headquarters of the Commandant, they might at the present time materially tend to decrease the number of outrages in the Northern Districts? I think they might.
128. *By Mr. Taylor*: The very presence of a force of twenty men would tend to awe these wild blacks? No, I think not. The Dawson country is very difficult to travel over; it is cut up with scrubs in every direction; the stations are surrounded by scrubs; the blacks may commit a murder, go into the scrub, and be off some hundreds of miles, scarcely coming out into the open country at all.
129. *By the Chairman*: Have you any suggestion to make as to the saddles used by the Native

- Native Police? I do not think they are large enough, in the first place, and they are too narrow in the tree; that is the reason the horses always get sore backs. D. Connor, Esq.
130. Are sore backs very general among the police horses? Yes, very. There is not a horse in the police that has not a sore back; it is owing to bad saddles, and their not being properly stuffed; the men are not able to stuff them. 16 July, 1858.
131. Are there no saddles attached to the force? No.
132. *By Mr. Cribb:* Have they regular stockmen's saddles? No; a sort of military saddle, very badly made, and very narrow in the tree.
133. *By the Chairman:* Saddles with wings behind? No; some of them have not that.
134. You think an improvement might be made in the saddles provided for the Native Police? Yes, a great improvement; I do not think they could have worse saddles than they are supplied with at present.
135. Are the saddles generally taken care of? No, they are not; it is impossible to get black boys to keep saddles in order.
136. Upon these grounds would you not think it necessary that a white sergeant should be appointed to each section? I think it necessary one white sergeant should be appointed to every section.
137. *By Mr. Cribb:* Besides the Commanding Officer? Yes.
138. *By Mr. Taylor:* I think you have said already that there was one white sergeant to each section? Yes.
139. *By the Chairman:* Have you any other suggestions to offer to the Committee? I beg to call the attention of the Committee to the state of the M'Intyre Districts some years ago, which have been rendered peaceable by the efficiency of the Native Police Force under Mr. Walker, and the whole of the northern frontier could be made equally so if an efficient officer was selected to proceed to the southward to obtain recruits, taking horses and clothing with him. By adopting this course the whole of the blacks could be brought into subjection, and few, if any, lives sacrificed. No time should be lost, as the aborigines are becoming more bold every day, and the occupation of the country more difficult to retain.

John Miller, Esq., called in and examined:—

1. *By the Chairman:* I believe you have prepared a written statement of your views respecting the Native Police, for the information of this Committee? Yes: it contains my opinion; but with respect to the calculations at the end, as they were done hastily, I cannot vouch for their strict correctness. (*The witness handed in the same. Vide Appendix A.*) John Miller, Esq. 16 July, 1858.
2. You consider the present Native Police Force inefficient? I do.
3. Have you had many opportunities of seeing the force? Yes, both at Weranga and Dulacca.
4. Where is Dulacca? Adjoining Mr. Ferrett's station, Waltami, and Gordon and Coxen's.
5. In what district? Darling Downs. It is on a creek running into the Dogwood.
6. Have the blacks annoyed you at all? Never. They have never molested me in any way. There were a number of the Dawson blacks, I am led to believe, on my station when I came away. They can come from the Dawson to Dulacca in about fifty or sixty miles.
7. Do you know the present Commandant of the Native Police? I am not particularly acquainted with him. He stopped a couple of nights at Weranga, when he came up first, but he was not Commandant then: that is the only acquaintance I have of him.
8. Do you know whether he is an efficient officer? I could not say. The station at Wandai Gumbal, under Mr. Francis Nicol, was only eighteen miles from Dulacca, so that I had a good opportunity of knowing the Native Police.
9. Did you know the Native Police when under Mr. Walker? Yes; they used to stop always at Weranga.
10. Were they then efficient? Yes, very efficient.
11. To what cause do you attribute their present inefficiency? Various causes. In the first place, most of the old Murray blacks were disbanded, and therefore they have had to recruit out of the blacks surrounding the very places where the murders have been committed. That is one reason.
12. Do you imagine that a fresh force might be enlisted to a large extent in remote districts—down the Darling, for instance? Well, I do not know really whether the blacks are numerous there or not. If they could be got from there I consider they would be just as efficient as those that Mr. Walker had, if they were equally well managed.
13. Can you suggest to the Committee any reason for the numerous murders that have taken place in the Dawson River District? It is a very difficult question. You see the great thing a squatter has to do is to be at peace with the blacks, and not commit the first aggression: that is what I have always studied. For instance, it has been known that squatters have gone out with the police, and certainly they have punished the blacks when they could get at them; but if a relative of a black who happens to be killed is left, of course he takes revenge. The great thing is, not to be the first aggressor. Punish them, but do not shoot them for the first offence.
14. Have you been in the habit of allowing the blacks in upon your station? Yes.
15. With impunity? They never did any harm.
16. Do you think the squatters, generally, unnecessarily molest the blacks? I am not aware of any having done so. I was told that at Hornet Bank station—but I could not vouch for it—they destroyed some of their dogs. I have done the same to the blacks at Dulacca.
17. How did you destroy them? With poison, when they came and molested the sheep at night. They never resented it. I told them the cause.
18. Have you heard that the destruction of those dogs at Hornet Bank was the cause of the murders

- John Miller, Esq.
16 July, 1858.
- murders there? I have heard that the blacks were very much offended at their killing a lot of their dogs; but whether that was the cause is a question.
19. Do you know the Dawson River District personally? I have never been at Hornet Bank; but I have been further out. I have been at Scott and Thompson's station on Palm-tree Creek, and at Kinnoul, Miller and Turubull's, and several other places.
20. You would approve of a white police force being mixed with the Native Police? Yes. If there were six white men in a section, and two trackers for every six men, it would, I think, work very well.
21. How would you get over the difficulty of scrub fighting? If there were two trackers they could divide, three in each wing, with a tracker to each. Then they would do very well. Certainly they are not so quick in sight as blackfellows; but the trackers could point out the others when they saw them planted.
22. *By Mr. Cribb*: Planted in the scrub? Yes.
23. Not in clear spaces in the scrub? No. These blacks are very difficult to see; and a white man has not the sharpness of sight necessary to see them. Without trackers they would be very little good, except in the open country.
24. *By the Chairman*: Where would you suggest that the head-quarters of the Native Police should be? That is a thing I never gave any thought to.
25. Have the Native Police been always well received at the stations, as far as you know? As far as I know they have. I know that always when they came to Dulacca I received them well for my part; and I believe they have generally.
26. Are you aware of the daily pay the native troopers receive from the Government? I am told it is five-pence a day.
27. Do you consider that sufficient? They get rations and clothing as well. Really I am not prepared to say. I should think it is too small.
28. Would you consider that a larger sum would assist to render the force more efficient? I think it would.
29. Are you aware that many desertions now take place among the Native Police? I have known two or three cases where they have deserted.
30. *By Mr. Taylor*: You think a white force would be more effective than this force of Native Police? On the whole, I do, with the assistance of blacks.
31. A proportion of two trackers to six white men would change the nature of the force completely? Yes.
32. If you put one white man to two blacks, would not that be a more effective force in a scrub? The larger number ought to be white men, if you have white men among them at all.
33. You do not think they would work well together? No.
34. Do you think the present Native Police Force can be made effective? I do not think they can, without getting white men amongst them.
35. *By the Chairman*: Have you any further suggestions to offer? There is one observation which I wish to make. There is very bad and broken country at the back of Kinnoul, Hornet Bank, and Mr. Cardew's station, and the blacks get there, and there are such precipices and ravines that they cannot be followed. What I would take the liberty of suggesting would be, to put up some barracks on that frontier, and then the blacks would be checked from coming in. Now, they come in and murder the shepherds, and before they can be followed they are away into this broken country. There might be two stations of police there.
36. Where would you place them? Somewhere about the centre of that country, where they go back. They would be frightened then to come past these stations.

APPENDIX A.

Sydney, 6 July, 1858.

To the Chairman and Select Committee of the Legislative Assembly, appointed to inquire into the Native Police, and Murders lately committed on the Dawson.

As I have been for many years on the outer stations on the Darling Downs, with your permission I offer the following observations as to the Native Police and its general management.

I would, upon consideration, recommend a corps of white men. If the present force is continued, the first difficulty to be overcome is that of recruiting. As long as the troopers are raised from among the tribes they are supposed to quell, they never will be effective, not even if they are taken 100 miles from their actual nativity.

Mr. F. Walker succeeded in making troopers enlisted in the Northern Districts highly serviceable, because they were kept in check by the original men brought from the Murray.

Troopers intended for service in the Leichhardt ought not to be taken from any place nearer than the Barwan or Severn Rivers.

I still believe a body of Native Police, well organized under a competent Commandant, and officers of energy, and brought from a distance of 200 miles, would in many respects be superior to a body of whites. Every man would be a tracker in scrub fighting; they would be better able to cope with the savage, from their natural sagacity in tracking and the quickness of their eye, and not afraid of losing each other, as whites would be; they act more independently while in scrub,—this is a great advantage, as they can spread over more country.

But, taking the Native Police as they at present exist, a corps of whites would be more efficient. I may observe, that within the last twelve months the depredations of the blacks have been excessive, simply for the reason that they are very seldom punished for what they do. The fact is, that the present force are not able to cope with the blacks on the Dawson.

Dawson. I don't think that in the whole of Her Majesty's service there is a lot more ill-used horses. I will briefly give my reasons for supposing that white men, with one or more trackers, in the ratio of two blacks to every six whites.

They would take better care of their *material* and *horses*, and the question relative to gins would be *got over*; and I still further think that whites, after some practice, might so far improve in bush tactics as to be able to equal black policemen, and they would be less expensive. I shall, to the best of my belief, give the necessary numerical scale.

Black Police, according to Estimates, 120 men and 20 officers, besides sergeants, £16,000, viz. :—

Leichhardt District	18	white, and 6 trackers.
Port Curtis	6	" 2 "
Wide Bay and Burnett	12	" 4 "
Maranoa	6	" 2 "
Moreton Bay ..	6	" 2 "
Clarence River	6	" 2 "

White men:..... 54 18 Blacks.

One officer to every six men, exclusive of the two blacks.

I think a most efficient force could be kept for £12,000 per annum.

I have, &c.,
JOHN MILLER.

A larger number of men may be required in the Port Curtis country, more so as it is opened up.

J. M.

WEDNESDAY, 21 JULY, 1858.

Present :—

MR. HODGSON,
MR. FORSTER,

MR. TAYLOR,
MR. BUCKLEY,

MR. RICHARDSON.

ARTHUR HODGSON, Esq., IN THE CHAIR.

William Small, Esq., called in and examined :—

1. *By Mr. Forster:* You are a resident on the Clarence River? Yes.
2. How long have you been there? About sixteen years.
3. Residing there, backwards and forwards? Yes.
4. I suppose you are pretty well acquainted with the habits of the aborigines? Yes.
5. And you are also acquainted with the state, condition, and management of the Native Police, while they have been on the Clarence? Yes.
6. What is your opinion of that force at present, from what you have seen of it—do you think it efficient? I do not.
7. Do you think it very inefficient? Yes.
8. As the force at present exists, do you think it rather mischievous than otherwise? I should say it is.
9. Do you think the blacks would be managed better if there were no Native Police Force? I do; if there were Europeans instead.
10. Will you state to the Committee in what way the present Native Police Force on the Clarence renders the blacks more troublesome? They are allowed to keep gins belonging to the other blacks; and whenever they are ordered to go out, the gins know from the police the direction they are going in, and away they start and give the blacks information; and when the police come to the camp the blacks are all gone.
11. How do they get these gins—do they take them by force, or threaten the blacks, to induce them to give them up? I think they threaten the gins to make them go with them.
12. Do the blacks of the tribes generally acquiesce, or do they allow them to remain from fear? I think it is from fear.
13. Then you think the Native Police use their authority as police to compel the wild tribes to give their women up to them? I do.
14. Is it the common practice of the Native Police to take these gins about with them? No; they leave them at the police station.
15. Then I suppose you have not seen the gins travelling about on the police horses? Never.
16. Are we to infer that at every new place they come to they have a supply of gins belonging to the place? Yes.
17. What is the nature of the outrages generally committed by the blacks on the Clarence? There has only been one for some time.
18. Do they commit murder generally, or confine themselves to killing cattle? Killing cattle, and petty thefts.
19. Have any outrages on women been committed by the blacks? Yes; there was one a short time ago.
20. Is not the Clarence rather remarkable for outrages on women by the blacks? Yes; there have been three within my knowledge.
21. Have the perpetrators of these outrages ever been dealt with? Only one, who was taken by the blacks of his own tribe.
22. What was done with him? He is now in Darlinghurst Gaol waiting his trial.

331—N

23.

Wm. Small,
Esq.

21 July, 1858.

- Wm. Small, Esq.
21 July, 1858.
23. Are the perpetrators of the other outrages, who were not dealt with, still at large in the District? No; I think they are dead.
 24. Is there a general feeling of dissatisfaction with the Native Police, or otherwise, among the settlers on the Clarence? There is dissatisfaction.
 25. Do you think the settlers would rather be without them, than with them as they are now? They would, if there were two or three Europeans instead. I think they would be satisfied if there were two or three Europeans joined to the ordinary police force there, with a native for a tracker.
 26. Could you give any reason to the Committee for the force being so inefficient as it is—do you think it is owing to the bad management, or the bad character, of the officers? No, I think it is the natives. When Mr. Morrisett was there first he had natives from other parts of the country, whereas they have at present taken them from the tribes close at hand.
 27. Whose fault is that? I suppose that of the parties authorised to get recruits.
 28. Do you think the officers who command the force in general are good officers? Yes, as far as I know them.
 29. You do not attribute the inefficient state of the Native Police to the officers? No.
 30. You think it is owing to the bad system of employing blacks from the neighbourhood? Yes.
 31. Do you think if the troopers were obtained from distant places it would be a good force? Yes.
 32. Do you think the settlers would rather have it then than be without it? Yes.
 33. From what you say, the cattle-holders on the Clarence would seem to be the principal sufferers from the blacks. Yes. A short time ago I had occasion to go to the outside of the run mustering—Mr. Dempster, the lieutenant in charge of the Native Police, was away at New England, and on the main camp I found two gins and one of the police hunting for game, and, of course, when we brought the cattle there, they went away in every direction.
 34. Have you any reason to believe that the Native Police join in hunting your cattle, or spearing them? No; I never saw them.
 35. Do you think that when sent after the blacks, to punish them for any depredation that has been committed, they do their duty properly, or show any favoritism to one tribe more than another? I cannot say.
 36. I think you have suggested that the employment of white troopers in conjunction with the blacks would be a good step? Yes.
 37. What proportion would you suggest? I should say three whites and one black, for a tracker would be quite sufficient for the district.
 38. Do you think white police would be able to follow the blacks? Yes, I am sure of it.
 39. To follow them through the scrubs on the Clarence? Yes.
 40. Are the scrubs on the Clarence as bad as in other parts of the country? No, I do not think so.
 41. Are there not what are called coast scrubs? I have been a good deal on the coast, and I never saw any scrubs there.
 42. Are there not scrubs on the banks of the river? Yes.
 43. Would it be easy for white police to follow the blacks through those scrubs? I think it would.
 44. Do you think the officers of the Native Police have a proper control over the men they command? No, I think not; for, if they speak sharp to them they abscond.
 45. Then the officers are afraid to give them orders for fear they would run away? I think so.
 46. Do you think they are personally afraid of them—of their violence? No.
 47. Would you approve of an alteration in the law to make the Native Police a military force, and to authorise the Government to shoot them in extreme cases? I do not think they would join if that was explained to them.
 48. Do you think the Native Police are actually required on the Clarence? I do not.
 49. You think it would be better to have a certain number of white police? White police altogether, with one native for a tracker.
 50. Then, in fact, your suggestion amounts to abolishing the Native Police altogether on the Clarence, and substituting white troopers? Yes.
 51. You consider the Clarence District has arrived at that stage when it does not require black police? Yes. The natives have been very quiet lately. There has been only one depredation for some time.
 52. You do not mean to say black police are not required in other districts? No.
 53. An extension of the common police would be sufficient for what is wanted down there? Yes.
 54. Do you think that is the feeling of the inhabitants generally? Yes. The only thing I have known the black police to do for the last twelve months was to go to New England for recruits; and those they brought down were mere boys, who would not be fit for service for two or three years.
 55. Do they travel about a good deal? Not a great deal.
 56. Do they keep to the high roads when travelling? Yes.
 57. Do they remain long at one place without moving? No. They have not been through the district as far as Mr. —'s station since they returned from the Macleay, except to get recruits.
 58. By Mr. Richardson: Would you have the proportion of one black to three whites apply to all parts of the Colony? No, only to the Clarence.
 59. What proportion of blacks would you have in places where the scrub is very dense? I should say two natives to one white.
 60. You think the native police, as at present constituted, inefficient? Yes.

Wm. Small,
Esq.

21 July, 1858.

61. And you think it necessary a thorough change should be made? Yes.
62. *By the Chairman:* We may understand that your information applies entirely to the Clarence? Yes. I do not know anything of any other district. I have never been in any other, except the Murrumbidgee some years ago.
63. Do you know the number of the Native Police on the Clarence? Eight, under two officers—Lieutenant Dempster and the camp sergeant.
64. Are you aware of any blacks having been recently enlisted on the Clarence, and sent to the north? Yes.
65. Do you know under what circumstances that enlistment took place? I do not.
66. Do you know the blacks that were sent? No; they were brought from about sixty miles from Grafton.
67. Do you know what has become of those troopers? They started for the north just before I left Grafton.
68. You are not aware they have absconded? No. One, I know, absconded as soon as he came down to Grafton.
69. Have the blacks diminished in numbers on the Clarence? Yes, very much.
70. From what causes? Deaths, from different diseases. The measles took off a great many.
71. Do you attribute the number of deaths among them to their association with the whites? In great measure.
72. From drink, and so on? Yes. A short time ago there were one or two murdered through drink. It is a thing they have got very fond of.
73. Have you ever been acquainted with Mr. Morrisset, the Commandant of the Native Police? Yes.
74. Do you think him an active and efficient officer? Yes.
75. Do you think he is well acquainted with the manners and customs of the blacks? Yes. The blacks behaved very well under him.
76. Would you recommend that the appointment of the subordinate officers should be vested in the Commandant? I should think so; he should know those that would suit him better than others.
77. Are you aware of the amount of pay the troopers of the Native Police receive? Six-pence or eight-pence a day, I believe.
78. It is five-pence—do you consider that sufficient? No, I do not.
79. Why not? They are people who are fond of buying things when they come to Grafton, and if they are not humoured in their fancy they are very soon dissatisfied.
80. Do you think increased pay would make the force more efficient? No; I think the more they get the more they look for.
81. You are against giving them increased pay? Yes.
82. You do not consider that the Native Police Force is necessary on the Clarence? I do not: I think two or three mounted constables would be sufficient in that district, with a tracker.
83. Where is the Native Police camp at present? About ten miles from Grafton.
84. Are there barracks there? There is a place for the lieutenant and for the camp sergeant. The natives put up a place for themselves, and keep shifting it about almost every week, the same as the natives generally do.
85. Are the horses of the Native Police in good order? Some of them are, but generally speaking they are not. The blacks are worse on horses than white men, a great deal.
86. *By Mr. Buckley:* Is the whole of the Clarence District settled? Yes. A great deal of the scrub on the bank of the river has been taken up lately by the Hunter River settlers.
87. As the district is now, is there much covert for the blacks? Nothing like as much as there was in former years.
88. Do you think it is necessary to have a force of any kind to repress the depredations of the blacks? I should say it is. If the blacks found there was no force they would commence to play their tricks again.
89. Are they still in great numbers on the Clarence? Nothing like what they were. One time you could see them going about in large tribes; now it is very seldom you will see them.
90. Is it a common practice with the blacks to commit depredations on the Clarence and then go over the range to New England? No, never.
91. Or *vice versa*? No. The blacks at the Bellinger, whenever they commit any depredations there, come over to our side.
92. You think it quite possible for a white man to follow the blacks through such scrubs as you have on the Clarence? Yes. I think a blackfellow could get away from one of the native troopers quite as easily as from a white man. The only advantage in having black troopers is for tracking.
93. If the scrubs were very dense, do you think it would be possible for a white man to pursue a fugitive with the same facility as a black? No, I think not.
94. Then your remarks do not apply to other parts of the country where dense scrubs prevail? No.
95. You mentioned Lieutenant Dempster—was he at one time a sergeant in the force? He was.
96. Do you know by whom he was promoted? I am not aware.
97. Is he a good officer? Yes, as far as I have known him.
98. Did you know much of him during the time he was a sergeant in the police? He has been backwards and forwards to my station several times, and I have seen him about Grafton; but as regards his public duties I cannot say much. At the time the blackfellow who is now awaiting his trial committed the assault on the woman, he came out to my station and

said

- Wm. Small, Esq.
21 July, 1858.
- said it was a bad job, but there was no more notice taken of it. It was close to my station that the assault was committed. Two blacks of the same tribe made the blackfellow drunk and took him.
99. Was that the last outrage? Yes.
100. Was the blackfellow committed from the Grafton Bench? Yes.
101. If the country is so open as you say, do you think it necessary to have a black with the white police as a tracker? I do.
102. You think the Commandant should have the nomination of his own officers? Yes.
103. Do you think there are any young gentlemen in the bush who would be willing to undertake the duties of the Native Police, if they had the opportunity? I do not think there are in the Clarence District.
104. *By Mr. Richardson*: Where would you recommend that officers should be obtained for the Native Police? I should think those that are under Mr. Morrisset now would be the most fit.
105. In making other appointments, do you think he should confine himself to the bush? I think persons acquainted with the bush would be the most suitable.
106. Do you know most of the present officers of the force? I know Mr. Bligh, Mr. Dempster, and Mr. Morrisset.
107. Are they generally efficient? Yes.
108. Is that the feeling in your district? Yes. I never heard a complaint otherwise.
109. What pay would you give the native troopers? They would not be satisfied, whatever you gave them.
110. If we gave them more would they do any good with it? No; if you gave them more they would drink.
111. The present pay is sufficient, you think? Yes; although they do not think so.
112. Is drinking practised to a large extent amongst the blacks? Yes; not among the troopers; I never saw any of them drunk.
113. You said the native troopers are hard on the horses—from what cause? The slovenly way in which they ride. Their horses are always poor.
114. Do you attribute that to their being heavier on the horses, or to their not seeing them fed? I should say it is from the awkward manner in which they sit on their horses.
115. *By Mr. Buckley*: Generally speaking, they do not weigh so heavy as white men? No.
116. What weight do they ride with their accoutrements? Perhaps twelve stone.
117. *By Mr. Richardson*: I asked you if the officers you knew were generally efficient, and you said they were—is there not a general feeling that in other parts of the Colony the officers are inefficient? I have heard so.

FRIDAY, 23 JULY, 1858.

Present:—

MR. HODGSON, | MR. BUCKLEY,
MR. TAYLOR.

ARTHUR HODGSON, ESQ., IN THE CHAIR.

Captain Maurice Charles O'Connell, called in and further examined:—

- Capt. M. C. O'Connell.
23 July, 1858.
1. *By the Chairman*: In your evidence you recommend the neighbourhood of Port Curtis as the best point for the head-quarters of the Native Police? Yes, I think so—that is my opinion.
2. Do not you think a more central spot would be found north-west of Gayndah? I think not, not with all the advantages which the spot I have named has attached to it. You must recollect occupation is progressing to the northward. We have new stations one hundred miles north of Gladstone. The distance westward of occupation is not much more than 150 miles; and the distance to the southward, towards which the operations of this corps have to be conducted, is between 200 and 300 miles; therefore, looking to the gradual progress of occupation towards the north, I think there cannot be a more convenient and central spot than the one I have indicated.
3. In the event of the Government consenting to send up white troopers from Sydney, where would you recommend them to be landed? At Gladstone.
4. Would you recommend that they should take their horses with them? I suspect they ought to do so. It would be better they should.
5. Would horses be easily procurable in the neighbourhood of Gladstone? Not to the extent required, I think.
6. Suppose the troopers were landed at Maryborough, would not the journey from Gladstone to Maryborough be an easy one? By no means difficult; it is 160 miles.
7. As there is no steam communication to Gladstone, would it not be more convenient to send them by steamer to Maryborough than by sailing vessels to Gladstone? It seems to me it would save trouble if they were landed at the place they were to remain at.
8. You are aware that horses by the steamer might be forwarded to Maryborough? Yes.
9. And by sailing vessels it would be, to a certain extent, impracticable? I don't know that it would be impracticable; it depends on the kind of ship. A large vessel would take up the whole force in five or six days, and perhaps do it as cheaply as a small steamer.
10. Do you consider that the buildings to which you have alluded in your printed report are absolutely necessary? I think so, if you wish to carry out the system efficiently and to do the thing properly.
- 11.

Capt. M. C.
O'Connell.

23 July, 1868.

11. Would there be much difficulty in getting these buildings erected? I think not.
12. Do you think the cost would not exceed £5,000? That was but a rough calculation of mine, not having sufficient data to go by. I fancy it would not cost more, presuming the buildings were to be constructed of mere slab and shingles. I think this would be sufficient, supposing that in the course of time the position of the head-quarters of the corps would have to be moved as occupation extended further north, and that the districts which are now disturbed became settled.
13. You have doubtless given the subject much consideration—would you be good enough to state to the Committee what steps you would recommend to be taken immediately with regard to the suppression of the murders in the Dawson River District? If the object to be attained is the immediate suppression of the outrages, and present security to the districts disturbed, I apprehend the most effective mode of giving relief would be by raising or obtaining a number of tolerably qualified men, and dispatching them at once to the scene of the disturbances.
14. What number would you suggest? I have prepared a statement of what I thought might be the expense of the measure, which, however, can only be considered as an alternative one, and more of a temporary nature than the one I previously proposed. It is only a rough estimate, but it will give you a notion of the force required. (*Witness handed in a statement of expenditure for Mounted Police Force for the Port Curtis and Leichhardt Districts. Vide Appendix A.*)
15. Many witnesses have recommended that a certain number of white troopers should be forwarded to the Northern Districts, not to be amalgamated with the native troopers, but to patrol in parties of six or eight, principally in the open country,—what is your idea of that? I think a great deal will depend on the description of men you obtain, and upon the manner in which they are governed; and I think it is an experiment liable to very great risk of failure, judging from the style of men I have seen sent up as sergeants formerly.
16. Do you think the fact of the Government sending up twenty mounted troopers from Sydney to the Northern Districts would be circulated widely amongst the natives? Their presence ought to be made known by their appearance on the spot. I think it would have a good effect if you were enabled to obtain good men.
17. You think the very appearance of these men would have a beneficial effect? Yes, I think so.
18. Do you think further, that the fact of their continually appearing in the public thoroughfares in bodies of six would be beneficial? I think so, decidedly. As I stated before, the patrolling system is one of the most likely to be beneficial in its effects. I adopted that course myself when the districts immediately in the neighbourhood of Port Curtis became disturbed: I directed the ordinary constabulary to patrol one week, and the Native Police the alternate week, throughout the disturbed districts, and during the continuance of this arrangement no outrage occurred. The Native Police, however, being taken away from me, it fell on the constabulary alone, and I was obliged to discontinue it.
19. *By Mr. Buckley:* You say you propose Gladstone for the head-quarters? The neighbourhood of Gladstone, on the Calliope River.
20. How far is that from the districts which are disturbed? 150 miles.
21. Would not that be an immense distance to have to communicate with a force like this in case of an outbreak? I think not. I propose the force should be distributed all over the disturbed districts at out-stations:—one station at Taroom, another at Rannes, on the Fitz Roy, at Maryborough and Brisbane, and two intermediate stations. The out-stations are so placed that they could easily communicate with each other, and reinforcements could be sent by the head-quarters to supply these places as the men there moved on to the disturbed places.
22. Would you not imagine a party of five white troopers equal to ten or twelve aboriginal troopers? It depends on the leader of the aboriginals. The aboriginals are certainly equal to the whites; but I don't believe that five whites are equal to ten blacks, properly led.
23. You know a good deal of the blacks—do not you suppose if the whites and blacks were mixed together, and any differences arising between them—the whites wishing to have their own way—it would cause the blacks to be dissatisfied? The management of the blacks is a very difficult matter. I said so in my evidence before. I should select those to lead them who have most tact; and I believe the blacks are capable of forming great attachment to white men—to those they like, and whom they feel confidence in. It is necessary to select those whom the blacks have confidence in, and they are the men only qualified for that duty.
24. Do not you think it desirable to have a given point at which the main force is to be stationed, in a central part, in order that they may disperse on either side—would it not be more desirable to have a central point rather than a seaport for the head-quarters? I think not. My object is to select a central point—such a point in the circle as to make the radius nearly equal to any point of the surrounding country.
25. From that position the country is affected north and south, but how would it affect the western portion? Equally. I believe it would be equally as advantageous for the protection of the western country as for the north and south.
26. You propose to erect buildings—how much will they cost? £5,000, fencing and building.
27. If this force is required to be moved, does not that expenditure appear almost unnecessary? I calculate that it will not be necessary to remove the force from that spot for ten years. Supposing the buildings were constructed of slabs and shingles, they would not be expensive, and they would be available for sale, so that there would be a return of some of the money expended: I don't see how the organization of the force could be carried out without.
28. You propose that £5,000 should be expended in buildings for the whole force of blacks and whites? Not the whole force—for such a number as are at head-quarters, where the organization

Capt. M. C.
O'Connell.

23 July, 1858.

organization is to take place: the want of space in the first instance could be relieved by having the men under canvas.

29. How many men do you propose this building should accommodate? 60 men; the total number is 120.

30. *By Mr. Taylor*: If, then, white troopers were sent out, do you think it better to let the Commandant have the whole charge, and distribute them as he might think fit, and would you give the Commandant charge of both? Whoever is responsible ought to have sole charge.

31. And either distribute them among the blacks or otherwise? Whoever is responsible for the district must have the whole force under his charge, and do as he pleases.

32. It was suggested that they should not be mixed in any way? You must give the officer in charge full power to do what he likes.

33. *By the Chairman*: Do you happen to know the present rate of pay for Native Police? I understand that it is 1s. 6d. per diem, to cover the expense of rations and everything else.

34. At the present time it is only five-pence a day, with clothing and rations? I was not aware of it. I did not know that any sums of money were distributed among the black troopers.

35. Do you consider that sufficient? I apprehend that money given to the black troopers is thrown away; I do not see that it is of any use to them.

36. You would not recommend an increase in their pay? Decidedly not.

37. Rather a reduction? No, I recommend no reduction; but I think the 1s. 6d. a day given is sufficient to provide for their cost of living and provisions, and such luxuries as they require—tobacco and pipes, &c.

38. Do you not think that the white troopers could be enlisted at a less amount of pay than that mentioned in your printed evidence? I have taken the amount of pay from that given to the constabulary, and I presume you cannot get a man for a lower amount for this service than the pay for ordinary service.

39. Do not you think the system would work better if Government found the rations? I am hardly prepared to say. The provision of rations requires a great deal of account work. There might be some person charged with commissariat supplies and commissariat rations accounts. I have found in the bush, with my own orderlies, there is comparatively little difficulty in their providing themselves; they take their small quantities of supplies. I apprehend each man could regulate his own accounts, and supply himself.

40. Do you not think that the Secretary attached to the Native Police Force could carry out the duties of a commissariat officer, that is, at the head-quarters? It depends on the number of vouchers required by the Commissariat and Audit Office. If vouchers are multiplied—the duties of the force extending over such a tract of country, in which communication is unfrequent—trifling items would entail the necessity of complicated accounts, and be difficult of arrangement.

41. As Commissioner of Crown Lands, did you find any difficulty in getting your ration accounts made up? My troopers find themselves.

42. In the Burnett? Yes, unless for their private convenience, their supplies were provided for them sometimes.

43. You would not recommend the transport of any white troopers, unless previously drilled and organized in Sydney, under Captain McLerie? I think, most decidedly, they should be organized and drilled in Sydney before being sent up.

44. You imagine there would not be much difficulty in procuring these men, discharged out of the regiments previously quartered here? I think a number of men, who had previously had training, would not require to remain a long time under Captain McLerie's superintendence.

45. Would you prefer old soldiers, if physically capable and of good character? It would be desirable to take those who have been discharged, if physically capable. I have seen a great many here with good characters, and quite competent for these duties when they get some acquaintance with the bush.

46. *By Mr. Buckley*: You lived in the Burnett District some time? Yes.

47. Do you think it at all likely that there are parties (young gentlemen, for instance,) who go into the country to obtain colonial experience, who would volunteer to go into the service—regular competent men? I doubt it very much.

48. Do you recollect any volunteering during the time you were in the Burnett District? The Native Police only came two or three years before I left the Burnett District.

49. You recollect no gentlemen volunteering? I recollect no instance of a person volunteering.

50. And you are not aware of any person joining the Native Police? Yes, I am aware of Mr. Murray, in the Wide Bay District, joining the Native Police.

51. Do you recollect any others? I do not recollect any others.

52. *By Mr. Taylor*: Do not you think these troopers have considerable difficulty in getting rations at the different stations: when they have no money in their pocket do the storekeepers give them rations on their responsibility? I think travellers obtain rations without any difficulty in that way. These men are constantly travelling as a moving body. If one man is responsible for the whole company, the settlers have no objection in giving them what is required. I should have no hesitation myself in trying it without any provision of rations from the Government. I believe it would work well, from what I have seen in the bush. I know, with the ordinary constabulary and Commissioners' orderlies there is no difficulty; I have heard there has been great complication of accounts, arising from the difficulties of communication. If rations are issued by the Government, the Government require, very naturally and properly, a strict account of the number to whom rations are issued daily. There must be a sort of form filled up by the Commanding Officer of the names and rank of each person receiving rations. This account, kept in a particular form for several days,

is

is then forwarded to the officer in charge of the section, and then forwarded to the head-quarters, or Auditor General's Office. So many transmissions causes a difficulty, and I think great complication of accounts would arise by this plan. At the same time I acknowledge it is a question open to a difference of opinion.

Capt. M. C.
O'Connell.
23 July, 1868.

APPENDIX A.

ESTIMATE of Expenditure for Mounted Police Force, for the Port Curtis and Leichhardt Districts.

	£	s.	d.
1 Lieutenant, per annum	365	0	0
1 Sergeant-Major, ditto	150	0	0
1 Pay Sergeant, ditto	150	0	0
10 Sergeants, at 6s. 6d. per diem	1,186	5	0
20 Troopers, at 5s. 6d. ditto	2,007	10	0
18 Aborigines, at 1s. 6d. ditto	482	15	0
	4,341	10	0
4 Supernumerary White Troopers, at 5s. 6d....	733	10	0
	5,075	0	0
54 Suits of Clothing, at say £7 each	378	0	0
Forage, say... ..	600	0	0
Contingencies	400	0	0
	6,453	0	0

Say £7,000 per annum.

Preliminary Expenses in raising the above Force:—

90 Horses, purchased at £30	2,700	0	0
54 Sets Saddlery and Accoutrements	540	0	0
54 Sets Arms (sword, carbine, and revolver)... ..	540	0	0
Recruiting expenses, say	600	0	0
Buildings	2,000	0	0
Forage, first year	1,000	0	0
	7,380	0	0

Say £8,000.

E. B. Uhr, Esq., J.P., called in and examined:—

1. *By the Chairman:* You are a magistrate of the territory, I believe? I am.
2. You reside at Maryborough? Yes.
3. How long have you resided there? For the last nine years.
4. You have been constantly resident in the Northern Districts? I have, for the last fifteen or sixteen years; fifteen years, I think.
5. Have not the head-quarters of the Native Police Force been stationed at Maryborough? About eight miles from Maryborough, on the south side of the river.
6. How long have the head-quarters been there? I cannot say the year; from Mr. Morissett's arrival at Maryborough, I think it was some three or four years back.
7. Was that Mr. Morissett the officer stationed at Maryborough? He was the officer in command—the first lieutenant.
8. Under whom? There was no Commandant of the Force. I think the time the force was stationed there he was Commander of the Force.
9. Are you inclined to think him an efficient officer? I am hardly able to speak of that. I think he is as competent as any person I know, and he has had a good deal of experience.
10. Is he active? He appears to be active and energetic, and does all he can with the force under his control; but he has had many difficulties to contend with.
11. Are these difficulties at an end? No, certainly not.
12. From what cause? From the inefficiency of the natives, and the difficulty of getting proper men.
13. Do you remember the force under Captain Walker? Yes; I remember when he first came to Maryborough. That was eight or nine years back.
14. Was the force then efficient? I considered it most efficient, and I considered him (Captain Walker) a most efficient officer. The men were well disciplined, and there was every energy used to suppress the aggressions of the blacks at that time.
15. And did the force deteriorate? It did not on account of the force itself, but in consequence of the discrepancies of the Commandant, and he himself fell off in his management.
16. You are aware he was dismissed? I am.
17. You are also aware of the alleged cause of his dismissal? The alleged cause was drunkenness.
18. Have you, during your residence in Maryborough, had many opportunities of becoming acquainted with the officers of the Native Police Force? Yes, I have frequently seen them.
19. Do you think them efficient? Yes, I think so, if they had proper men to control. The efficiency is void by their not having proper troopers.
20. Without particularising names, are you not aware some are notorious drunkards? Yes, it is so reported. One, I believe—with regard to one I have every reason to believe such is the fact.

E. B. Uhr,
Esq., J.P.

23 July, 1868.

E. B. Uhr,
Esq., J.P.

23 July, 1858.

21. Then your knowledge only extends to one? Yes, only one. I have heard reports and observations from parties that he is rendered unfit for his duties on account of his love of drink.
22. What is the nature of the building near Maryborough? I have never been up to the police camp. The troopers' buildings are made of bark and slabs of the rudest description.
23. Are they still in use? Yes, they are; and as parties of Native Police come to Maryborough the buildings are used as head-quarters.
24. When you left Maryborough was the Native Police Force there at the camp? There were officers and two sergeants, but very few of the Native Police there. I believe there are very few of the Native Police in the force.
25. Can you give the Committee any idea of the present number of the officers of the force? I cannot, except from rumour—that it consists of 18 or 20.
26. Can you give any idea of the number of troopers? That I can only do by hearsay. I am told there are 30 or 40—there may not be so many. I am of opinion there are not so many; that is the rumoured number.
27. If your information is correct, do not you consider the number of officers is far in excess? Yes, I do. I consider it a great drag and expense to the Colony in the present state of the Native Police Force. I have considered it so for a long time.
28. From your knowledge of the Native Police Force, how many officers should be appointed to a section of troopers? I think every 12 troopers would require one officer at least.
29. If the number of troopers amounted to 120, how many officers would you recommend should be appointed to the force? At the rate of one to 12, and the Commandant.
30. Of course, exclusive of the Commanding Officer? Yes.
31. Are you aware that the native troopers have been recruited in the immediate neighbourhood of these murders? I don't know that they have been recruited from the immediate neighbourhood of the murders, but in Maryborough. Many who have joined the force find their way back into the town after joining the force.
32. Would you suggest any remedy to prevent such an evil? The remedy I should suggest would be either to have a white force or get the natives further south of Moreton Bay. They never will make efficient troopers from any that can be got in the district. They may join the force for the novelty, and for a time, but they abandon it at their earliest leisure.
33. If enlisted from a distance the blacks so enlisted would be afraid of absenting themselves? Yes; on account of the strange tribes they would have to pass through—so they would become good soldiers. It was that which made Mr. Walker's force so efficient in the first instance.
34. Would you recommend an amalgamation of white troopers with native troopers? Certainly not. I would recommend a white force, similar to those we used to have under Sergeant Temple, in the old convict time, and black trackers when necessary to go after the blacks; these may be got in the immediate neighbourhood.
35. Do you not think the force might be made efficient by sections of black troopers being employed in the most scrubby part of the country, leaving the white force to be employed in the open country? I think the white force generally as good as the blacks; they are more persevering. I don't think there is much perseverance in the blacks; they may take a camp, but they don't follow it up like the whites. I think a white force with trackers would have more stability, and be more beneficial in the end.
36. Do you not think the white troopers would find the impenetrable scrubs in the Northern Districts great obstacles to their being useful? Certainly, in the scrubs they would have a good deal of hardship and difficulty to contend with; but we have had the experience of gentlemen, going out and protecting their stations, going into the scrubs and successfully protecting themselves against the murders and outrages of the blacks. Now, if gentlemen could do this, I think paid men ought to be able to do it with blacks as trackers.
37. Is it not a matter of notoriety that black troopers on entering the scrub take off their clothes? Yes; I always understood that to be the case when they are going to surprise a camp, but the white troopers would have the benefit in having a couple of trackers.
38. Could you suggest to the Committee the best site for the head-quarters of the Native Police Force? My experience is hardly sufficient; I think somewhere in the centre of the frontier districts—somewhere in the neighbourhood of the Dawson; that is the position I should suggest for the head-quarters, so that they immediately could be distributed in the disturbed districts whenever disturbances took place. At Wide Bay, I apprehend, the natives will yet be very troublesome. Civilization always seems to make these fellows more troublesome than when in their wild state; they come to know their power, and, consequently, there is a good deal more trouble to contend with them. At Maryborough we have frequently robberies on sawyers knocked down, and besides, they rob people of money. In Maryborough, if they see a drunken man they rob him, and knock him down. There was a case the other day, brought before the magistrate sitting, against a man named Darby, who knocked down a sawyer, and robbed him.
39. You would rather have the spot nearer to Gayndah than Port Curtis? The only advantage to Port Curtis is the communication with head-quarters sooner. I think I would have the site nearer the frontier.
40. Is there not a steamer constantly plying between Wide Bay and Sydney? Yes, monthly; it used to come fortnightly.
41. How many horses could it convey? I think fifteen is the number it is chartered for; it can carry twelve.
42. Suppose the Government sent up some twenty troopers from Sydney to the Northern Districts, would you recommend the horses being sent with them, or should the horses be got there? I think the horses should be sent, certainly.
43. You think it would be less expensive? Yes. There is not a sufficient number of horses equal to that demand, if they were to be got at Maryborough.
44. You have had an opportunity of observing the native troopers of late? I have.

45. Are they clean and orderly, or do they impress you with an idea that they are not sufficiently looked after? Well, some of them look rather smart, others look like hogs in armour. Their clothes sit uncomfortably on them. I suppose they make themselves as decent as their nature will allow them. Some are smart, and take pride in their dress, others are not so. It is very difficult to make the blacks look well in their dress. The old troopers, those under Commandant Walker, were very natty in their dress.
46. Are you aware how the rations are given to the force at present? I believe they are allowed so much a day, and that they are procured by the Commandant, or officer in command, as required. That system seems to work very well.
47. You think that system is preferable to any other? Yes, to any other that could be adopted. Contracts might be issued. It would be difficult to get a contractor to furnish rations at the different stations. I think the present system is the only one that could be adopted.
48. Are you aware what the native troopers receive? Only from hearsay. Altogether, or rations?
49. Altogether? I have heard they get the sum of 4d. or 5d. as a money payment; and their rations consist of 2 lbs. of meat, 1½ lbs. of flour, with a small quantity of tea, sugar, tobacco, and soap, also salt, per day. The quantity of meat is larger than usually allowed by the Government.
50. Are you personally acquainted with Lieutenant Murray? Yes.
51. Do you consider him an efficient officer? Yes, a most active officer, and a man of great experience.
52. Are you acquainted with Lieutenant Bligh? I do know him.
53. Could you mention the names of two officers whom you would select in preference for sending them to the Southern Districts for the purpose of enlisting troopers? Yes. I think the two gentlemen you named are most suited to the purpose; yet I would hardly recommend their being taken out of the district at the present time, their services are so useful. They are the best, and only two, I would recommend for such an undertaking.
54. If their services could be dispensed with, they are the best men to select? Yes.
55. Are you aware that the Government sent Lieutenant Allman on such an expedition some few months since? I am not; this is the first I have heard of it. I heard Lieutenant Allman was in Sydney on leave of absence; I was not aware of it; afterwards I heard he was not in the force.
56. Do you know where Lieutenant Allman is now? He was some two or three months since in Maryborough.
57. Would you suggest that the appointment of the subordinate officers should rest with the Commandant? Yes, most certainly.
58. Without the Government veto? I think he should be held responsible for the appointments, and if he made an improper one, it would be for the Government to mark their sense of it.
59. Are you aware that young men have been forwarded from Sydney to join the Native Police as officers, who afterwards were found thoroughly incompetent? I have been so informed. All the Native Police officers ought to have a knowledge of the bush and the native character before they can make efficient officers for such a corps.
60. *By Mr. Buckley:* You say there should be one officer to twelve troopers, would that be sufficient? That is my opinion.
61. What would you style him? Lieutenant.
62. In the event of any accident occurring to him, or sickness, what would be the position of the division? If the officer were taken sick it would be necessary, of course, to have some one to relieve him.
63. Would you not then recommend the continuance of sub-lieutenants? I would have a few supernumerary officers in case of accident. I would not recommend more than one officer to twelve troopers, excepting two or three sub-lieutenants, in case of sickness or accident of any description. That may not happen once in seven years, or it may occur every day.
64. According to your statement, that would be one officer to eight troopers, including supernumeraries? That would require calculation.
65. The troopers are in sections of 12? I would have three or four supernumeraries, in case of their being required. One of the sergeants might take charge of the corps in the absence of the officer from sickness.
66. What is your opinion of the estimation in which sub-officers were held by native troopers in former times—were they ever fond of sergeants? I believe they were. There was Sergeant Dowling, under Commandant Walker, they were very fond of him.
67. Has it not been remarked that they do not pay attention to officers, except the Commandant? I never heard that before I came to Sydney.
68. Are you aware that the scrub is as dense in Wide Bay as it is in the districts further north? Yes, I think so.
69. You think, of your own knowledge, that the district is intersected by the scrub as much as those further north? Yes, from my knowledge.
70. And affords a considerable cover for the blacks? Yes.
71. In that case, with a body of white troopers and two trackers, what would be the position of these men if they found that only the trackers could penetrate the scrub? I do not think the scrubs so dense that a white man could not follow the trackers. A white man might not be able to go as fast as the blacks can, but I know gentlemen who have done it.
72. If these men were not efficient enough to drive the blacks out they would be, of course, useless—I mean the white troopers? I should suppose that eight troopers would be always sufficient when they came up to the blacks to drive them out, or, at all events, to disturb their camp. The black trackers—I should also make use of them in case of attack.
73. Are they very careful of their horses? Yes, very. That is another reason why I recommend

E. B. Uhr,
Esq., J.P.

23 July, 1858.

- E. B. Uhr,
Esq., J.P.
23 July, 1858.
- mend white troopers. The horses are more taken care of, and fit for service when required.
74. Do the blacks abuse their saddles, harness, and their garments? No doubt, if not looked after.
75. You invariably see their horses with sore backs? Yes; they are bad horse masters.
76. Is it from hard riding, or the severe pace they go at? I may say from their severity in galloping horses. The black troopers when they have no head with them will go as hard as they can pelt.
77. *By Mr. Taylor:* Do you think it better to have appointed a greater number of whites or blacks? If you get the blacks from the south, and such a force as originally was under the charge of Commandant Walker, I think we should be equally well protected.
78. Do you think it better to have all white troopers? Or those I am speaking of.
79. Would you have more white troopers than blacks? I would say have black troopers, if they were as efficient as those under Commandant Walker. I would sooner see no Native Police than as it is at present.
80. Then you think the present force does more harm than good? They certainly are not doing much good, and they tend to do much harm; the natives having got a contempt for them. If you get good troopers—the natives of the south—they will not amalgamate with the natives of the north, and will cause more dread, and keep them in better check.
81. If twenty white troopers were sent in the meanwhile, it would have a good effect on the district? That is difficult to say. If you got a good force, as under Sergeant Temple in the convict times, this white force would be superior. The difficulty of organizing such a force would be very great and very expensive. I certainly think the way the Native Police Force is at present constituted is not at all effective. I don't consider that this ineffectiveness is attachable to the Commandant. The expense is going on without any benefit being derived from it.

THURSDAY, 29 JULY, 1858.

Present:—

MR. DONALDSON,
MR. HODGSON,

MR. RICHARDSON,
MR. SMITH,

MR. TAYLOR.

ARTHUR HODGSON, Esq., IN THE CHAIR.

John McLerie, Esq., Inspector General of Police, called in and examined:—

John McLerie,
Esq.
29 July, 1858.

1. *By the Chairman:* Do you think it possible to send up from ten to twelve mounted troopers to act in the Northern Districts, to be attached to the Commandant of the Native Police? Do I understand you to mean men of the mounted force now existing?
2. Yes? No, not at all.
3. For what reason? The necessities of the service in Sydney and the Sydney District, in the first place.
4. Do you think there would be any difficulty in enlisting that number? I do not think there would, if the terms offered were commensurate with the price of labor in the Colony.
5. How long do you think it would take to enlist from ten to twelve troopers? I am aware that there are a number of young men in Melbourne waiting for police employment, who have recently arrived from Ireland. The Irish Revenue Police have recently been amalgamated with the general constabulary of Ireland, and these men have been thus thrown out of employment, and have emigrated in consequence. I have taken three of them within the last few days—very intelligent, well drilled men. I think, by communicating with the police authorities in Melbourne, I could raise, and drill sufficiently for service on the borders, any moderate number of men that may be required.
6. What pay per diem would you suggest should be given them? I do not think, having in view the present wages of labor in the Colony, that you could offer them less than five shillings a day, and rations.
7. With clothing? With clothing, of course.
8. You think with that pay there would be no difficulty in raising a body of men for the purpose? I do not anticipate any difficulty. I think I would be able to raise a sufficient number of men for the purposes required on the borders in a month, and instruct them in Sydney under my own officers.
9. You think such a force would be useful in the bush? I do, if amalgamated with the native troopers, and divided into parties of six white and four native troopers. I think in that proportion they would tend to the suppression of the outrages that have been taking place for some time in the Northern Colony. I think, in my evidence before a Committee of the House some time ago, I suggested that the parties should consist of ten men each. Small parties, with ready means of concentration, in case of necessity for an increased force, are a more effectual means of repressing crime than large bodies confined to certain districts. I think it is necessary to join native troopers with the white men; for, I served myself against the natives in New Zealand with troops, and I know the services of the troops would have been a perfect nullity without the assistance of natives. I presume that the denseness of the scrubs in the Northern Districts prevents the ready action of Europeans.
10. You are aware that there are large tracts of open country in the Northern Districts where Europeans would be useful without native blacks? I am aware that during the existence of the old Mounted Police they never went into the bush without trackers; in fact, trackers were regularly paid for the purpose—each party had a tracker attached to it.
11. *By Mr. Richardson:* You say there should be a proportion of six white men to four blacks? Yes.

12. Would you apply that to all parts of the country where they were required—where the scrubs are more dense, for instance? Of course, if the scrubs were dense, and the number of aboriginals assembled for hostile purposes were great, it would require a concentration of parties. Instead of one party with six whites and four blacks, you would have two with twelve and eight, or three with eighteen and twelve. John M'Leerie,
Esq.
29 July, 1858.

13. You think the sending up of some Mounted Police from here would be a decided improvement on the present force? I do. I have no official knowledge of what is going on on the borders.

14. But you know something of the working of the Native Police, having had them under your control for a short time? Yes.

15. Has it been your impression for some time that a larger infusion of white men would be beneficial to the corps? It has.

SEPARATE APPENDIX.

A.

*Camboom, Leichhardt,
April 29, 1858.*

Sir,

I do myself the honor to transmit to you herewith depositions concerning the murder of four white men.

2. At the same time I take the liberty, which I hope your courtesy will consider pardonable, of trespassing on your valuable time, by claiming your sympathy and assistance, as a member of His Excellency's Government, for the stockholders and their men in this exposed district. The unfortunate shepherds, I think, more particularly require consideration, for their lives can always be taken, the more so as the aborigines seem to have some settled plan to murder as many as they can. On this occasion, the natives who committed this murder did not take any sheep, but only a carbine, powder and balls, and some axes. On the second day after the murder Lieut. Murray was on their trail, and he has not since been seen. Sub-Lieut Powell and two troopers also went after Mr. Murray. The murderers proceeded to the Banana, about 45 miles north from here, a station of Messrs. Hay and Holt, where they attacked a sheep station, at which there were three men. These white men, being alarmed, offered the aborigines everything they possessed, but the latter said that they would have only their lives; and "that they would take the lives of all the b——y white men in the country;" thus shewing their malice, and that amongst them were blacks who had long been living with the whites. The blacks then showered their spears and waddies. The whites were all wounded, but fortunately they defended themselves, and killed one black and wounded others, when the rest fled. In the first week of this month a white man was found lying near the road, about thirteen miles from here. He was shot through the ear; he was lying on his back, with a pistol lying on his breast, but close to, yet not grasped in his hand; there were bruises on his neck and back. He was not robbed, but his dog was missing. He was a travelling shepherd on foot, and his dog had been seen at the Banana. Shepherds with £30 in cheques do not commit suicide, even though they may have been tired and half dead with thirst; indeed, hard working laboring men seldom take their own lives. I believe that he was murdered by two blacks who had lately absconded from the Banana. On the 16th instant, or thereabouts, two shepherds were murdered at the now ill-fated Eurombah, Mr. Cardew's station, Upper Dawson, now so fully protected by Mr. Frederick Walker, ex-Commandant, Native Police, and ten ex-troopers, as also by the proximity of the Police Camp, not twenty miles distant. But there are bold men with the blacks, and experienced; on this occasion, as the door was found fastened, the blacks entered by the chimney during a dark night. The sheep station huts on Cracow Creek, by which I came here yesterday, had been robbed, and the shepherds threatened.

3. The Native Police do not, and cannot, afford the protection contemplated by the Government. The officers are active, and are now constantly on the patrol, as I know; but the recruits are not sufficient as yet to supply the number of troopers allotted for the Leichhardt, and many of these desert. Sub-Lieutenant Wheeler lost ten troopers, who all absconded at once. But even fifty men is but little to look after the now numerous inimical blacks which line the Dawson and Fitz Roy, on a frontier of more than three hundred miles. The scrubs and broken impracticable country occupy, perhaps, one-third of this district so continuously that the aborigines can travel, perhaps, from one end to the other under shelter. Nor do the new officers and recruits as yet know the bush, so as to be able to surprise the natives at their scrub-surrounded lagoons.

4. The remedy of high wages securing the services of men for shepherds whose courage will intimidate the blacks will be ruinous to the capitalist, and would ultimately cause the desertion of the district; and this will, I feel, never be permitted by His Excellency's Government. The substitution of Hottentots as troopers might succeed. The interest of the stockholders and their perplexity will, I trust, be my excuse with you for venturing these remarks on this occasion, when I cannot help giving some expression of the feelings of the persons amongst whom I live to one who is very capable of rendering them assistance.

I have, &c.,

W. H. WISEMAN, J. P. & C. C. L.

To The Honorable

The Attorney General,

Office of Attorney General,

Sydney.

1858.

Legislative Assembly.
NEW SOUTH WALES.

EMIGRANT SHIP "STEBONHEATH."

(PROGRESS REPORT OF IMMIGRATION BOARD UPON CONDUCT OF SURGEON.)

Ordered by the Legislative Assembly to be Printed, 20 April, 1858.

THE IMMIGRATION BOARD to THE COLONIAL SECRETARY.

SIR,

*Government Immigration Office,
Sydney, 12 March, 1858.*

We have the honor to report, for your information, that, in consequence of statements having been made to us at the usual inspection of the Immigrants on board the "Stebonheath" that irregularities had occurred on board that vessel, and that acts of cruelty had been committed by the Surgeon-Superintendent on some of the single Female Immigrants, an investigation has been held at this Office, and has up to the present time occupied the attendance of the Board for a period of six days.

2. Although much evidence has been taken, a great many more witnesses still remain to be examined; but sufficient has been elicited to satisfy the Board that two of the single females, names Ellen Loughborough and Henrietta Jackson, have been imprisoned in a cell erected by direction of the Surgeon-Superintendent for the purpose of punishment, and that they have also been treated with much cruelty, by having been handcuffed and kept under this painful restraint for a period of three days.

3. Nothing having transpired during the inquiry to justify such a proceeding on the part of the Surgeon, we beg to recommend that the Criminal Crown Solicitor be authorized to take such proceedings in the matter as the statements made by these girls will justify for punishing the Surgeon for the acts of impropriety and cruelty he appears to have been guilty of.

4. Other matters of grave importance, affecting the discipline of the ship, conduct of the Officers, and characters of some of the Female Immigrants, are still under inquiry, and as soon as the evidence is in a complete state a full report will be made, for the information of the Government, by the Board.

We have, &c.,

H. H. BROWNE.
GOTHER K. MANN.
HAYNES GIBBES ALLEYNE.

THE UNDER SECRETARY to THE AGENT FOR IMMIGRATION.

(Immediate.)

*Colonial Secretary's Office,
Sydney, 12 March, 1858.*

SIR,

I am directed by the Colonial Secretary to inform you, that, in compliance with the suggestion contained in a letter from the Immigration Board of this date, application has been made to the Crown Law Officers, with a view to such steps as may be necessary being taken by the Criminal Crown Solicitor against the Surgeon of the "Stebonheath" for his treatment of two Female Emigrants, in confining them in a cell, and placing them in handcuffs; and to request that you will therefore place yourself in communication with the Crown Solicitor, to afford him any further information which may be requisite.

I have, &c.,

THE AGENT FOR IMMIGRATION.

W. ELYARD.

1858.

Legislative Assembly.

NEW SOUTH WALES.

EMIGRANT SHIP "STEBONHEATH."

(REPORT OF BOARD UPON CONDUCT OF SURGEON, MATRON, AND OFFICERS OF.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

REPORT of the Immigration Board on the Irregularities which occurred on board the Ship "Stebonheath," and the conduct of the Surgeon-Superintendent, Matron, and Officers of the vessel connected therewith.

IN drawing attention to their Progress Report of the 12th ultimo, relative to the inquiry then being carried on by them in reference to the ship "Stebonheath," in which they recommended that immediate steps should be adopted for the purpose of legal proceedings being taken by the Government against the Surgeon-Superintendent, for his ill-treatment on the voyage to the single females named in the margin,—the Board have now the honor to submit, for the consideration of the Government, the Minutes of Evidence taken by them, and the following Report, based on that evidence, at which they have arrived, after mature consideration.

*Ellen
Loughborough.
Henrietta
Jackson.*

2. The evidence, it will be observed, is very voluminous; but not more so, perhaps, than may have been expected from the result of an inquiry of such grave importance as that which could not fail to be attached to the case of the ship "Stebonheath," as brought under the notice of the Agent for Immigration, and by him submitted for the Board's consideration.

3. The ship "Stebonheath" sailed from Plymouth with Emigrants destined for this Colony, on the 30th September last, under the command of Captain Connell, and the Medical superintendence of Mr. Rowland.

4. Amongst the Emigrants despatched by this vessel were about one hundred and fifty single females, who were entrusted during the voyage to the custody of Miss Jane Chase, who was appointed to that charge by the Colonial Land and Emigration Commissioners.

5. The Ship had not been many days at sea when she encountered a frightful gale of wind, which so completely disabled her that she was obliged to bear up for Pauillac, a small seaport town on the coast of France, about 30 miles distant from Bordeaux, where she was re-fitted and re-provisioned, and from whence she sailed on the 1st November last, for this Port, which she reached on the 27th February, after a protracted voyage of upwards of five months.

6. On her arrival in this Port she appeared to be in good order, and at the ordinary inspection by the Immigration Board the only complaints made were as follows:—

- (1.) A man, named M'Donald, complained that he had been taken by the collar, and turned on deck by the Surgeon-Superintendent; and,
- (2.) Two constables, named Bergin, informed the Board that they had been displaced from their offices, the cause for which they requested might be inquired into.

7. The Surgeon-Superintendent at the same time made several grave charges against the Master and Officers of the vessel; and added, in his conversation with the Agent for Immigration, that, in consequence of the marked insubordinate conduct of some of the single female Immigrants under his care, he had been obliged to confine some of them in a prison which he had necessarily constructed for the purpose, and that, on two occasions, he had to place the offenders in handcuffs.

8. It having appeared to the Board that the punishment inflicted on the females referred to above was of an excessively arbitrary character, they felt that no other course was open to them than to adjourn the further inquiry into the circumstances of the case, with a view to afford the parties implicated an opportunity of justifying the line of conduct pursued by them.

9. Previously to the Board leaving the vessel, a letter was handed to them, a copy of which will be found in the Appendix, page 3, signed T. G. Kemp, which contained a distinct charge against the Surgeon-Superintendent of imprisoning, and otherwise ill-treating, two of the unmarried Immigrant girls, named Loughborough and Jackson.

10. Mr. Kemp was informed that the Board would meet on the following day, and that he should then have a full opportunity of preferring his complaint. In consequence, however, of the rather unexpected death of one of the single females, named Ann Cox, which necessitated the holding of an inquest on the body, the Board were obliged to postpone the initiation of the inquiry to the 5th ultimo.

11. As a consequence to be expected, the Surgeon-Superintendent, Dr. Rowland, was officially informed by this department that an inquiry would be held by the Immigration Board into the irregularities which occurred on board the ship "Stebonheath," and that, pending such inquiry, none of the gratuities payable to himself, the officers, or subordinates would be discharged until the decision of the Government had been obtained thereon.

12. Previously to a meeting of the Board, a statement was made by one of the single females, named Ellen Loughborough, to the Reverend Dean O'Connell, of the ill-treatment which she had received during the passage at the hands of the Surgeon-Superintendent; and that statement, as reduced to writing, will be found in the Minutes of the first day.

13. That statement, as well as other facts brought under the notice of the Board, induced them to afford every means in their power to all parties interested in the inquiry to produce such evidence before them as was calculated to elucidate the facts connected with the occurrences during the passage of the "Stebonheath" to this port; and although, for obvious reasons, it has not been customary to admit at such inquiries the presence of persons whose interests are not indentified therewith, an exception was made in this case by the Board, and they therefore felt themselves justified in departing from the ordinary course, by inviting the attendance at their proceedings of the Reverend Mr. Agnew, the Church of England Chaplain attached to the department, and also that of the Very Reverend Dean O'Connell, who ministered to the requirements of the Roman Catholic females who arrived by the vessel.

14. Both these gentlemen kindly attended during the inquiry, and interrogated many of the witnesses on points which elicited from them much information that might probably have otherwise escaped the attention of the Board.

15. The first complaint entertained by the Board was that made by the Surgeon-Superintendent, to the effect that some of the medical comforts—such as porter, milk, sago, mutton broth, lime juice, wine, &c.—were deficient in quantity, and that the Master and Officers of the vessel maintained little or no control over the crew, whose general conduct was of a most insubordinate character; the result of which was, that all his endeavors to uphold the Commissioners' Regulations for the prevention of intimacy between them and the single females was rendered nugatory, not only by the want of firmness on the part of the Master, but also by the bad example shewn by the 2nd and 3rd Mates in violating those Regulations, and associating on terms of equality with the seamen of the vessel.

16. On behalf of the owners, the agent of the vessel, Mr. Ford, attended in reference to the alleged deficiency in the medical comforts; and although he admitted that he could not correctly account for the disposal of some of the articles which were represented to be deficient, he nevertheless assured the Board that all the requirements of the Charter Party had been strictly complied with previously to the vessel leaving England, and that the

OWNERS

owners sent their ship's husband to Pauillac to supply any deficiencies which may have been occasioned by reason of the disastrous circumstances attendant on her encounter with the heavy gale which she had the misfortune to fall in with shortly after her departure from England, and that all the articles, the short supply of which was complained of, were made good from the Captain's private stores, so long as he had any remaining on hand, after due allowance being made for the injury done to them by the influence of the weather, or the pillage of the crew during the storm.

17. Of the conduct of the Master and Officers, the evidence goes clearly to prove that the Master, Mr. Connell, was a good tempered person, but that when his interference was sought for, he afforded it with apparent reluctance, although he could not have been unaware of the fact that his crew were, as a body, most insubordinate in their general conduct.

18. The Chief Officer, Mr. Dray, deserves considerable credit for the firmness which he displayed during the voyage; as, although during the greater part of it he suffered seriously from the effects of an injury which he received in the gale already referred to, he nevertheless adopted every means within his power to prevent the formation of intimacies between the crew and the female Emigrants; the consequence of which was, that he became so obnoxious as to render it necessary that, during his watch, he was obliged to carry a pistol about his person for self-preservation.

19. The Second Officer, although not chargeable with having in any way mixed himself up with the single females, nevertheless set so bad an example, by walking the deck and smoking with the boatswain and carpenter, as to put it completely out of his power to suppress the outrages committed on the Matron, which usually occurred during his watch, and when she had pieces of rope or spunyarn thrown from aloft at her, and on some occasions tobacco juice discharged on her.

20. The Third Mate's conduct is deserving of the most extreme censure, for he appears to have sought every opportunity of violating the conditions of the Charter Party, which forbids intercourse of any kind between the officers and crew and the female passengers; and it has been proved that he was prevented, on one occasion, from having sexual intercourse with a girl named Elizabeth Bullin, by the presence of a sick girl in the female apartment, whom he had not observed at the time, but who made an immediate report of the occurrence to the Matron, which led to the removal of the offending girl.

21. Of the crew, the conduct of many was very bad, some having taken opportunities during the gale of intruding themselves into the single women's apartment; one (the Captain's cook) having gone so far as to get into bed with one of the girls, and to lay his hand on her person, and another, named Sullivan, to get behind the bed places for the purpose of communicating with a girl with whom he was known to have kept up a previous correspondence. Others of them have frequently visited the married people's apartment, for the purpose of speaking to the girls through the louver partition, and a correspondence between them and the single females was detected to have existed to such an extent as to lead to the supposition that the bulkhead was often removed, and the zinc on the skylights and water-closets destroyed, for the purpose of furthering their evil designs.

22. From the evidence adduced, it appears that in consequence of misconduct on the part of several of the single females, the Surgeon-Superintendent caused a prison to be erected in the female hospital, for the purpose of confining any of the female Immigrants who might become refractory. The prison represented, as nearly as possible, two upright boxes or cells, of not more than two feet square, with holes at the top for ventilation, but was unprovided with seats or any other means to enable the parties confined in them to take rest. In this prison, it has been proved that no less than nine single females were confined at various periods during the voyage, and also one single man. The term for imprisonment appeared to vary from two hours to four days; and in the cases of the girls Loughborough and Jackson, and the single man named Albert Thomas, the use of handcuffs was had recourse to.

23. The imprisonment of Loughborough and Jackson was accompanied by acts of extreme cruelty, their hands having been handcuffed behind their backs until they became swollen, and the girls themselves reduced to a very exhausted state.

24. The evidence, it appears to the Board, goes to prove that there may have been necessity for the infliction of some punishment on certain of the single females during the passage,

passage, as in the case of one girl who was confined for striking her companion, and in that of another for threatening the lives of some of the young women, and using a knife on the occasion referred to; but it does not appear to them that there was any justification for the extreme cruelty exercised in most of the cases, particularly those of Loughborough and Jackson, whose refusal to perform a task set by the Matron cannot in any way be held to warrant their incarceration, and the other ill-treatment to which they had been subjected.

25. Mr. Rowland, the Surgeon-Superintendent of the "Stebonheath," had previously made six voyages to the Colonies in charge of Emigrants despatched by the Commissioners; and as they were usually characterized by successful results, it is the more to be regretted that on this, his seventh voyage, he should so far have forgotten himself, as he has undoubtedly done.

26. From the statement made by him before the Board, it will be seen that from the commencement of the voyage he had much to contend with, owing to the advantages taken of him by the crew during the gale, as well as by their subsequent misconduct whilst at Pauillac, and during the remainder of the passage. It is quite clear, however, that during the voyage, on three occasions at least, Mr. Rowland appeared to have been under the influence of liquor, and that whilst so he forgot the position which he ought to have maintained on board. The instances to which they refer are:—

(1st.) When he turned out the single men from their berths on the port side in the night to trim the ventilator.

(2nd.) When he fell into the water at Pauillac; and

(3rd.) When he most injudiciously interfered on one occasion whilst the provisions were being served out in the hold.

27. There can be little doubt that most of these errors have been brought about by the erroneous opinion which he entertained of his own importance, and of the authority with which he considered himself invested by the Commissioners' Regulations, as well as by the instructions contained in the Queen's Order in Council in reference to passenger ships.

28. Dr. Rowland has been proved on all occasions, where the rights of the Emigrants were concerned, to have acted with the greatest propriety, and to have checked all acts of insubordination, or attempts to indulgence, on the part of the Emigrants in the use of profane language. In the discharge of his Medical duties there does not appear to be any ground for complaint, if the Board except the cases of Macdonnell's wife and the young woman Ann Cox; and it is, therefore, to be regretted that his absence from the Board meetings, at the close of their inquiry, should have obliged them to deal with these, as well as the other cases of complaint against him, without his being afforded an opportunity of explaining his conduct in respect to them, which his sudden disappearance has prevented the Board from granting to him.

29. The sudden removal of the man Macdonnell from the 'tween decks is reprehensible, as a less arbitrary course might have been adopted to induce him to remain on deck until the 'tween decks had been properly cleaned. The Board are also of opinion that his dismissal of two of his constables was not justified by the offence which they had committed.

30. In respect to the Matron, Miss Chase, it appears to the Board that from the very time of her appointment to the "Stebonheath" she entered upon her duties with fear and trembling, owing to the conduct of some of the single females during their conveyance by rail from London to Plymouth, which caused her to be suspicious as to what might be the result of such conduct when subjected to the temptations of a sea voyage. These anticipated results became apparent in the early part of the voyage, and were, doubtless, accelerated by the advantages which the disorder consequent on the gale, as well as the absence of all exertion on the part of the Master to control his crew, afforded to the ill-disposed on board.

31. In dealing with the Matron's case, it must be borne in mind that the punishment of imprisonment inflicted on the girls by the Surgeon-Superintendent was, in most cases, caused by a disobedience on their part to carry out the instructions issued to them by the Matron, and this fact, coupled with the unguarded testimony given by her at the inquest on the girl Cox, has, as may have been supposed likely to occur, caused much ill-feeling towards her; and statements have been made which, if at all borne out, would tend to exhibit her conduct in a most unsatisfactory light.

32. The evidence taken by the Board entirely removes this impression from their minds; and, although she may, in cases of excitement when meeting with much opposition to her orders, have spoken harshly to the girls, she does not, in the opinion of the Board, appear to have been guilty of indulging in the use of insulting epithets, or of making allusions of a coarse or improper character. The strongest evidence in the Matron's favor on these points will be found in the statements to the Board by several of the girls who had been imprisoned in consequence of disobedience to her orders, and who speak of her not only in the kindest manner, but express contrition for the conduct of which they were guilty, and for making groundless charges against her.

33. After a careful perusal of the evidence given against the Matron before the Board, it will be seen that it should be received with great caution, as, in most instances, it was put forth by Immigrants, each of whom considered, however erroneously, that she had just grounds for complaining of the Matron's conduct towards her; for instance, a Mrs. Bailey believed that as she had paid a portion of her passage money she ought to be exempt from the duties of cleaning or the necessity for attending muster. Ellen Loughborough considered herself unjustly treated in being called upon to perform some task for taking the part of her friend Ann Jackson; and Mrs. Lewis felt aggrieved because she had been removed from the office of nurse, and was on her arrival reported by the Matron to have obtained a passage to the Colony under false certificates, in which she and her daughter were represented to be single women and sisters, whilst the fact is, that she was coming to the Colony accompanied by her daughter, for the purpose of joining her husband, who had a short time previously arrived in this Port by another vessel in the capacity of a sailor. It will thus be seen that whilst those persons abstain from awarding her any credit at all, those who had, in some instances suffered punishment from her ideas of discipline, nevertheless give her credit for the course she adopted, and for the example she set to uphold morality amongst them, and, as far as possible to restrain the erring portion of her charge from the temptations to which they were exposed.

34. In so far, therefore, the Board consider the conduct of the Matron to have been most exemplary; but they are, nevertheless, constrained to think that, notwithstanding the intercession she appears to have made to induce the Surgeon to release from confinement the girls who were placed in the cells, she ought to have gone still farther, by giving up immediate charge as Matron rather than to have tacitly sanctioned the perpetration by the Surgeon-Superintendent of acts of cruelty towards any of the females under her charge. In not adopting such a course she appears to us to have assented (although, according to her own views, innocently,) to the course of punishment adopted by Dr. Rowland.

35. With the exception of about one hundred single females, the Emigrants consisted of persons who had obtained passages to the Colony under the Remittance Regulations; and, as far as the Board have been able to judge, they appeared a respectable class of persons. They made no complaints at the time of the Board's inspection of them as to any misconduct on the part of the Surgeon or Officers of the vessel towards them; and it is clear that they did not intend doing so, until the publication of the evidence taken at the inquest on Ann Cox, which informed the public of the irregularities which had occurred on board the "Stebonheath," and they naturally felt that their characters were thereby compromised, not only on account of the scenes of immorality brought to light, but also for withholding from the authorities here information of the serious outrages that had been committed on some of the single females. They were still further annoyed because it was asserted that they assisted the sailors of the vessel in having access to the single females through their apartment.

36. For concealing from the Board in their first examination of them the ill-treatment which some of the Immigrants received, much blame must still attach to them, but in respect to the charge, that they were instrumental in assisting the sailors in their communications with the single females, the Board consider the charge to be entirely refuted by the evidence. In recording this acquittal, the Board feel it right to observe, that they are far from satisfied that the Immigrants referred to took any steps to send the sailors out of their apartment; but this may have been caused by a fear, on their part, of annoyance from an insubordinate crew, with whom they were naturally undesirous of bringing themselves into collision.

37. Of the single females who formed a very large proportion of the Immigrants by the "Stebonheath," a considerable number obtained passages under the Remittance Regulations. These were mostly from Ireland, and their conduct, it has been clearly proved, was most tractable and orderly during the voyage, the Matron herself having stated to the Board that she received no trouble at their hands. It would be subject of gratification to the Board if they could say the same of the females selected through the Commissioners' Agents; but they regret that it has been proved that the conduct of a portion of these girls was characterized by a levity of manner, as well as a spirit of insubordination, most detrimental to them; and the Board consider that in controlling these females the Matron and Surgeon are alike entitled to credit for their firmness, which, if at all relaxed, could scarcely have failed to bring about the most disastrous results.

38. As almost all the single females by this vessel have either been handed over to their friends or provided with situations, the Board consider it undesirable to particularize by name any of those who may have exhibited levity of conduct, trusting, as they do, that such may not be attributable to previous habits of dissipation, but rather to mistaken ideas of their position on board. It may be right to add, that these observations are intended to apply to a small portion only of the single females, and that they are not therefore to be taken as a justification for the very wholesale condemnation which has been so undeservedly cast upon them all alike.

39. The Board consider this a fitting place in their Report to record their opinion that the two girls Loughborough and Jackson, who had been imprisoned for so lengthy a period, were not punished for any act of immorality or attempt on their part to associate with the crew of the vessel,—the act for which Jackson was punished having been a simple breach of manners on her part towards the Matron, and that of Loughborough being an attempt on her part to shield her friend, Jackson, from punishment.

40. It is not attempted to be shown that the conduct of either of these girls was at any time improper, but, on the contrary, they are spoken of in terms of praise; and it will be seen from a perusal of the evidence that the girl Jackson acted as servant to the Matron, and that she evinces a very kind spirit towards those persons by whom she was so seriously ill-treated.

41. The Board have devoted considerable attention to discover, as far as possible, the circumstances connected with the death of Ann Cox; and they regret to be obliged to report that the case appears to them to be surrounded with a great amount of mystery. They feel themselves justified in recording their opinion that not only was there an amount of professional ignorance manifested by the Surgeon in reference to this case, but that there was also most culpable neglect on his part, as well as that of the Matron, in not more closely watching the cause of the disease; and, considering the delicate state of health in which Ann Cox was admitted to be on the arrival of the vessel, and removal of the single females therefrom to the Institution at Hyde Park Barracks, an amount of forgetfulness, as well as carelessness, in respect to this girl has been proved, which is in no way justified by any extent of confusion or excitement consequent on such removal.

42. Perhaps the most lamentable part of this girl's case is the stigma which has been attached to her memory in consequence of the testimony of Dr. Macfarlane at the inquest—that she was at the time of her death in an incipient state of pregnancy.

43. In deference to the opinion expressed by so experienced a practitioner as Dr. Macfarlane, the Board have not thought it advisable to invite any further medical evidence on this point, but they think it due to the girl to record their opinion that, with the exception of a breach of the regulations committed by her in the early part of the voyage, by going into the apartment of the single men, there is nothing to justify the belief that she was other than a person of virtuous habits. And, bearing in mind the extreme watchfulness of the Matron in respect to communications between the single females and the male passengers or crew of the vessel, the Board can hardly believe that any opportunity for the commission of the offence imputed to her had existed, unless it was when she was left in her own apartment the day prior to her death; and it is, therefore, in their opinion, scarcely to be presumed that had such an act as that referred to been then committed, sufficient traces of conception would have been observable to justify a distinct opinion that such had been the case.

44. Having now commented on all the important circumstances involved in this case, the Board proceed to submit the following recommendations in reference to the claims of the various parties implicated to payment of their gratuities, &c.

45. In respect to the fulfilment of the Charter Party, the Board are of opinion that the owners are in no way blameable for the deficiencies which occurred in the provisions, medical comforts, and other stores, as they appear not only to have provided the vessel amply with them before she left Plymouth, but also to have sent their ship's husband to France to supply her with such additional stores as appeared to be requisite to make up deficiencies.

46. The Board, therefore, beg to recommend the issue of a certificate of the fulfilment of the Charter Party, in the usual form, to secure the payment to the owners of the second moiety of the passage money.

47. In respect to the gratuity which the Master of the vessel would be entitled to receive had his conduct been satisfactory to this Government, it appears to the Board that, although he has not by any direct act committed a breach of the regulations, or connived at the ill-conduct of his crew, he has exhibited a want of firmness and decision in the control of his crew and his officers which has added much to the difficulties of the voyage. The Board do not, therefore, feel themselves justified in recommending that he should receive payment of his gratuity.

48. The conduct of the Third Officer clearly disqualifies him for any claim to his gratuity; and he should, in their opinion, be reported to the Commissioners as a person who ought not again to be employed in the service.

49. Of the Chief Officer, Mr. Dray, the Board are glad to be able to speak most favorably. He was, it would appear, severely injured during the gale, from the effects of which it was evident he was suffering whilst under examination by the Board; to whom his conduct, in his continued exertions to perform his duty and prevent intimacies between the sailors and the females, appears most creditable. By the good example he set, and authority he exercised during his watch, a bad feeling was engendered by the crew towards him; and he therefore stood almost alone as the preserver of order amongst the Officers. The Board have, therefore, much pleasure in recommending that he should receive payment of his gratuity.

50. It is much to be regretted that a person possessed of the experience which Dr. Rowland undoubtedly obtained in the service, should have allowed himself to have been the originator of such a series of cruelties towards persons placed under his protection as this investigation discloses.

51. It is clear that, although he may have had much to contend with in the management of the Emigrants, when unsupported by the Officers of a vessel manned by a mutinous crew, nothing has transpired to justify the course he adopted, in enforcing obedience by a system of imprisonment and accompanying cruelty, which appears to have been inflicted on some of the best conducted girls, and in no instance on those who were discovered in the fore-castle, or in the commission of other acts of serious impropriety.

52. Although not forgetful of his previous good qualities, in the discharge of his duties as Surgeon-Superintendent, the Board have no hesitation in arriving at the conclusion that his conduct on this occasion leaves them no other course than to recommend that, in addition to any prosecution to which he may have laid himself open, he should be deprived of his gratuity, of his allowance of his return passage to England, and be reported to the Commissioners as a person who should not be employed again in their service.

53. Of the Matron's conduct, and her participation in the course pursued by the Surgeon, the Board now proceed to submit their opinion; and they regret that they cannot, after a careful consideration of her case, acquit her of blame. She, probably, may have erred from a wish not to interfere with the Surgeon's authority; but she has not identified herself with any remonstrance, however simple, which would tend to prove that the course of punishment adopted by the Surgeon did not meet with her approval. Miss Chase had doubtless an important and onerous duty to perform; and, feeling the extent of her responsibility, and the danger that some of the girls were exposed to, she properly adopted a system of discipline for the prevention of irregularities; and had this discipline been unattended with the severe tasks imposed on the girls, or had these tasks been imposed after a careful consideration of the circumstances connected with the cases to which they referred, her conduct would have been

been irreproachable; but it is evident to the Board, that too great severity was exercised by her in some cases, and a degree of partiality exhibited in others, which resulted in the formation of jealousies and bad feelings, on the part of several of the girls, towards herself.

54. Although not unmindful of the good example set by her to the females under her charge, and the anxiety she evinced in providing for their comfort, and for their moral and religious instruction, without reference to creed, the Board feel that they cannot, after what has occurred, recommend her for future employment; but they consider themselves justified in recommending that she should receive payment of her gratuity, and be allowed the means of reaching England to join her friends.

55. In reference to the minor officers, who acted in the capacity of schoolmaster, constables, &c., the Board are of opinion that, bearing in mind the fact of their being almost all married men, and that they have only now come forward with their testimony, in consequence of their own characters being assailed, they ought to be deprived of their gratuities for making deliberate false statements, in withholding the information in their possession in respect to the arbitrary conduct of the Surgeon Superintendent.

56. In concluding this Report, the Board desire to state that, after they communicated to the Surgeon that they had recommended to the Government that he should be prosecuted criminally for the assault committed by him on the girls Loughborough and Jackson, he never again appeared before them, and, it is presumed, therefore, that he has absconded, to evade the penalty for his offence. Of this circumstance the Board cannot but express their regret, as the course they adopted may be naturally urged to have afforded the Surgeon the opportunity for his escape; but feeling, as they did, that not only was the future welfare of the Immigrants by this vessel, but also the interests of the Colony, they deem it unadvisable to delay this inquiry, as little or none of the information which they have obtained could have been taken at a trial for the assault,—to the circumstances connected with which the evidence would necessarily have been confined,—and so the case would have been still left in the same unsatisfactory state as that which resulted from the inquiry at the inquest on the death of Ann Cox.

H. H. BROWNE.

GOTHER K. MANN.

HAYNES GIBBES ALLEYNE.

*Government Immigration Office,
Sydney, 12 April, 1858.*

1853.

Legislative Assembly.
NEW SOUTH WALES.

IMMIGRATION.

(FROM 1851 TO 1856 INCLUSIVE.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1858.

RETURN shewing the number of IMMIGRANTS who arrived in the Colony of New South Wales during the several years from 1851 to 1856 inclusive, and the proportion which they were selected from each division of the United Kingdom.

MALE AND FEMALE IMMIGRANTS.

YEAR.	ENGLAND.	IRELAND.	SCOTLAND.	TOTAL.
1851	632	1,597	133	2,362
1852	1,936	2,417	619	4,972
1853	5,590	3,566	1,059	10,215
1854	3,027	3,199	993	7,219
1855	7,392	5,157	1,785	14,334
1856	3,564	2,934	595	7,093
Proportion accord- ing to population }	22,141	18,870	5,184	46,195
	30,340	11,003	4,850	
	Deficit. 8,199	Excess. 7,867	Excess. 334	46,195

FEMALE IMMIGRANTS ONLY.

YEAR.	ENGLAND.	IRELAND.	SCOTLAND.	TOTAL.
1851	60	427	32	519
1852	197	683	125	1,005
1853	764	1,658	165	2,587
1854	217	1,187	124	1,528
1855	603	2,006	145	2,754
1856	518	907	109	1,534
Proportion accord- ing to population }	2,359	6,868	700	9,927
	6,520	2,364	1,042	
	Deficit. 4,161	Excess. 4,504	Deficit. 342	

*Government Immigration Office,
Sydney, 5 May, 1858.*

H. H. BROWNE.

1858.

Legislative Assembly.

NEW SOUTH WALES.

UNASSISTED & ASSISTED GOVERNMENT IMMIGRATION, SINCE 1842.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 8 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 shewing the number of Immigrants introduced into
 “ this Colony, by Government, in each year, under the Unas-
 “ sisted and Assisted Systems of Immigration respectively, from
 “ England, Ireland, and Scotland, severally, from the commence-
 “ ment of the year 1842 to the date of the Return.”

(*Mr. Deniehy.*)

RETURN shewing the Number of Immigrants introduced entirely at the Government Expense, and of those whose passages have been partially provided for by Remittances from their friends in this Colony, during the period from 1st January, 1842, to 31st August, 1858.

YEAR.	ORDINARY GOVERNMENT IMMIGRANTS.				ASSISTED OR REMITTANCE IMMIGRANTS.				TOTAL.			GRAND TOTAL.
	English.	Irish.	Scotch.	Total.	English.	Irish.	Scotch.	Total.	English.	Irish.	Scotch.	United Kingdom.
1842	1,519	3,218	334	5,071	.....	.....	.....	.....	1,519	3,218	334	5,071
1843	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1844	1,238	1,340	148	2,726	.....	.....	.....	.....	.....	.....	.....	.....
1845	208	281	8	497	.....	.....	.....	.....	1,238	1,340	148	2,726
1846	.....	.....	.....	.....	.....	.....	.....	.....	208	281	8	497
1847	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1848	2,500	1,084	659	4,243	.....	.....	.....	.....	.....	.....	.....	.....
1849	4,572	2,378	973	7,923	.....	.....	.....	.....	2,500	1,084	659	4,243
1850	724	3,255	91	4,070	.....	.....	.....	.....	4,572	2,378	973	7,923
1851	632	1,597	133	2,362	.....	.....	.....	.....	724	3,255	91	4,070
1852	1,930	2,409	619	4,958	.....	.....	.....	.....	632	1,597	133	2,362
1853	5,536	3,135	1,021	9,692	6	8	.....	14	1,936	2,417	619	4,972
1854	2,739	1,938	885	5,562	54	431	38	523	5,590	3,566	1,059	10,215
1855	6,985	3,856	1,635	12,476	288	1,261	108	1,657	3,027	3,199	993	7,219
1856	3,194	1,653	463	5,310	407	1,301	150	1,858	7,392	5,157	1,785	14,334
1857	6,761	872	868	8,491	370	1,281	132	1,783	3,564	2,934	595	7,093
To 31st August 1858	1,801	251	143	2,195	389	1,195	101	1,685	7,140	2,067	969	10,176
					728	1,534	110	2,372	2,529	1,785	253	4,567
GENERAL TOTAL.	40,329	27,267	7,980	75,576	2,242	7,011	639	9,892	42,571	34,269	8,619	85,468

Government Immigration Office,
 Sydney, 20th September, 1858.

H. H. BROWNE,
 Agent for Immigration.

1858.

Legislative Assembly.
NEW SOUTH WALES.

DISPATCH OF IMMIGRANTS TO COUNTRY DISTRICTS.
(CORRESPONDENCE AND REPORT RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 9 November, 1858.

THE AGENT FOR IMMIGRATION to THE PRINCIPAL UNDER SECRETARY.

*Government Immigration Office,
Sydney, 3 November, 1858.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 26th August ultimo, drawing my attention to the resolution passed by the Legislative Assembly on the 20th July, recommending that immigrants should be forwarded to the Country Districts, and requesting me to report what steps I would recommend should be taken (if any) to carry into effect the expressed wish of the Assembly.

In reply thereto, I have now the honor to state, that having considered it desirable before reporting on the subject to place myself in communication with the three principal Police Magistrates to the north, south, and west, I am now enabled to submit the replies I have received from those officers.

The depôts at Maitland and Bathurst not having been discontinued many years, the buildings before occupied might still be made available without much expense. At Goulburn, however, there is no building available, neither does it appear that there is any present demand for labor.

Under all the circumstances, I do not consider that it is necessary at present to open any of the Depôts; but I would recommend that the sum of £500 be placed on the Estimates for 1859, with a view of forwarding to the Country Districts such persons as may from time to time be most in demand, and for whom there may not be, on the arrival of a vessel, an immediate opportunity for obtaining employment.

I have, &c.,

THE PRINCIPAL
UNDER SECRETARY,
&c., &c., &c.

H. H. BROWNE,
Agent for Immigration.

This Report has been delayed, in consequence of no reply having been received from the Police Magistrate, Goulburn, until 1st instant.

[Enclosure No. 1.]

*Police Office, Bathurst,
9 September, 1858.*

Sir,

I do myself the honor to inform you, that having laid your letter of the 30th ultimo—on the subject of the demand for labor in this district, and the cost likely to be incurred before the engagement of immigrants who might be forwarded hither from Sydney—before the Bench of Magistrates at a special general meeting, it is their opinion that almost every description of labor likely to be available in a country district would meet with ready employment here.

The only expenses which I am aware would be likely to be necessarily incurred would be those of transit hither, and the rations of the immigrants until they might be hired, as the Immigrants' Quarters here might very readily be rendered available for use without (unless a very trifling) expenditure.

I have, &c.,

The Agent for Immigration,
Sydney.

W. HALL PALMER,
P. M.

[Enclosure No. 2.]

*Court House, Maitland,
20 September, 1858.*

Sir,

In reply to your letter of the 30th ultimo, I beg to state that accommodation for from forty to fifty immigrants, or families containing about that number of individuals, is ready here in the old stockade without any expense beyond a few panes of glass or so; but cooking utensils and bedding, to some extent, if the immigrants cannot bring their own bedding with them from the ship, would be required.

The expense of rationing these people here would, I presume, be the same as in Sydney, or nearly so; but, probably, the cartage of their luggage would be a little higher than in Sydney, as the distance is somewhat greater.

The wages of the matron, the general superintendence, the issuing of rations, and filling up of agreements were all provided for by the Police Magistrate, who was allowed for these purposes £100 a-year. This arrangement, I presume, would be still desirable, and would also, I consider, be beneficial to the Government.

By keeping constantly here the number of immigrants I have named, and by giving the superintendent power to discharge from the dépôt any person who refused to accept reasonable wages, I consider that a very large number of immigrants would be required, and the Government would be relieved from a very heavy expense.

But I beg to add, that it would be most desirable that the immigrants should be sent direct from their ships.

I have &c.,

The Agent for Immigration,
Sydney.

EDWARD D. DAY, J. P.
Police Magistrate.

[Enclosure No. 3.]

*Police Office, Goulburn,
28 October, 1858.*

Sir,

In reply to your letter of the 30th August last, requesting information as to the probable expense that would be incurred before immigrants forwarded to this district could be disposed of, and as to the probability that exists therein for the employment of agricultural laborers and their families, I have the honor to inform you that, after due consideration, and having made all necessary inquiries, I am of opinion that the opening of an Immigration Dépôt at Goulburn would entail an expense of at least from £300 to £400 per annum; and I would further state, that at present there does not appear to be a demand for labor of any kind in this district.

I have, &c.,

The Agent for Immigration,
Sydney.

H. ZOUCHE, J. P.,
Acting Police Magistrate.

1858.

Legislative Assembly.
NEW SOUTH WALES.

EMIGRATION FROM ENGLAND.

(BRISTOL A PORT OF EMBARKATION FOR EMIGRANTS.)

Ordered by the Legislative Assembly to be Printed, 12 May, 1858.

To the Honorable the Legislative Assembly of the Colony of New South Wales.

The humble Petition of the Bristol (England) Chamber of Commerce,—

SHWETH:—

That your Petitioners have learnt that a measure is under the consideration of your Honorable Council, the object of which is to vest the management of the Emigration carried on with the funds derived from your Colony in the hands of officials appointed by, and responsible to, the Colonial authorities, instead of allowing those funds to be under the control of the Commissioners appointed by the Home Government.

Your Petitioners beg leave most respectfully to direct the attention of your Honorable Council to the eligibility of the Port of Bristol as one of the ports of departure for Emigrants dispatched from the Mother Country at the expense of your Colony.

Bristol is situate in the midst of a large population of agriculturists, artizans, and miners, which are the classes best adapted for Emigration, and the district for which it is the natural port of arrival and departure for ships engaged in the Colonial and Foreign trade, comprises a considerable part of the Midland and South Western counties (including Birmingham), also Monmouthshire and South Wales, and embraces a population of between 3,000,000 and 4,000,000, comprising—

Gloucester, which has a population of...	...	...	...	458,805
Worcester " " " " "	...	...	...	276,926
Hereford " " " " "	...	...	...	115,489
Monmouth " " " " "	...	...	...	157,418
Radnor " " " " "	...	...	...	24,716
Brecknock " " " " "	...	...	...	61,474
Carmarthen " " " " "	...	...	...	110,632
Glamorgan " " " " "	...	...	...	231,849
Pembroke " " " " "	...	...	...	94,140
The greater part of Somersetshire, which has a population of	...	...	...	443,916
And of Wilts ... ... ... ... ...	...	...	...	254,251
And for some portion of the following counties, Bristol would fairly compete with Liverpool—				
Salop, which has a population of	...	...	...	229,341
Stafford " " " " "	...	...	...	608,716
And for the following, with London—				
Berks, which has a population of	...	...	...	170,065
Warwick " " " " "	...	...	...	475,013
Oxford " " " " "	...	...	...	170,439
Being a total of	..	...	...	3,883,190

That the Port of Bristol is convenient and easy of access and egress, and is now one of the cheapest ports in the United Kingdom. There are no outward local charges for dock or town purposes at it, either on ships or goods.

That it is also so large a market for goods of all kinds that Emigrants can supply themselves on the spot, immediately before departure, with every thing they require, which saves them the risk and cost of carriage, and an earlier outlay of their capital.

That, since the reduction in its port charges, the trade of Bristol has greatly increased. A regular line of first class vessels for passengers, both outward and homeward, is now established, by the eminent firm of Messrs. Mileses and Kington, between Bristol and Australia, besides transient ships, and a considerable amount of Emigration from Bristol to North America is also carried on; but your Petitioners complain that the main stream of Emigration from their district is diverted from its natural channel, to the great inconvenience and heavy additional expense of the Assisted Emigrants, by the non-appointment of Bristol as one of the Emigration Ports.

That, in confirmation of the statement that the neighbourhood of Bristol abounds with a population the best adapted for Emigration, your Petitioners would refer to the Report of the Colonial Land and Emigration Commissioners, dated the 13th January, 1855, in which they state that "the proportion of Emigrants drawn from the Counties of Gloucester, Hereford, Somerset, and Wilts, during the seven years, from 1846 to 1852 inclusive, was nearly double the proportion of the population of those Counties to the whole population of England and Wales."

That your Petitioners have repeatedly brought under the notice of the Colonial Office these and other facts; but hitherto their request for the appointment of Bristol as a Government Dépôt and port of departure for Emigrants has been refused, on various pretexts, to which your Petitioners have replied on the last occasion of their appearing before the Colonial Authorities, viz., on the 5th of August last, as follows:—

"That, with regard to the objections raised in that Report to the appointment of Bristol as an Emigration Port, the deputation would state, that, in making a comparison between Bristol, London, and Liverpool, as regards the number of ships of large tonnage trading with them, the Emigration Commissioners omitted all reference to the neighbouring ports of Newport, Cardiff, and Swansea.

"That it appears from the Custom House Returns of those ports, and of the Port of Bristol, the aggregate number of ships of 400 tons and upwards which sailed from those four ports in the Bristol Channel in the year 1852-3, was 952, and of vessels over 800 tons, 129.

"That, with reference to the question of the willingness of ship-owners and ship-brokers to charter ships from the Port of Bristol, the deputation would advert to the declaration which was signed by fifty-four ship-owners and ship-brokers, and transmitted to the Colonial Office in May, 1854,—to the effect that they would pledge themselves that if Bristol was named for the purpose of Emigration by the Colonial authorities, ships could be chartered from it, on equal if not better terms than from any other Emigration Port.

"That with regard to a Home for the Emigrants, the deputation would undertake to say it should be provided.

"And, with regard to the view which the late Under-Secretary of State for the Colonies (Mr. Peel) took of the proper expenditure of the fund furnished for the purpose of assisting Emigration, the deputation would respectfully submit, that the object should be, the dispatch of the greatest possible number of persons acceptable and useful to the Colonists which that fund will permit, and not its distribution in equitable relief of pauperism in England. Mr. Peel seemed to apprehend, that if the assisted Emigrants were allowed to select Bristol as their port of departure, too large a proportion of the population of the district would emigrate from it, which is not a fair objection to the eligibility of the port; neither is it fair to throw it out as a reflection on its advantages or safety, as the Commissioners in their Report do,—that after the Emigrants whose passage is paid by the Commissioners have been drained off to other ports, only a comparatively small number of persons emigrate from Bristol. It is the poorer classes who constitute the bulk of the Emigrants."

Your

Your Petitioners would also, in confirmation of their statements, refer to the following remarks relating to their last application to the Colonial Secretary, extracted from the *Shipping Gazette* of the 17th August last, and which must be considered a competent and impartial authority:—

“ A deputation from Bristol has waited upon Mr. Labouchere, on the subject of the claims of Bristol to be made a Government Depôt and port of departure for Emigrants. We have examined carefully the statements of the deputation, and the replies of the Colonial Secretary; and we do not hesitate to say, that neither the Colonial Secretary nor the Emigration Commissioners have opposed anything in the shape of argument worth five minutes' consideration to the fair demands of the deputation. To us it has always appeared that Bristol is by its position peculiarly adapted for an Emigration Port. It is situated in the centre of a vast population of agriculturists, miners, and artizans, and these it is obvious are the classes most inclined to emigrate, and most needed in the Colonies and in other countries. Bristol, in fact, is the natural port of fourteen or fifteen counties, with a population of three and a half millions; and we have it upon the authority of the Emigration Commissioners themselves that the four adjoining counties of Gloucester, Hereford, Somerset, and Wilts, furnished in the seven years from 1846 to 1852 inclusive, nearly double the proportion of Emigrants, according to the population, of the whole of England and Wales put together. But Bristol has other claims as a port of departure for Emigrants—it is easy of ingress and of egress. The channel at the head of which it is situated opens, we may say, right into the Atlantic; there are no port charges outward for dock or town purposes; and the market for those articles required by intending Emigrants is extensive and well supplied. A line of first-class passenger ships had been recently established between Bristol and Australia, besides the emigration between Bristol and North America, which is constantly increasing. The ship-owners of Bristol complain justly, therefore, that the main stream of Emigration from their district is diverted from its natural channel, to the great inconvenience and heavy additional expense of the assisted Emigrants, by the non-appointment of Bristol as one of the Government Emigration Ports.

“ With these admitted facts in favour of making Bristol an Emigration Port, one would suppose that the Government would be prepared with some very strong reasons for their persistent refusal to recognise them. Mr. Labouchere heard the deputation out, and found nothing to oppose to the arguments adduced, except some commonplaces about economy, and about the great difficulties in the way. If the difficulties are so great, Mr. Labouchere could surely have named them, and we have no doubt the Colonial Secretary would have done so if they really existed; hence he found it necessary to put forward Mr. Murdoch, in order to give, if possible, on the part of the Emigration Commissioners, what the head of the Colonial Office was unable to give, namely, a sufficient reason for the continued rejection of the claims of Bristol as an Emigration Port. Mr. Murdoch did not, at all events, improve matters. That gentleman's reasoning amounts to this,—that because the tonnage in London and Liverpool is greater than in Bristol, Bristol could not possibly supply ships for Emigration purposes as cheaply as the two former ports, and that the effect of establishing an Emigrants' Home at Bristol would be to raise the prices at the depôts of Liverpool, Plymouth, and Southampton. This sort of logic may do for the Emigration Commissioners, or even for the Colonial Office, but it will not go down with any rational and well-informed man, and we venture to say it will not impose upon our ship-owners anywhere. Mr. Murdoch knows, or he ought to know, that in comparing the tonnage of Bristol available for the transport of Emigrants with that of London or Liverpool, the tonnage of Newport, Cardiff, and Swansea, should have been included, and for this reason that a class of vessels resort to the latter port for coal and iron, which would assuredly go up to Bristol for Emigrants if the opportunity for obtaining a cargo were afforded, a contingency which seems to be fully guaranteed by the declaration of ship-owners and ship-brokers, transmitted to the Colonial Office three years since, and referred to by the deputation. As to Mr. Murdoch's notion, that the establishment of an Emigrants' Home at Bristol would raise the tariff at Liverpool and elsewhere, we have only to say that he appears to hold an opinion at variance, not only with the first principles of economic science, but with all experience. Perhaps, however, Mr. Murdoch made as good a case as the materials admit of. The truth is, the Government have nothing to say against

" against the very reasonable demand of the Bristol deputation, and therefore their continued
" opposition is what the lawyers call frivolous and vexatious. Bristol is every way better
" qualified for an Emigration Port than the three ports at present sanctioned by the
" Government. The navigation by which it is approached is more open; its proximity to
" those districts which supply the best class of Emigrants is greater; no difficulty would be
" experienced in providing a sufficient supply of tonnage, for no ship owner would object to
" send his ship to so good a port on so good an errand; and, lastly, the Australian Colonists
" have long looked to Bristol, and the counties of which it is the natural outlet, for a supply
" of skilled and other labor, such as they require. If the Government refuse to listen to
" rational representations on the subject, these Colonists have expressed a determination to
" take the matter into their own hands."

On the occasion to which the above remarks refer, the deputation from Bristol had the honor of being accompanied by several gentlemen, Members of the General Association for the Australian Colonies, viz.: Mr. Edward Stephens, Member of the Colonial Legislature, South Australia, Dr. Pugh, of Tasmania, and Mr. Youl, Honorary Secretary to the Association, who confirmed very strongly the representations of the deputation from Bristol, and expressed very decided opinions in favor of the appointment prayed for, and they also stated that many other gentlemen, influentially connected with the Australian Colonies, held the same opinion on the subject, and would have been present on the occasion, had a more lengthened notice been given.

Your Petitioners, therefore, humbly pray that your Honorable Council, taking the premises into your favorable consideration, will be pleased to include the Port of Bristol as one of the ports of departure for Emigrants, in any arrangements which you may make for the better administration of the colonial funds appropriated to Emigration purposes.

Signed on behalf of the Bristol Chamber of Commerce.

MARK WHITWILL,
Chairman.

WILLIAM TERRELL,
Vice-Chairman.

Bristol, 11 November, 1857.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GERMAN EMIGRATION.,

(PETITION FROM RESIDENTS OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 23 April, 1858.

To the Honorable the Legislative Assembly of New South Wales, now in Sydney assembled.

The humble Petition of the undersigned German residents in Sydney and environs,—

MOST RESPECTFULLY SHEWETH :—

1. That during the last three years the Emigration of the German population is greatly increasing; the Emigrants—for the most part practical vine dressers and agriculturists—being engaged to squatters and land proprietors of the largest extent.

2. That nearly all such German Emigrants are sent over by ship-owners, charterers, or agents, who provide their passage; that is to say—import them in the view to get their passage money repaid by the employers who hire them, and obtain payment thereof by an advance on account of wages.

3. That the agents, charterers, ship-owners, or assigns, treat such Emigrants only as “Live Stock,” out of which their only object is to make as much money as possible; in consequence whereof the Emigrant vessels are commonly overcrowded with passengers,—no separation of the sexes being made, the provisions sometimes damaged and very bad, and particularly deficient in quantity, and frequently only half allowances are distributed to the Emigrants which they are entitled to have according to the agreement made on shore between the ship-owner, charterer, or agent of the vessel on the one part, and the Emigrant on the other part.

4. That in many of the German ports there is no sufficient superintendence of the Emigration vessels, nor inquiry made whether they are sufficiently provided according to the number of the passengers, and that very often Emigrants are conveyed by a steamer to the Emigration vessel after the same has left the harbour.

5. That when arrived in the Colony, such Emigrants who have relations in Sydney are not allowed to go on shore, but very often are either sent to Moreton Bay, or anywhere else, as shepherds, &c., instead of giving them an opportunity to try to find for themselves employers, or get the passage money from their relations; and also that lately, just on the contrary, such Emigrants who had made agreements with the agents to work two years at their trade have been refused permission to remain either on board the vessel, or to get board and lodging for themselves, unless they will go as shepherds, instead of working in their trades, as per agreement.

6. That none of such Emigrants on their arrival can talk English, therefore it is impossible for them to make complaints to Government Emigration authorities who come on board the vessel.

7. That, particularly in the last two years, many complaints have been made by the Emigrants as to the scanty nature of the provisions, as well as to the indecency produced by non-separation of the sexes, and of ill-treatment on the part of the Captain and the crew.

8. That, although many Emigrants who are encouraged here by the prospect of high wages, as mechanics, stonemasons, &c., as represented to them by the public Colonial newspapers, yet find on arrival that no employer will make them any advance on account of wages for payment of passage money. Many, if not all of the skilled artisans, are compelled to sign agreements with squatters and large landowners as shepherds and labourers only—the squatters and rich landowners being in fact the only persons who make an advance of the wages in payment of the passage money.

9. That your Petitioners are confident that if proper regulations should be made, a very large increase of emigration of respectable industrious individuals would arrive, who are now deterred from embarking in the present ill-regulated state the vessels now arrive.

Your Petitioners, therefore, most humbly and respectfully pray that your Honorable House may be pleased to pass an Act that all the German Emigration vessels coming to New South Wales shall be under the same, or, as far as possible or practicable, similar Rules, Regulations, and superintendence as the British Emigration vessels now are; and that a Committee, consisting of four disinterested respectable Germans, (to be appointed either by the Government or elected by the German population), may be empowered to go with the Government authorities on board of every German Emigrant vessel, in order to inquire whether there exist reasonable complaints, and to report the same to the Government authorities.

That every Emigration vessel, or the Captain, or the owner thereof, may be fined in case the said vessel has no partition in order to separate the sexes, and that a Matron has superintendence of the female department, and only the Physician be allowed to enter the same.

That on every Emigration vessel a legally qualified Physician (not a barber, as now in most cases,) shall be engaged, and that the same, together with the Matron, should have superintendence over the Emigrants during the passage, in the same manner as it is on board British Emigration vessels.

That the vessel Captain or owners shall be punished or fined in case of any breach of such Regulations.

That such Emigrants who have not made a specified agreement in Germany may have the option to try and find out (within a reasonable time after their arrival in port,) an employer who is willing to pay or give security for the passage money.

That no agent, ship-owner, or charterer, or any person, can compel any Emigrant to enter an engagement of any other nature otherwise than that made in Germany; that is to say, that cannot compel him to turn shepherding when he was engaged as a tradesman.

That your Petitioners may have such other relief as to your Honorable House seems fit. And your Petitioners will ever pray.

[Here follow 177 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

IRISH FEMALE IMMIGRATION.

(PETITION FROM CELTIC ASSOCIATION.)

Ordered by the Legislative Assembly to be Printed, 19 May, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Citizens of Sydney and Members of the Australian Celtic Association,—

RESPECTFULLY SHEWETH :—

That the Immigration Agent has, in the opinion of your Petitioners, misrepresented Irish Female Immigrants “ as being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people.”

That he has thereby misinformed His Excellency the Governor General, and thus attempted to over-rule the instructions sent by this Government to the Emigration Commissioners at home, “ to apportion the Emigration from the different divisions of the United Kingdom to the population of each.”

That, to your Petitioners’ apprehension, the Legislature is alone competent to determine the description of Emigrants, as well as their relative proportion from each Country to the population of the United Kingdom, that should be brought out at the expense of the land fund of the Colony.

That your Petitioners humbly request that a Committee of your Honorable House be appointed to inquire into the conduct of H. H. Browne, Esquire, Immigration Agent, regarding his communications to the Colonial Secretary, marked Nos. 1 and 12, referred to by His Excellency the Governor General in his Despatch to Sir George Grey, dated Sydney, 2 March, 1855; and that the proposed Committee should also take into consideration what further steps ought to be taken to render the Immigration Department in Sydney more efficient in supplying the inhabitants of the interior with female servants than it is found at present to be.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 3,230 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

IRISH FEMALE IMMIGRATION.

(REPORT OF BOARD ON IRREGULARITIES ON BOARD THE "LADY KENNAWAY.")

Ordered by the Legislative Assembly to be Printed, 24 June, 1858.

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated 2 June, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

"Copy of a Despatch from the Emigration Commissioners, dated 5th February, 1855, having reference to Irish Emigration, and
"Irish Female Emigration in particular."

SCHEDULE:

PAGE.

Report from the Immigration Board, Sydney, dated 5th February, 1855

2

N.B.—There is no Despatch from the Emigration Commissioners of date the 5th February, 1855.

IRISH FEMALE IMMIGRATION.

REPORT of the Immigration Board on the Evidence taken before them, in respect to the irregularities alleged to have occurred on board the Immigrant Ship "Lady Kennaway."

The Board having met in pursuance to summons, for the purpose of considering the complaints made against the Surgeon-Superintendent and Master of the Immigrant Ship "Lady Kennaway," by the Rev. Mr. Parker, the religious instructor on board that vessel, proceeded in their presence to examine Mr. Parker, and several of the female immigrants, in support of the charges he had brought against them.

2. The Board having heard the evidence adduced by Mr. Parker, called on the Master for his explanation, who, in reply, handed in a written statement, in which he denied the accuracy of the complaints, and introduced several of the married immigrants who had acted as constables on the voyage to support his case. The Surgeon preferred making a verbal statement, which forms a portion of the evidence attached hereto, and declined calling any additional evidence to that which was adduced by Captain Young.

3. As in most cases of this nature which the Board are called upon to investigate, a considerable measure of ill-feeling appeared to have been generated, and the statements of the witnesses are consequently very frequently highly coloured, thereby attaching a degree of importance to them to which they are not really entitled.

4. In the particular instance under consideration, it was natural to expect that, in consequence of the previous connexion that had existed between the Rev. Mr. Parker and the female immigrants by the "Lady Kennaway," in the Union Workhouse at Cork, wherein he had filled the office of Chaplain for a period of four years, he should have been able to exercise a much greater control over these girls than had he been a perfect stranger to them upon receiving his appointment on board the vessel; and seeing, moreover, as they did, that no cordiality of feeling existed between him and the Surgeon, they very naturally supported their own priest, and took every opportunity of annoying the Surgeon, and showing him that they had no esteem for his person, or respect for his authority.

5. The Board consider this state of things to have been attributable principally to the conduct of the Surgeon himself, as, had he joined with Mr. Parker in the first instance in rigidly upholding the regulations of the Commissioners, and paid more attention than he did to his own conduct, the girls would never have ventured to insult him, or to refuse submission to his authority.

6. The charge of inebriety preferred against him has been proved to the perfect satisfaction of the Board; his frequent indulgencies in that respect were spoken of by most of the witnesses called by the complainant, and also by two of those who were examined for the defence. It is not even distinctly denied in his own explanation to the Board.

7. Under these circumstances, the Board are of opinion that the Surgeon is guilty of having entirely neglected his duty, and that, moreover, he is not free from blame in regard to his treatment of the two girls who died of consumption. They are further of opinion, that for whatever irregularities which may have occurred on board he is chiefly answerable, and that he is therefore evidently a very unfit man to be again employed in the service of the Commissioners. They consider that he has, by his neglectful conduct, disentitled himself to any claim for his gratuity; but they recommend that, in consideration of the helpless position in which he would be placed in a strange land, if left wholly without means, that one-half only should be forfeited.

8. The charge made against Captain Young of taking liberties with the single females, by pulling off their blankets while in bed, the Board do not consider to be proved; neither do they feel that he in any way countenanced the intimacy that took place between his son (the chief officer) and the matron. The Board feel that in consequence of the want of management on the part of the Surgeon, many of the girls remained in their beds until a late hour of the day, and that the disagreeable duty of turning them on deck—which was absolutely requisite to promote health—devolved upon the Captain, so that thereby a bad feeling was created amongst the girls towards him.

9. The charge of intimacy on the part of the first and second mates with the matron and sub-matron is, to a certain extent, proved; but the Board do not consider, nor does any supposition exist in Mr. Parker's mind, that it was of an improper nature. It appears also that when the subject was brought under Captain Young's notice, he immediately remonstrated with his son; and there is no evidence to show that the intimacy was again renewed. The bad example, however, set by a person in Mr. Young's position, the Board consider should not be overlooked; and they are therefore of opinion that he ought to be deprived of his gratuity.

10. The Board also consider that the second officer ought to be reprimanded and cautioned as to his future conduct when holding an official appointment on board an Emigrant Ship.

11. Great importance has been attached by Mr. Parker to a scene that occurred on the 27th November last, upon which occasion he states that the girls were afraid to go below at their usual time, in consequence of some apprehension that an attack on the part of the crew was contemplated upon him. It appears to the Board that the alarm was quite unfounded, and that the arming of Mr. Parker and one of the emigrants was a foolish step, and one the necessity of which could not have existed had any unanimity of feeling existed between Mr. Parker and his flock, and the other authorities of the vessel.

12. In conclusion, the Board would observe that the manner in which some of the single females conducted themselves towards the Surgeon and the Captain was highly reprehensible; and that although Mr. Parker selected such as he considered at the time to be the best of those who were inmates of the Workhouse, he had reason to alter his opinion respecting several of them before the termination of the voyage.

13. Orphan Immigration having been so distasteful to the inhabitants of this Colony, the Board did not contemplate the arrival of any fresh drafts of that class of immigrants. This feeling against them still exists; and the Board feel that they should ill perform their duty were they not to bring this fact pointedly under the notice of His Excellency the Governor General, with a recommendation that instructions be given to the Commissioners not to continue this description of emigration, it being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people.

H. H. BROWNE.

GOTHER K. MANN.

HAYNES GIBBES ALLEYNE.

Immigration Office, Sydney,
5th February, 1855.

1858.

Legislative Assembly.

NEW SOUTH WALES.

CHINESE IMMIGRATION BILL.

(PETITION FROM J. SMITH, SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned, John Smith, of Sydney, Merchant,—

RESPECTFULLY SHEWETH:—

That by a Bill to regulate Chinese Immigration now before your Honorable House, it is provided that the Owners, Charterers, or Masters of Ships shall become liable to certain penalties in the event of any infringement by them of certain clauses therein, and that the Act shall come into operation immediately after the passing thereof.

That your Petitioner is the Agent of Merchants and others in China, who are Owners and Charterers of Vessels which have sailed for Sydney, and from whom advices have been received that a number of Chinese immigrants are on board.

That, by the agreements entered into with such immigrants, the Owners, Charterers, or Masters of the several Vessels are bound to land them in this Colony free from all expense.

That, should the said Bill become law, and the Act come into operation immediately after the passing thereof, total ruin would ensue, not only to the Owners or Charterers of the Vessels consigned to your Petitioner's house, but also, in all probability, to the Owners or Charterers of all Vessels which may have sailed from China for this Port before notice of such Act shall be received by them.

Your Petitioner, therefore, humbly prays your Honorable House that a reasonable time may be allowed to elapse before the said Act shall come into operation after the passing thereof, and that your Petitioner may be heard, by his Counsel, at the Bar of your Honorable House, against the last clause of the said Bill.

And your Petitioner, as in duty bound, will ever pray.

JOHN SMITH.

1858.

Legislative Assembly.
NEW SOUTH WALES.

CHINESE IMMIGRATION BILL.

(MESSRS. MERRILL & LEAVITT, MERCHANTS, SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 1 June, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of Robert Dodge Merrill and Thomas Roger Leavitt, Merchants, of and residing in Sydney, and trading under the name and firm of "Merrill & Leavitt,"—

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House that the immediate operation of the "Chinese Immigration Bill" will be unjust to them as Agents and Consignees of ships already freighted and on their passage from ports in China to Sydney.

That unless reasonable time after passing such Bill should be allowed, before its enforcement, for communication to be made to our correspondents in China of such Act on part of the Government of New South Wales, serious injury will accrue to us and our friends in China in default of such information.

The immediate enforcement of any Act like that of the Chinese Immigration Bill, unless in case of extreme emergency, which does not exist, would be arbitrary in itself, and unjust to the representatives of constituents who have embarked largely in Chinese Emigration.

Therefore we, your Petitioners, do humbly pray that your Honorable House will not permit the Bill referred to, to pass the House without such amendments or modifications as will meet the injury that the immediate operation of the Bill would cause.

And your Petitioners will ever pray.

R. D. MERRILL.
 THOS. R. LEAVITT.

1871
1872

1873
1874

1875
1876

1877
1878

1879
1880

1881
1882

1883
1884

1885
1886

1887

1858.

Legislative Assembly.

NEW SOUTH WALES.

CHINESE IMMIGRATION.

(PETITION FROM CITIZENS OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 24 June, 1858.

Unto the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned Citizens in the City of Sydney,—

HUMBLY SHEWETH,—

That Petitioners view with feelings of anxiety and concern the immigration into this country of such large numbers of the Chinese people as have within the last few months landed upon our shores.

That your Petitioners are deeply convinced that such immigration imperatively demands the earnest and immediate attention of the Legislature, with the view of either entirely prohibiting, or at all events duly regulating, the introduction of the Chinese into this country.

That, without presuming to dictate to your Honorable House, your Petitioners conceive that the adoption of a law in New South Wales similar to that which already exists in the sister Colony of Victoria, and imposing a poll-tax of £10 on the Chinese, would have the desired effect of so far limiting the immigration in question as to remove all present ground of apprehension for the public welfare.

Your Petitioners therefore pray your Honorable House would be pleased to take the premises into your early and favorable consideration.

And, as in duty bound, your Petitioners will ever pray.

[Here follow 2,469 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

CHINESE IMMIGRATION.

(MINERS AT MEROO GOLD FIELDS.)

Ordered by the Legislative Assembly to be Printed, 2 July, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of W. S. Willmott, Chairman of a Public Meeting of
Miners at the Meroo,—

RESPECTFULLY SHEWETH :—

That we, the undersigned, Miners on the Meroo Gold Fields, in the vicinity of Long Creek, humbly beg to call the attention of your Honorable House to the evils resulting from the large number of Chinese who are now stripping these Gold Fields of their wealth, to the injury of the Colonists; and to the consequent necessity of speedy legislation to prevent the Chinese from working on the Gold Fields, by refusing to grant them Miners' Rights, for the following reasons, namely :—

1st. That the Chinese in vast numbers, increasing by frequent arrivals, are taking from these fields the gold which would furnish a livelihood to the Colonists for many years to come.

2nd. That the Chinese export their gold to China, to the manifest injury not only of this Colony, but of all other countries from which we derive the articles necessary for our use.

3rd. That, in case these evils be permitted to continue much longer, serious hostile collisions between the Chinese and the Colonists will certainly take place, the awful consequences of which no one can foresee, and as to the means of suppressing hostilities, we fear the Government is at present unprovided.

4th. That, in order to preserve the peace between such hostile parties, a large expense will be entailed upon the Colony in providing the necessary military or police force.

5th. That your Petitioners can see no reason for tolerating the presence of the Chinese, as it is manifestly clear that their intention is not to colonize, but to take all they possibly can of their wealth out of this country.

6th. That your Petitioners have also to urge their objections to the taxing in any form whatever of the Chinese for their admission into this country, as that would be raising revenue by unjustifiable means, for it would, in effect, be granting a license to commit an injury upon the Colonists.

7th. That the evils here enumerated have produced in England and elsewhere an injurious effect against this Colony, by turning the attention of emigrants to other countries where such evils do not exist.

8th. And, lastly, that the injuries already mentioned being so keenly felt by the mining colonists, and as each has some special cause for ill-feeling towards the Chinese, the individual reasons for urging their expulsion are too numerous for insertion in this Petition.

Therefore, we earnestly pray that your Honorable House will initiate such measures as will effectually eradicate the evils which we have respectfully pointed out.

And your Petitioners will ever pray, &c.

W. S. WILMOTT,
Chairman.

1858.

Legislative Assembly.

NEW SOUTH WALES.

CHINESE IMMIGRATION.

(PETITION OF MINERS, &c., ROCKY RIVER.)

Ordered by the Legislative Assembly to be Printed, 13 August, 1858.

To the Honorable the Members of the Legislative Assembly of New South Wales, in
Parliament assembled.

The Petition of the undersigned Miners and other Residents of the Rocky River
Gold Fields, in Public Meeting assembled,—

RESPECTFULLY SHEWETH :—

That your Petitioners duly appreciate the Act lately passed by your Honorable House imposing a tax of ten pounds on each Chinese Immigrant as an important step in the right direction, but are fully persuaded that such a measure will be totally inoperative, either in preventing the immigration of the Chinese, or in benefiting the financial resources of the Colony.

That Petitioners having better means of knowing the evils arising from an overwhelming immigration of Chinese than your Honorable House can possibly have, are fully persuaded that it will further the best interests of the Colony to put a complete stop to their immigration to Australia; and we shall never rest satisfied until such measures be adopted as shall totally prevent their further introduction to the Colony.

That Petitioners would strongly urge on your Honorable House the expediency of the "Chinese Immigration Bill" coming into operation at once, as before the first of January, 1859, (when it is proposed the Act shall come into force,) 20,000 Chinese will certainly be added to the population of this country; but should your Honorable House not agree to the above suggestion, then Petitioners most respectfully request that a sufficient police force shall be appointed on the Gold Fields for the protection of life and property, so that in the event of a collision between the Chinese and the Christian population, your Petitioners may not be subjected to loss of time in the support of law and order.

That your Petitioners solemnly declare that should your Honorable House either not put a stop to the further immigration of Chinese, or grant them the protection they have a right to expect, then they shall arm themselves for their own defence, and establish a Committee of Vigilance in aid of the civil power, as they are determined that the atrocities committed at Sarawak shall not be repeated in this Colony.

That Petitioners would deeply regret being compelled to adopt this extreme course, but believe they have no other alternative, as they are determined, at all hazards, to maintain British Supremacy in this Colony, and keep the Mongolians within proper bounds.

That Petitioners regard with apprehension and alarm the daily arrival on the Australian shores of hundreds of Chinese, who immediately repair to the Gold Fields, and whose mode of working is most injurious to Petitioners, as well as destructive to the production of the auriferous deposits, by their careless and reckless mode of operation, which in some instances, by filling shafts with water and tailings, prevent large portions of ground from being properly worked, and in other cases they frequently monopolize the whole ground to themselves.

That Petitioners consider the Chinese a very ineligible class of immigrants, and not peaceably disposed, as has been represented, many cases having occurred on this and other Gold Fields requiring the police authorities to disarm them, to prevent further bloodshed.

Also, that their general filthy habits are repulsive to the feelings of the Christian population.

Further, they, as heathens, systematically desecrate the Sabbath Day, not only by purchasing their weekly supplies, but also by gambling, which is carried on by them to a great extent.

That already on the Rocky River the Chinese outnumber the Christian population by a very large majority, and their numbers are increasing by new arrivals every day, and at the present rate of progression, Petitioners believe in less than one month the relative numbers of Chinese to whites will be in proportion of six to one. In several instances of late they have exhibited unmistakeable symptoms of hostility towards your Petitioners, and it is presumed that as their strength and numbers so will their hostile feelings increase.

Your Petitioners therefore pray that your Honorable House will take these premises into your most serious consideration, and put a stop, as soon as practicable, to all Chinese immigration, and in the meantime grant us such an adequate police force as will obviate the necessity of our arming ourselves for the support of law and order.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 413 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

UNEMPLOYED MECHANICS AND LABORERS.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 20 April, 1858.

SCHEDULE.

NO.	PAGE.
1. Letter from a deputation of the unemployed to the Colonial Secretary, requesting an interview. 23 March, 1858	2
2. Mr. W. B. Allen to the Colonial Secretary, respecting the means of relieving the unemployed. 26 March, 1858	2
3. The Under Secretary to the Right Worshipful the Mayor of Sydney, requesting an inquiry to be instituted by himself and the Inspector General of Police, with a view to place the Government in possession of correct information respecting the unemployed. 6 April, 1858	3
4. The Under Secretary to the Inspector General of Police, on the subject. 6 April, 1858 ..	3
5. The Mayor and the Inspector General of Police to the Colonial Secretary, communicating the result of their inquiry. 19 April, 1858	4

UNEMPLOYED MECHANICS AND LABORERS.

No. 1.

MR. W. JENNETT AND OTHERS to THE COLONIAL SECRETARY.

*Emu Inn, George-street, Sydney,
23 March, 1858.*

SIR,

At an adjourned Meeting of the unemployed, held on the Racecourse on Monday evening, the 22nd instant, the following Resolution was adopted:—

“ That a deputation be appointed to wait on the Colonial Secretary, to lay
“ before him the circumstances of the Working Classes, with the view
“ of inducing him to commence some public works, on which they
“ may obtain employment for the present; and, also, to request him
“ to adopt some policy by which steady employment may be secured;
“ and that the Meeting stand adjourned to a future day, to hear the
“ result of the interview.”

In accordance with the above, we, the undersigned deputation appointed, respectfully solicit an interview at your earliest convenience.

We remain, &c.,

WILLIAM JENNETT, Chairman.

J. G. WHITE.

WM. LANMONT.

WM. B. ALLEN.

JOHN P. ARKINS, Secretary.

THE HONORABLE

CHARLES COWPER, ESQ.,
Colonial Secretary.

No. 2.

MR. W. B. ALLEN to THE COLONIAL SECRETARY.

Sydney, 26 March, 1858.

SIR,

I met the deputation last night. We talked over the business of the unemployed, but could not come to any definite proposition, to submit you this morning, further than the matter lay altogether in the hands of the Government, as to what works could be set on, or in what way the urgency of the present distress could be alleviated.

They were unanimous in opinion, that anything that can be done would only be of a temporary nature, and that any permanent improvement in their condition must be looked for in a new tariff measure; but it was resolved, that nothing should be said at the interview this morning about it, lest you should think it a mere protection movement, which it is really not.

Yours very respectfully,

WM. B. ALLEN.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 3.

No. 3.

THE UNDER SECRETARY to THE RIGHT WORSHIPFUL THE MAYOR.

*Colonial Secretary's Office,
Sydney, 6 April, 1858.*

SIR,

I am directed by the Colonial Secretary to inform you that a deputation from the "unemployed" in Sydney waited upon him a few days since, when he requested that they would obtain and furnish to him some definite information as to the number of persons in distress, owing to their being unable to obtain engagements, and that the enclosed lists have in consequence been this day placed in his hands by Messrs. W. B. Allen, J. G. White, J. P. Arkins, and other persons, who stated that the names of about seven hundred individuals were recorded, but that double that number were out of employment; that there were many of them at least unemployed from no fault of their own; and that actual destitution existed amongst the mechanics and laborers in Sydney to a serious extent.

2. In communicating to you these particulars, the Colonial Secretary desires me to state that he will be obliged if you will institute, in conjunction with the Inspector General of Police, such inquiry as may be necessary to enable you to place the Government in possession of such information on this subject as can be relied upon. Whilst the Government is not prepared to give encouragement to those who are unwilling to earn an honest livelihood, should it be made clear that a state of things does exist, such as is alleged, some steps must be taken to meet the exigency.

3. At the same time, it is to be observed that the complaint has long been general, that public and private improvements have been delayed owing to the high rates of wages, and the difficulty of getting work performed, whether mechanical or otherwise.

4. I am directed to add, that the Inspector General of Police has been instructed to place himself in communication with you without delay, and to co-operate with you in making this inquiry.

I have, &c.,
W. ELYARD.

THE RIGHT WORSHIPFUL
THE MAYOR OF SYDNEY.

No. 4.

THE UNDER SECRETARY to THE INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 6 April, 1858.*

SIR,

I am directed by the Colonial Secretary to inform you, that it is his desire that, in conjunction with the Right Worshipful the Mayor, you should make such inquiry into the extent of destitution alleged to exist amongst the mechanics and laborers in Sydney, arising from their being unable to obtain employment, as may enable you to place the Government in possession of such information on the subject as can be relied on, and to request that you will communicate with His Worship accordingly without delay.

2. Lists of persons unemployed have been forwarded to the Mayor, who has also been apprised of the statements which have been made to the Colonial Secretary in reference to them by a deputation which waited upon him to-day.

I have, &c.,
W. ELYARD.

THE INSPECTOR GENERAL OF POLICE.

No. 5.

THE MAYOR AND THE INSPECTOR GENERAL OF POLICE to THE COLONIAL SECRETARY.

Town Hall,

Sydney, 19 April, 1858.

SIR,

We have the honor to inform you that, in compliance with the request contained in your communication of the 6th April instant, we have caused inquiry to be made as to the number of persons in distress, owing to their being unable to obtain employment in Sydney, and as the result of such inquiry, we beg to state that we find,—

1st—That, at the present time, a large number of mechanics and laborers in Sydney are out of employment, from no fault of their own, but in consequence of there being an excess of labor over the means of employment in the City.

2nd—That within the last month applications have been made, from time to time, at the Town Hall, for employment, by laborers and others, to the number of between 300 and 400 in excess of the number the Corporation have been enabled to employ; and that the great majority of applicants appeared to be quite capable of doing a good day's work.

3rd—That the number of building notices received at the Town Hall, from 1st to 19th April, 1856, was thirty-five; from 1st to 19th April, 1857, twenty-two; from 1st to 19th April, 1858, eighteen.

That the number of buildings in progress in the City is daily decreasing; and we have every reason to believe that the number of unemployed will, during the winter months, be very much increased.

As an instance, the Municipal Council have in their employment at the present time about 180 men, out of which number about 130 will be discharged within two months from this date, on account of the works on which they are engaged being completed.

A large proportion of the unemployed are men with large families, and without the means of seeking for employment at any distance from the City or in its neighbourhood and it will become, we think, necessary to devise means for obtaining them employment during the forthcoming winter.

Enclosed, we beg to forward the result of the inquiry made by Captain M'Levie as to the signatures attached to the Petition, although we do not consider it can be taken to be correct, in consequence of the numbers being omitted in the addresses given by many of the parties signing.

We have, &c.,

JOHN WILLIAMS,

Mayor.

JOHN M'LERIE,

Inspector General of Police.

THE HONORABLE

THE COLONIAL SECRETARY,

&c., &c., &c.

ANALYSIS of the result of inquiries made respecting the Signatures to Unemployed Petition.

Total number of Signatures to Petition who are said to reside in the City of Sydney and Hamlets...	782
Number of persons found residing at the addresses given in the Petition...	214
Number of persons who cannot be found by the Police at the addresses given in the Petition...	556
Number of persons who have removed from the addresses given in the Petition...	12
Number of persons who signed the Petition, and who are now in employment.	52
Average time the persons found by the Police have been out of employment,—6 weeks and 1½ day.	

Reports from the four Police Divisions of the City of Sydney express the difficulty of finding more than one fourth of the persons whose signatures are attached to the Petition, from the vagueness of their addresses.

1858.

Legislative Assembly.
NEW SOUTH WALES.

UNEMPLOYED MECHANICS AND LABORERS.

(FURTHER CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1858.

SCHEDULE.

No.		PAGE.
1.	Under Secretary to the Right Worshipful the Mayor, respecting the appointment of a Committee to adopt measures for removing to those parts of the country where they can obtain employment, unemployed mechanics and laborers from Sydney. 1 May, 1858 ..	1
2.	Report of the Committee to the Colonial Secretary. 11 June, 1858	2
3.	Second Report of the Committee to the Colonial Secretary, with Appendix and Statement of the Receipts and Expenditure. 30 July, 1858	6

No. 1.

THE UNDER SECRETARY to THE RIGHT WORSHIPFUL THE MAYOR.

*Colonial Secretary's Office,
Sydney, 1 May, 1858.*

SIR,

I am directed by the Colonial Secretary to inform you, that the Report made by yourself and the Inspector General of Police of the result of the inquiry instituted at the instance of the Government, in consequence of the representations which were made, that there were many persons in Sydney in a state of distress owing to their being unable to obtain employment, has been brought under the consideration of the Legislative Assembly, and that the House having, by a resolution, expressed its willingness to vote such sum as may be necessary to defray the charge of removing such persons to those parts of the country where they can obtain employment, the Government is desirous of adopting measures for this purpose with as little delay as possible.

2. It appears to the Colonial Secretary that if your Worship will have the goodness to afford your assistance, the object in view may best be carried out by a Committee, consisting of yourself, the Inspector General of Police, the Agent for Immigration, and the Colonial Architect; and instructions have accordingly been given to those officers to place themselves in communication with you on the subject immediately. It is also suggested that, if there be no objection, the City Engineer should be a member of the Committee.

3. It is desirable that notice, as early as possible, be given in the newspapers, that the Committee will be ready to receive applications from persons who allege that they are unable to obtain employment.

4. The Committee should also place themselves in communication with the Wardens, Road Committees, and Commissioners of Road Trusts, who have funds at their disposal for the repair of roads, or the execution of other public works, in some of the principal places or districts in the Colony, such as Bathurst, Maitland, Goulburn, Port Macquarie, Wide Bay, &c., in order to ascertain what number of persons they would be prepared to employ.

5. The Committee might also address a circular to the Magistrates at those and other places where labor is likely to be required, requesting to be furnished with such particulars as may enable them to judge how far it would be expedient to send any, and what number of persons to their districts to obtain engagements in private service.

6. The Committee will observe that the object of the Government is to enable those persons who cannot procure employment in Sydney, and are without the means of removing to the country, to reach a field where there is a demand for their services.

7. Advances to enable the Committee to carry their arrangements into effect will be authorised from time to time, on application being made to this office; but it will be necessary that an account should be kept of the expenditure, to be furnished to the Auditor General.

THE RIGHT WORSHIPFUL
THE MAYOR.

I have, &c.,
W. ELYARD.

P.S.—I am further directed to state, that the Colonial Secretary will be glad to be apprised of the steps which may be taken by the Committee in this matter, and to receive a full report on the subject, for the information of the Government, on the termination of their proceedings.

No. 2.

REPORT OF THE COMMITTEE APPOINTED BY GOVERNMENT FOR THE RELIEF OF THE UNEMPLOYED.

*Town Hall,
Sydney, 11 June, 1858.*

THE Committee have the honor to report that, acting under the instructions of the Honorable the Colonial Secretary, contained in his letter of the 1st of May, they commenced collecting, on the 6th of May, a list of the laborers, mechanics, and others, who state themselves to be out of employment, and unable to procure it in Sydney. In this list have been registered, up to the 10th of June, the names of 500 applicants, with their trades or callings, the time each had remained unemployed, whether married or single, number of children, ages of children, age of applicant, and place of abode, with remarks in any cases calling for particular notice.

Of this number there are 235 single men, and 265 married, with 563 children, giving an average to each married of two and one-eighth; and the average time each has remained unemployed, according to the statements made by the applicants, is six weeks. Of the total number of 500 applicants, 285 cases have been inquired into, of whom 56 had obtained employment in Sydney, 20 had left Sydney to seek for employment in the country, and 36 could not be found at the addresses given.

2. The Committee also report that they have addressed a circular to the Benches of Magistrates of the various Police Districts, to the Commissioners of Road Trusts, and to the Government Road Surveyors, from most of whom replies have been received, stating, in general terms, whether or not any demand for labor exists in the district, but, in no instance, offering employment for any number of laborers, either on the roads, or in connection with any other public works.

3. The Committee have therefore adopted the only course open to them,—that of offering free passages, with one week's rations after arrival, to those districts in which the Committee are informed employment could be readily obtained; but, from the difficulty of procuring conveyances into the interior—the Committee having advertised for contracts without success—they have up to the present time only forwarded laborers and others to those districts upon the coast which are accessible by steamers.

To these districts—Braidwood and Moreton Bay—a large number of the applicants have been forwarded. To Braidwood, 63 men, 13 women, and 25 children; to Moreton Bay, 39 men, 8 women and 19 children; to the Hunter River, 10 men, 1 woman, and 3 children; making a total number of 112 men, 22 women, and 47 children, removed from Sydney by the Committee.

The

The Committee also report that they have placed themselves in communication with Mail Contractors on the Northern and Southern Roads, to endeavour to make arrangements to forward others of the unemployed into the interior.

4. The Committee also beg to remark that they consider the measures already taken have, to some extent, tended to relieve the pressure upon the unemployed working classes, and that the applications for employment are not so numerous as when the list was first opened.

The Committee have also the honor to forward an Appendix, containing a summary of the replies received in answer to the inquiries made by the Committee respecting the demand for labor in the country districts.

JOHN WILLIAMS,

Chairman.

THE HONORABLE

THE COLONIAL SECRETARY.

APPENDIX TO FIRST REPORT.

*Town Hall,
Sydney, June, 1858.*

The Committee are informed from

ALBURY, by the Bench: That there are no public works, and that the supply meets the demand for labor, from the number of unsuccessful gold diggers always moving about this border locale.

From

BERRIMA, by the Government Surveyor of the Southern Road, that their funds do not admit of any increase in the number of laborers, and that the supply of labor is quite equal to the demand.

From

BERRIMA, by the Bench: That the Fitzroy Iron Mining Company are in want of hands, and give a high rate of wages to good men, and that a carpenter and a few general laborers would find private employment in Berrima and the neighbourhood.

From

BOWENFELS, by the Government Surveyor of the Western Road: That there are no public works, and that there is an abundant supply of labor, derived partly from a resident population, and partly from returned diggers and other wayfarers.

From

BRAIDWOOD, by the Bench: That carpenters and joiners are in demand at from 10s. to 12s. per diem; masons, bricklayers, and plasterers, at from 10s. to 14s. a day; common laborers at from 15s. to 20s. a week with board and lodging, and man and wife as general servants at £60 per annum. That though there are no public works, there are many private buildings in course of erection; that flour is £20 a ton, butcher's meat 4d. per lb, and other articles at equally low rates.

From

BATHURST, by the Bench: That several public works are in course of construction, consisting chiefly of Schools and places of Worship; that the contractors decline to give any guarantee that they would engage workmen who might be forwarded; but that competent bricklayers and carpenters would readily obtain employment. The ordinary rate of wages are, for bricklayers 7s. to 9s. per diem, carpenters 7s. to 9s., laborers 5s. to 6s. per diem. Farm laborers and shepherds are in great request, but the Bench are unable to state what number would find employment.

From

BRISBANE, by the Police Magistrate: That there are no public works, and that the supply of labor in the township is fully equal to the demand, but that any number of single men would find employment in the bush, at wages ranging from £28 to £35 per annum, with the usual rations.

From

CAMPBELLTOWN, by the Commissioners of the Road Trust: That since the completion of the railroad, they have had numerous applications for employment from the workmen lately in its construction, that there are no public works, and that the Commissioners have not funds to employ additional laborers.

From

CASSILIS, by the Bench: That there are no public works, that laborers would find constant employment as shepherds, at from £25 to £30 per annum, mechanics at from 20s. to 25s. per week, general laborers at from £35 to £40 per annum, in each case with rations; but that the Bench are unable to state the number required.

From

From

COOMA, by the Bench: That there are no public works, and that at present there is no employment for any additional number of laborers.

From

CASINO, by the Bench: That labor is not required in the district, and that there are no public works at present.

From

DUNGOG, by the Bench: that there are no public works, but that farm laborers are very scarce, and would meet with ready employment, more especially ploughmen and bullock drivers, at wages ranging from £25 to £35 per annum, with rations.

From

GUNDAGAI, by the Police Magistrate: That there are no public works, but that from eighteen to twenty laborers could readily find employment in private service. That mechanics demand from 10s. to 12s. per diem, and that general laborers are paid wages averaging from 15s. to 25s. per week.

From

GRAFTON, by the Bench: That there are no public works in progress, but that there is a considerable want of farm laborers and rough carpenters, at wages from 5s. to 6s. per diem, and at £35 to £50 per annum, with rations, and that from twenty to twenty-five would find employment in a week, and double that number in a month or six weeks.

From

GOULBURN, by the Bench: That there are no public works, and that the demand for labor in private service is altogether limited.

From

MAITLAND, by the Commissioners of Road Trust: That the only public work is the railroad, and that, though many private buildings are being erected, there does not appear to be a demand for labor which cannot be supplied in the locality.

From

MUSWELLBROOK: That there are no public works, but that sawyers would find employment there.

From

MORUYA, by the Bench: That the demand for labor in that district is too limited and irregular to justify them in holding out hopes that the object of the Committee could be promoted in that locality.

From

MUDGE, by the Police Magistrate: That there are no public works, and that the supply of labor is fully equal to the demand, though respectable female servants would meet with employment at good wages.

From

MURRURUNDI, by the Bench: That there is a great scarcity of laborers and mechanics, that the rate of wages could not be estimated, as from the few hands to be had, particularly tradespeople, they ask and get what they please to demand, and that the Magistrates feel assured that, though there are no public works, that about sixty-three laborers and mechanics would find immediate employment in the town and district, namely—four sawyers, two tailors, two shoemakers, two bricklayers, four stonemasons, two quarrymen, one cabinet-maker, two house carpenters, six fencers, two wheelwrights, twelve farm laborers, twenty shepherds, and four gardeners.

From

NARELLAN, by the Commissioners of Road Trust: That there are no public works; that their funds are too small to enable them to employ more laborers at present, and that the district appears fully supplied with laborers, though a few bricklayers, carpenters, and fencers, might find employment amongst the farmers.

From

NEWCASTLE: That agricultural laborers are in demand, but that there are no public works in course of construction.

From

PATERSON, by the Bench: That there are no public works, but that good agricultural laborers are in demand, at the rate of £25 per annum, with rations.

From

PENRITH: That the only public work is the Victoria Bridge, over the Nepean, and the Committee are referred to the architect, Edward Moriarty, Civil Engineer, of Sydney, for information as to whether any laborers could be employed in connection with it; but that the general demand for labor in the district, from its vicinity to Sydney, is not in excess of the supply.

From

PORT MACQUARIE, by the Bench: That there are no public works, and no field for the employment of any portion of those who are out of work in Sydney.

From

From
PARRAMATTA: That there is no want of laborers, and no public works other than the roads.

From
QUEANBEYAN, by the Bench: That the erection of a court house, lock-up, hospital, and church, is contemplated, and that were workmen on the spot one or more of such buildings would be at once proceeded with. That employment would be found by bricklayers, carpenters, stonemasons, and brickmakers, in satisfying the demand for private dwellings, and that no doubt about eighty laborers would find employment in the district, at wages of from 15s. to 20s. per week.

From
RYLSTONE: That there are no public works; that eight or ten single men could find employment as farm laborers or shepherds, at wages at about 12s. per week, but no employment for married men, except as shepherds or hut-keepers.

From
RAYMOND TERRACE: That there are no public works, and no greater demand for labor than the local supply is sufficient for.

From
SCONE, by the Bench: That a limited number of laborers and tradesmen might find employment in private service, at a fair rate of wages; and that, should the Government decide upon sending any of the unemployed of Sydney to Scone, the Bench would be most happy to render any assistance in their power in finding employment for such as may be disposed to settle in the district. There are no public works but those under the charge of Mr. R. M. Collett, the Government Road Surveyor.

From
SINGLETON, by Mr. R. M. Collett, the Government Road Surveyor: That first-rate carpenters would be certain to find employment at 10s. per diem, and bricklayers at 10s. per diem, but not at any higher rate, and that fencers and rough carpenters could also meet with employment at 6s. 8d. per diem, but of common laborers there is an abundance, and they find difficulty in earning 5s. per diem. That the only large work along the Northern Road is the Falbrook causeway, which, if granted, would give employment to eight quarrymen and four masons through the winter, at 10s. per diem.

From
TUMUT, by the Bench: That though there are no public buildings in course of erection, that there is a great demand for laborers in fields and orchards, and for rough carpenters, fencers, &c, but at lower wages than the rates now ruling, which are from £3 to £5 per week. At wages from £50 to £60 per annum, with rations, for skilled men, and for £25 to £30 per annum, with rations, for mere laborers, any number can find employment.

From
TWOFOLD BAY: That the demand for labor is very limited, and that the public works in course of construction are nearly completed.

From
WELLINGTON, by the Bench: That there are no public works, but that the present rate of wages is as follows:—For mechanics, 17s. 6d. per diem; farm laborers, £40 per annum; shepherds, £30 per annum; hutkeepers, £25 per annum; general laborers, £78 per annum; house servants (married couples) £80 per annum; female house servants, £27 per annum; grooms, £52 per annum; storekeepers, £40 per annum,—in each case with rations.

From
WINDSOR, by the Commissioners of the Road Trust: That there are no public works, and that there is no demand for labor in that district.

From
WOLLOMBI: That there are no public works and the demand for either laborers or mechanics very limited.

From
WARRIALDA, by the Bench: That though the demand for labor is not so urgent as heretofore, some of the unemployed of Sydney, especially the mechanics, would readily obtain employment at remunerative wages, but that there are no public works in course of construction.

From
WOLLONGONG, by the Bench: That there are no public works, and that the Magistrates are not in a position to say that any laborers would be sure of finding employment.

From
YASS, by the Bench: That there are no public works, but that there is a good field for industrious willing men as farm laborers and general servants, at wages from £30 to £35 per annum, with the usual rations, and that married couples with sons growing up, capable of taking charge of an out-station, would also find employment. That good female servants would find employment at wages ranging from 8s. to 10s. a week, and the Bench therefore recommend that about fifty of each class be forwarded to Yass.

No. 3.

SECOND REPORT OF THE COMMITTEE APPOINTED BY GOVERNMENT FOR THE RELIEF
OF THE UNEMPLOYED OF SYDNEY.*Town Hall,**Sydney, 30 July, 1858.*

THE Committee have the honor to report to the Honorable the Colonial Secretary, that the total number of applicants for employment, from the 6th day of May to the 30th day of July—a period of twelve weeks—is 840, of whom 418 are single men, and 422 married, with 923 children, giving an average of two and one-fifth to each family, and numbering in all 2,185 souls. The time they have remained out of work, or only partially employed, is, according to the statements made by the applicants, 5,086 weeks, giving an average of six weeks to each applicant.

Of the whole number of applicants 594 cases have been inquired into, of whom 78 had obtained work in Sydney, and 21 had left Sydney to seek employment, while 60—or about one-tenth—could not be found, or were not known at the addresses given; this, in many cases, was the result of the incorrect manner in which the place of abode was first stated, some of the number having since applied and given fresh addresses.

The total number removed from Sydney by the Committee, as per annexed statement, is 290 men, 63 women, and 138 children, making in all 490 souls. Most of the men sent to the different localities the Committee believe, from information since received, to have readily obtained employment at remunerative wages, and in only one instance has there been any necessity for issuing a second week's rations for the maintenance of a family, and this was in consequence of illness more than from a difficulty in obtaining employment.

The Committee herewith forward a statement—as requested in the letter of date 22nd July—of the receipts and expenditure up to the 30th of July inclusive, excepting the accounts of rations issued at Braidwood, Grafton, Moreton Bay, and Wide Bay, by the Benevolent Asylum, and by the Sydney Government Contractor, and of 22½ steerage passengers to Grafton, of which the Company cannot furnish an account till the steamer returns to Sydney.

The Committee have also the honor to forward an Appendix, containing a précis of the replies received by the Committee since the 10th of June, in answer to the inquiries made respecting the demand for labor and rate of wages in the country districts.

The number of applicants whose names remain upon the list at this date—30th of July—is 400, of whom 252 cases have been inquired into and reported upon, leaving 148 still to be inquired after, of whom about one-third have probably found employment or left Sydney, leaving 350 as the number of men still out of work in Sydney, of whom a large proportion are mechanics—principally carpenters, masons, and quarrymen—many of whom are in great distress, having large families dependant upon them, and who have been compelled, in some instances, to sell their furniture and pawn their tools, to provide the means of subsistence for themselves and families. Of those whose names still remain upon the list, 182 are single men, and 218 married, with 327 children dependant upon them, and numbering in all 945 souls.

The Committee are of opinion that the measures already taken have reduced the amount of distress and destitution existing in Sydney; some of those forwarded by the Committee having already found means to send for their wives and families, while others—having settled down in the country—have had their families forwarded to them by the Committee; thus reducing the number of souls dependant upon those out of employment, from over two thousand to rather less than one thousand; and the Committee beg to suggest that this system should be carried out as long as any of those out of employment are willing to avail themselves of the facilities thus afforded of finding a market for their labor.

The Committee, therefore, have the honor to request that they may be informed whether they are to continue sending applicants for employment to those localities where labor is required, and whether it is intended to give employment upon public works in Sydney to those who are still unemployed, who are unable or unwilling to leave the city, and who—from the present state of trade—are not likely, at present, to succeed in procuring a livelihood without assistance from the Government.

JOHN WILLIAMS.

Laborers

UNEMPLOYED MECHANICS AND LABORERS.

7

Laborers and others removed from Sydney by the Committee

1858.		MEN.	WOMEN.	CHILDREN.
May 25	To the Clyde River	16	5	4
June 1	Do.	30	5	11
" 8	Do.	16	3	11
" 15	Do.	9	3	15
" 22	Do.	11	2	5
" 29	Do.	9	1	3
July 13	Do.	14	2	3
" 20	Do.	23	7	20
		133	28	72
May 29	To the Hunter	1	1	2
June 4	Do.	5	.....	.....
" 5	Do.	2	.....	.....
" 8	Do.	2	.....	1
" 10	Do.	1	.....	.....
" 21	Do.	1	.....	.....
July 24	Do.	1	.....	.....
" 26	Do.	4	.....	.....
		17	1	3
May 27	To Moreton Bay	11	1	.....
June 1	Do.	16	2	7
" 9	Do.	12	5	8
" 16	Do.	1	1	1
" 23	Do.	6	2	3
" 30	Do.	6	2	1
July 14	Do.	7	1	.....
" 20	Do.	6	2	4
" 26	Do.	9	2	7
" 28	Do.	4	1	11
		78	19	32
June 19	To Grafton	16	4	5
July 1	Do.	6	.....	.....
" 14	Do.	9	2	.....
" 28	Do.	13	4	14
		44	10	19
July 1	To Wollongong	2	1	3
" 20	To the Manning River	1	1	1
" 26	To Clarence Town, Williams' River	1	1	2
June 30	To Wide Bay ..	6	1	3
July 28	Do.	6	.....	.....
	By Van to Goulburn	1	1	3
" 30	To Wide Bay	1	.....	.....
		18	5	12
	Total ...	290	63	138

APPENDIX TO SECOND REPORT.

The Committee are informed,

From

BOMBALA, by the Bench: That employment could be readily found in the repairs of roads, &c., if the local Magistracy had sufficient funds at their disposal for such improvements.

From

COWRA, by the Bench, and other employers of labor at Cowra: That 100 laborers and artisans would meet with immediate employment at Cowra, or within a circuit of 30 miles, at reasonable wages. They therefore hope the Committee will forward a number of such to Carcoar or Cowra, that the present want of labor might be supplied.

From

From

DENILQUIN, by the Bench : That carpenters, brickmakers, able bodied laborers, and domestic servants, are in constant demand, the present supply being wholly inadequate to the requirements of the district. That skilled laborers can easily obtain from 13s. to 16s. per diem ; laborers from 20s. to 30s. a week, with rations ; and general servants (female) £35 to £40 per annum, with rations. The public buildings about to be erected immediately, and for which labor is earnestly required, are the Protestant and Roman Catholic Churches, a Bank, a Telegraphic Terminus, a Masonic Lodge, and several private dwellings, which the paucity of skilled labor alone has delayed to the present time. The Bench, therefore, recommend and urge the Committee to forward from 30 to 50 of the trades referred to, who would meet with immediate employment, at good wages.

From

DRAYTON, by the Bench : That there are no public works in course of construction, but that there is a general demand for labor in the district, and a high rate of wages ; shepherds, hutkeepers, and laborers obtain from £28 to £40 per annum, skilled laborers such as blacksmiths, shoemakers, carpenters, &c, proportionably higher wages. The Bench are of opinion that 100 of the unemployed of Sydney might find immediate and profitable employment in this district.

From

DALBY, by the Bench : That there are no public works, but the demand for labor of all kinds very great indeed : carpenters and sawyers, &c., can readily obtain remunerative employment at from £3 to £5 per week ; shepherds at from £30 to £35 per annum ; hutkeepers at from £25 to £28 per annum ; bullock drivers 25s. to 30s. a week, in each case with rations.

From

GAYNDAH, by the Bench : That there are no public works in course of construction, but that a new court house and watch house will shortly be erected in Gayndah. The following description of labor is in great request :—Shepherds, at from £30 to £35 per annum ; shepherds and hutkeepers, £55 to £60 ; bullock drivers, £50 to £70 ; station servants, married couples from £60 ; bush carpenters and house carpenters, bricklayers and masons, none in the district. One or two laundresses would find employment in Gayndah.

From

IPSWICH, by the Bench : That though a large number of immigrants have arrived at Moreton Bay, a limited number of the unemployed of Sydney might obtain work in this district. Rate of wages,—stonemasons, 14s. per diem ; carpenters and joiners, 11s. 8d. per diem ; bricklayers, 12s. 6d. per diem ; wheelwrights, 10s. 6d. per diem ; blacksmiths, 10s. 6d. per diem ; plasterers, 20s. per diem ; quarrymen work by the piece, and make from 18s. to 20s. per diem ; but the Bench recommend that only a limited number of each be sent, as the demand is limited. Laborers rule about 36s. per week ; in the country the wages are from £35 to £40 per annum, with rations. Female servants are in demand, at from £17 to £25 per annum ; cooks, at from £27 to £30 per annum.

From

MARYBOROUGH, WIDE BAY, by the Bench : That from 40 to 50 men would find employment as shepherds, hutkeepers, &c., the public works in course of construction, are the court house and lock-up, a road from Maryborough to Brisbane direct, and the buoying of the ship channel from Wide Bay to Queen's Wharf ; all in the hands of different contractors, that letters would be addressed to the employers of labor in the Wide Bay and Burnett Districts, and that on their replies being received, further communications would be addressed to the Committee.

From

MOLONG, by the Bench : That there are no public works offering scope for labor, but the pastoral interests of the neighbourhood always supply employment for good laborers and strong able bodied mechanics at standard wages.

From

SINGLETON, by the Bench : That there are no public works, but the Bench are of opinion that bricklayers, carpenters, shoemakers, and tailors, to the number of five of each trade would find employment at 10s. per diem, and that common laborers to the number of 50 would get employment at the rate of 5s. per diem.

From

TENTERFIELD, by the Bench : That there is a great demand for laborers and mechanics, and that the following persons would find employment at good wages, namely, six sawyers, 12 splitters and fencers, two blacksmiths, six house carpenters, four shoemakers, four stonemasons, four brickmakers, four bricklayers, two wheelwrights, 12 farm laborers, and 20 shepherds.

From

WAGGA WAGGA, by the Bench : That though there are no public works in course of construction, yet that the demand for laborers by private individuals is very great indeed, and that the Bench are of opinion that if 100 laborers and mechanics were sent they would find regular employment at remunerative wages.

THE UNEMPLOYED LABORERS' COMMITTEE IN ACCOUNT WITH THE COLONIAL TREASURY.

428-C

1858.	Cr.	£ s. d.	1858.	Dr.	£ s. d.
4 June.....	By Cheque to Mr. E. Manning, for conveyance, with rations, of 26 passengers to the Clyde	36 0 0	1 June.....	To Cash from the Honorable the Colonial Treasurer, paid into the Joint Stock Bank	300 0 0
"	" Cheque to Thomas Pennington, for services as Messenger to the Committee	9 10 0	19 June.....	" Ditto, ditto, ditto	300 0 0
"	" Cheque to John Pendered, for salary as Secretary to the Committee, from the 6th of May to 2nd of June inclusive	16 0 0			
11 June....	" Cheque to Mr. E. Manning, for passages, with rations, for 26 adults and 16 children to the Clyde	51 0 0			
"	" Cheque to Mr. C. H. Woolcott, for postage stamps	2 5 0			
"	" Cheque to Thomas Pennington, for services as Messenger to the Committee	4 15 0			
18 June.....	" Cheque to Mr. E. Manning, for passages, with rations, for 23 adults and 6 children to the Clyde	39 0 0			
"	" Cheque to the H.R.N.S.N. Company, for passages to the Hunter of 7 adults and 1 child	4 14 0			
22 June.....	" Cheque to Mr. E. Manning, for passages, with rations, for 15 adults and 9 children to the Clyde	29 5 0			
"	" Cheque to William Lush, for services as Messenger to the Committee	5 0 0			
25 June.....	" Cheque to Mr. E. Manning, for passages, with rations, for 14 adults and 4 children to the Clyde	24 0 0			
30 June.....	" Cheque to the Australasian Steam Navigation Company, for passages to Nelson Bay and Hunter River	157 10 0			
"	" Cheque to John Pendered, for salary as Secretary, from June 3rd to June 30th inclusive	16 0 0			
6 July	" Cheque to H.R.N.S.N. Company, for two steerage passages to Morpeth	1 5 0			
"	" Cheque to Kirchner and Co., for passages of 16 adults and 3 children to Grafton	43 15 0			
"	" Cheque to John Fairfax and Sons, for advertising "To the Unemployed," &c.	8 7 0			
13 July	" Cheque to Henry Parkes, for advertising "To the Unemployed," &c.	8 5 6			
"	" Cheque to Kirchner and Co., for passages of 6 adults to Grafton	15 0 0			
"	" Cheque to Australasian Steam Navigation Company, for passages to Wide Bay, Morpeth, and Moreton Bay	72 0 0			
"	" Cheque to Mr. E. Manning, for passages to the Clyde of 10 adults and 1 child	15 15 0			
	Carried forward	£ 559 6 6		Carried forward	£ 600 0 0

UNEMPLOYED MECHANICS AND LABORERS.

THE UNEMPLOYED LABORERS' COMMITTEE IN ACCOUNT WITH THE COLONIAL TREASURY—Continued.

1858.	Cr.	£ s. d.	1858.	Dr.	£ s. d.
	By Amount brought forward	559 6 6		To Amount brought forward	600 0 0
13 July.....	" Cheque to Mr. E. Manning, for passages to Wollongong for 3 adults and 1 child	1 16 6	24 July.....	" Cash from the Honorable the Colonial Treasurer, paid into the Joint Stock Bank	300 0 0
16 ".....	" Cheque to William Lush, for services as Messenger to the Committee ..	5 0 0			
16 July.....	" Cheque to William Collie, for rations supplied to 10 men and 4 women and 8 children at Grafton	4 12 4			
".....	" Cheque to William Collie, for rations supplied to 6 men at Grafton	1 15 9			
".....	" Cheque to Thomas Hildebrand, for rations supplied to 2 men, 1 woman, and 3 children, at Wollongong	1 10 0			
".....	" Cheque to John Pendered, for salary as Secretary, from 1st July to 14th July inclusive	8 0 0			
30 July.....	" Cheque to the Australasian Steam Navigation Company, for 2 steerage passages to Wide Bay, and 31 to Moreton Bay	92 5 0			
".....	" Cheque to the Australasian Company, for 1 fare to the Hunter, 2 to Clarence Town, 5½ to Moreton Bay, and 6 to Wide Bay	38 0 0			
".....	" Cheque to Kirchner and Co., Agents of the Grafton S.N. Company, for 11 steerage passages to Grafton	27 10 0			
".....	" Cheque to Mr. E. Manning, for passages, with rations, for 40 adults and 4 children to the Clyde	63 7 6			
".....	" Cheque to Mr. E. Manning, for 2 passages to the Manning River	3 0 0			
".....	" Cheque to the Steward of the William IV Steamer, for rations for David Lewis and wife to Taree	15 0 0			
".....	" Cheque to William Lush, for services as Messenger to the Committee ..	5 0 0			
".....	" Cheque to John Pendered, for salary as Secretary, from 15th to 25th July inclusive	8 0 0			
31 July.....	" Cheque to R. K. Allen, for conveyance of 2 passengers, by van, to Goulburn	3 10 0			
".....	" Cheque to James W. Waugh, for account books and stationery supplied to the Committee	3 19 0			
".....	" Cheque to Mr. E. Manning, for passages, with rations, of 16 adults and 1 child to the Clyde	27 15 0			
		£ 869 7 7			
	Cash in hand.....	30 12 5			
		£ 900 0 0			£ 900 0 0

1858.

Legislative Assembly.

NEW SOUTH WALES.

UNEMPLOYED LABORERS.

(FINAL REPORT OF COMMITTEE FOR THE RELIEF OF.)

*Ordered by the Legislative Assembly to be Printed, 19 October, 1858.**Town Hall, Sydney,
12 October, 1858.*

THIRD and FINAL REPORT of the Committee appointed by Government for the relief of the Unemployed of Sydney, with a statement of the Receipts and Expenditure to the termination of the Commission.

The Committee have the honor to report to the Honorable the Colonial Secretary:—

1. That the total number of men who have applied for removal into country districts, or who have reported themselves as out of employment, from the 6th of May to the 15th of September, when the list was finally closed, a period of twenty weeks, is 1,154, or about 58 per week, during the time the list remained open. Of these 592 are single, and 562 married, with 1,226 children, and numbering in all 2,942 souls.

2. From the 2nd of August to the 15th of September 314 applications have been received for removal into the country, of which number it is believed about 100 have been caused by the discovery of gold on the Fitz Roy River.

To Gladstone, Port Curtis, a limited number of the most necessitous were sent before it was known that emigration would be likely to set in that direction, and the persons sent were chiefly married men, with families dependant upon them, and were selected out of more than 150 applicants.

The Committee believe that the emigration to the Fitz Roy River has had the effect of removing from Sydney much of the surplus labor, and must eventually raise the rate of wages, and enable laborers and mechanics remaining in Sydney to obtain permanent and remunerative employment.

3. Since our last Report—that is, from the 2nd of August to the 15th of September—104 men, 44 women, and 83 children, have been sent into the country; making the number of men removed from Sydney 394, of women 107, and of children 220; or in all 721 souls.

4. Of the 1,154 applicants, 860 cases have been inquired into, of whom only 80 were in work at the time inquiries were made, and 64 (chiefly single men) could not be found, or were not known at the addresses given.

Of the 314 applications made from the 2nd of August to the 15th September, 236 cases were inquired into, and were found to be principally mechanics; many of whom, though with large families and in great distress, had deferred their applications till their resources were utterly exhausted, from unwillingness to leave Sydney, and the hope of obtaining employment.

Of the 1,154 applicants, 474 are laborers, 105 farm laborers and bushmen, 72 carpenters, 40 masons, 37 quarrymen, 29 blacksmiths, 20 gardeners, 18 bakers, 18 rough carpenters, 16 clerks and storekeepers, 16 butchers, 15 painters, 15 tailors, 14 shoemakers, 12 plasterers, 12 bricklayers, 10 engineers, 10 cooks and servants, 8 miners, and 7 shepherds. There are also applicants of almost every trade and calling, comprising coopers, wheelwrights, cabinet-makers, fencers, wool-sorters, sheep-shearers, harness-makers, bookbinders, printers, millers, French polishers, millstone builders, cigar-manufacturers, soap and candle makers, gilders, coach-builders and coach-trimmers, vine-dressers, curriers, iron-founders, brickmakers and sailors, musicians, surgeons, and schoolmasters.

Of those removed from Sydney, there are 144 laborers, 78 farm laborers, 29 carpenters, 16 masons, 11 quarrymen, 11 bakers, 11 rough carpenters, 9 cooks and servants, 9 blacksmiths, 7 shoemakers, 7 bricklayers, 5 painters, 5 tailors, 5 butchers, 5 stockmen, 4 clerks or storekeepers, 3 wheelwrights, 3 brickmakers, 2 coach-builders, 2 engineers, 2 miners, 2 cabinet-makers, 1 miller, 1 printer, 1 candle-maker, and 1 bookbinder.

5. Of the 394 men removed from Sydney, 230 are single, and 164 married, with 360 children. Of the 164 married men, about 100 have been accompanied by their wives and families, the wives of the others having consented to their husbands leaving Sydney in search of employment, as many of them had been compelled to maintain their husbands out of their own and their children's earnings. Of the applicants to the Committee, 9 men, 2 women, and 10 children were in a state of utter destitution, and were either receiving relief from the Benevolent Asylum, or were sent to the Asylum by the Committee till they could be removed from Sydney.

6. The Committee have also the honor to report that 721 souls have been removed from Sydney, and rations supplied to each for one week, at an expense to the community of about £1,700, or £2 7s. 6d. per head.

7. It is the opinion of the Committee that a large number of men have been placed in a position to earn a livelihood for themselves and families, the Committee being informed from Braidwood, Grafton, and Moreton Bay, (to which places a large proportion of those removed from Sydney have been sent), that those forwarded readily found employment at the current rate of wages.

It is also considered that the operations of the Committee have much alleviated and lessened the pressure upon the working classes, which has been severely felt by many, from the long continued want of employment in Sydney.

JOHN WILLIAMS.

REMOVED from Sydney by the Committee, 2 August to 15 September, 1858.

	MEN.	WOMEN.	CHILDREN.
Sent to Gladstone, Port Curtis	33	21	33
" Moreton Bay	13	4	7
" Wide Bay	3	1	.....
" Grafton, Clarence River	21	6	17
" Hunter River	6	3	5
" Clyde River	7	3	9
" Goulburn	2	1	1
" Bathurst	2	2	6
" Guyong	13	2	4
" Shoalhaven	1	.....	.....
" Merrimbula	1	.....	.....
" Yass	2	1	1
	104	44	83
From 25 May to 31 July	290	63	137
	394	107	220

1858.

Legislative Assembly.**NEW SOUTH WALES.**

UNEMPLOYED LABORERS' COMMITTEE.**(STATEMENT OF RECEIPTS AND EXPENDITURE.)**

Ordered by the Legislative Assembly to be Printed, 29 October, 1858.

**THE SECRETARY TO THE UNEMPLOYED LABORERS' COMMITTEE to THE COLONIAL
SECRETARY.***Town Hall, Sydney,
21 October, 1858.***SIR,**

I have the honor to forward a Statement of the Receipts and Expenditure of
the Unemployed Laborers' Committee up to the termination of the Commission.

I have, &c.,

JOHN PENDERED,

Secretary.

**THE HONORABLE
THE COLONIAL SECRETARY.**

1858.		£ s. d.
Aug. 11 ..	By Cheque to R. K. Allen, for conveyance of 2 passengers to Goulburn, by van.	3 10 0
" ..	By Cheque to Mr. E. Manning, for 11 passages, with rations, to the Clyde.....	16 10 0
" ..	By Cheque to John Maitland, for victualling 1 passenger to Merriumbula	0 6 6
" ..	By Cheque to John Pendered, for salary as Secretary, from 29th July to 11th August inclusive	8 0 0
" ..	By Cheque to Mr. E. Manning, for passage of 1 adult to Twofold Bay	2 0 0
Aug. 18 ..	By Cheque to John Pendered, for expenses incurred in sending off laborers and others	1 10 0
" ..	By Cheque to John Phegan, for attendance and cleaning office	4 10 0
Aug. 26 ..	By Cheque to John Pendered, for 3 railway fares to Liverpool	0 8 3
Aug. 31 ..	By Cheque to Kirchner & Co., for passage money for 22½ adults to the Clarence River	56 5 0
" ..	By Cheque to Kirchner & Co., for passages of 14½ adults to Clarence River	36 5 0
" ..	By Cheque to R. Towns & Co., for 11 steerage passages to Gladstone, Port Curtis.	55 0 0
" ..	By Cheque to William Collie, for rations supplied at Grafton, 17th July, 2nd August, and 16th August	13 18 6
" ..	By Cheque to Robert Cribb, for rations supplied at Moreton Bay, from 1st to 30th June, 1858	8 16 5
" ..	By Cheque to Robert Cribb, for rations supplied at Moreton Bay, from 1st July to 14th August, 1858	5 13 10
" ..	By Cheque to Joseph Brittle, for rations supplied at Maitland, from 8th June to 4th August	0 12 4
" ..	By Cheque to John Mayo & Co., for rations supplied at Maitland, from 8th June to 4th August	0 7 11
" ..	By Cheque to R. S. Warry, for rations supplied at Moreton Bay, from 27th May to 4th August, 1858	8 13 0
" ..	By Cheque to Wm. Conolly, for rations supplied at Braidwood, from 31st May to 2nd August, 1858	107 17 8
" ..	By Cheque to R. K. Allen, for conveyance to Bathurst of 1 man, 1 woman, and 6 children	7 10 0
" ..	By Cheque to Mr. E. Manning, for passage, with rations, of 2 adults to the Clyde River	3 0 0
" ..	By Cheque to Mr. E. Manning, for passage, with rations, of 1 adult, from the Clyde	1 10 0
" ..	By Cheque to Mr. E. Manning, for 1 passage to Shoalhaven	0 17 6
" ..	By Cheque to William Lush, for services as Messenger to the Committee	5 0 0
" ..	By Cheque to John Pendered, for salary as Secretary, from 12th to 25th August inclusive	8 0 0
" ..	By Cheque to William Conolly, for loss on rations supplied at Braidwood	1 5 6
" ..	By Cheque to Laidley, Ireland, and Co., for 2 steerage passages to Gladstone, Port Curtis	10 0 0
Sept. 8 ..	By Cheque to Thomas Hogg, for carriage of luggage of James Hatyers from the Clyde to Braidwood.....	3 0 0
Sept. 14 ..	By Cheque to John Pendered, for conveyance of 1 adult to Bathurst, and other expenses incurred	1 10 0
Sept. 15 ..	By Cheque to George Walker, for conveyance of 13 men, 2 women, and 4 children, by dray, to Gwyong	25 0 0
" ..	By Cheque to John Phegan, for attendance and cleaning Council Chamber, used as an office by the Committee	1 10 0
" ..	By Cheque to Mr. E. Manning, for 2½ steerage passages to the Clyde.....	3 15 0
" ..	By Cheque to William Lush, for services as Messenger to the Committee	8 15 0
Sept. 18 ..	By Cheque to Laidley, Ireland, & Co., for 22 steerage passages to Fitzroy River..	77 0 0
" ..	By Cheque to Mr. H. W. Johnson, for 68½ rations, &c., supplied at Sydney	32 15 0
Sept. 20 ..	By Cheque to Mr. Wm. Collie, for rations supplied at Grafton, on the 28th of August	3 18 1
Sept. 22 ..	By Cheque to John Pendered, for salary as Secretary from 26th August to 22nd September, inclusive	16 0 0
" ..	By Cheque to R. K. Allen, for conveyance of 1 adult by van to Goulburn	1 15 0
" ..	By Cheque to Kirchner & Co., for 13½ steerage passages to Grafton	33 15 0
" ..	By Cheque to Kirchner & Co., for 6 steerage passages to Grafton	15 0 0
" ..	By Cheque to A. S. N. Company, for 15 passages to Moreton Bay, 3 to Wide Bay, and 5 to the Hunter	54 17 6
Oct. 18 ..	By Cheque to A. S. N. Company, for 4½ steerage passages to Moreton Bay	16 17 6
" ..	By Cheque to T. Fisher, for one pair of boots	0 12 0
" ..	By Cheque to Thomas Hogg, for carriage of luggage of C. Lancis and R. Richards, from the Clyde to Braidwood	4 0 0
" ..	By Cheque to Levey & Murray, advertising in Sydney Dispatch. "To the Unemployed."	0 19 0
" ..	By Cheque to James W. Waugh, for stationery &c.	1 2 1
" ..	By Cheque to James Johnson, for rations supplied at the Benevolent Asylum ..	2 18 0
" ..	By Cheque to John Fairfax & Sons, for advertisements in Sydney Morning Herald.....	2 2 0
" ..	Proprietor of Freeman's Journal, for advertisements. "To the Unemployed." ..	1 7 0
" ..	By Cheque to Henry Friend, for rations supplied at Gladstone, Port Curtis ..	3 6 2
" ..	By Cheque to Mollison and Black for 30 passages by the brig Maria	150 0 0
" ..	By Cheque to Mollison & Black, for 1 passage to Wide Bay	2 10 0
" ..	By Cheque to Samuel Andrews, for conveyance to Bathurst of John White and Margaret White.....	3 0 0
" ..	By Cheque to John Phegan, cleaning office	1 4 0
" ..	By Cheque to John Pendered, for salary as Secretary, from 23rd September to 20th October, inclusive	16 0 0
" ..	By Cheque to John Pendered, for salary as Secretary, from 21st October to 27th October inclusive	4 0 0
		£ 855 15 9

IN ACCOUNT WITH THE COLONIAL TREASURY.

Dr.

1858.		£ s. d.
Aug. 2 ..	Cash in hand	44 17 5
" 24 ..	To Cash from the Honorable the Colonial Treasurer, paid into the Joint Stock Bank	300 0 0
Sept. 15 ..	To Cash from the Honorable the Colonial Treasurer, paid into the Joint Stock Bank	300 0 0
Oct. 18 ..	To Cash from the Honorable the Colonial Treasurer	210 18 4
	NOTE.—In the Account furnished with the Second Report there is a Clerical error of £14 5s., the actual balance in hand being £44 17s. 5d., instead of £30 12s. 5d., as stated therein.	
	JOHN PENDERED, Secretary.	
		£ 885 15 9

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS' REGULATIONS.

(PROMULGATED UNDER 20 VICT., No. 29.)

*Ordered by the Legislative Assembly to be Printed, 5 August, 1858.**Department of Land and Public Works,
Sydney, 5th August, 1858.*

GOLD FIELDS' REGULATIONS.

HIS EXCELLENCY THE GOVERNOR GENERAL, with the advice of the EXECUTIVE COUNCIL, has been pleased to establish the following Regulations, under the provisions of the Act of Parliament, 20 Victoria, No. 29, for the Management of the Gold Fields of this Colony.

JOHN ROBERTSON.

GENERAL REGULATIONS.

I. All regulations hitherto in force for the management of the Gold Fields of New South Wales are hereby repealed, and the following are substituted in lieu thereof. Former regulations repealed.

II. Wherever the term "*Commissioner in charge of the District*" is used in these Regulations, it shall be understood to mean the Commissioner entrusted with the general superintendence of one of the three Gold Districts of the Colony, viz., the Northern, Southern, or Western District; and the term "*Commissioner*" shall mean a Commissioner, Assistant Commissioner, or Sub-Commissioner, in charge of any particular portion of a Gold Field. Explanation of term Commissioner.

III. The term "*claim*" shall be taken to apply to any authorised holding whatever, unless otherwise specified. Explanation of term claim.

IV. As a reward for the discovery of gold in any new locality, the Commissioner may, in his discretion, allot to any miner or party of miners discovering the same in addition to the claim which each individual would otherwise be entitled to, any number of claims not exceeding ten, if the discovery be within the limits of a known Gold Field, and not exceeding twenty, if at a distance of three miles or upwards from the limits of any known Gold Field; such claims to be in conjunction, and, if practicable, to be measured in a rectangular block, as hereinafter provided. For the purpose of this regulation a *new locality* shall be taken to mean ground previously unworked, and capable of affording employment to not less than fifty miners. Prospecting.

V. Claims may be transferred to any authorized person; but such transfer shall not be recognized until it has been registered in the office of the Commissioner. Any miner who shall, from illness, be unable to work, or who shall be in attendance at any Court of Justice, or whose absence from his claim is rendered necessary by some urgent business, the proof of which shall lie with him, shall, on application to the Commissioner, be entitled to a written registry to the effect that such claim is held in reserve for him, and a copy of such registry shall be posted by the miner on every claim so reserved. Any claim remaining unworked and unregistered for three clear days shall be liable to be forfeited. Transfer. Registration. Unworked claims.

Commissioner empowered to make temporary rules.

VI. The Commissioner may at any time make such temporary rules or orders not inconsistent with the Act 20 Victoria, No. 29, or with these regulations, as he may consider necessary for regulating the mode of washing at any stream or waterhole, for the prevention of injury of a public nature, by the deposit of tailings, or refuse from any cradle, tom, or sluice.

Commissioner empowered to decide disputes.

VII. The Commissioner shall have power to decide upon, and make any necessary order in, any dispute that may arise upon any matter connected with the Gold Fields' management, and not herein provided for; but no such decision or order shall be inconsistent with the Act of Parliament 20 Victoria, No. 29, or with these regulations.

Claims to be properly pegged.

VIII. The holder of any claim on auriferous land of any description, except reefs or veins of quartz, shall, on pain of forfeiture, mark the boundaries of such claim by driving in at each corner a substantial peg, to stand at least one foot above the ground, which shall be kept at all times clear of rubbish or soil; and no person shall remove, injure, destroy, or cover any such peg.

Claims to be worked within 48 hours.

IX. All claims must be worked within forty-eight hours after the boundaries have been marked out.

Mining allotment.

X. Each person holding a Miner's Right will be permitted to occupy and enclose for the purpose of residence, so much land, as may be determined by the Commissioner, not exceeding eight hundred square yards.

Business allotment.

XI. Each person holding a Business License shall be permitted to occupy for purposes other than gold digging, land not exceeding in dimension sixty feet by one hundred and twenty feet. The Commissioner may further allot to the same party, on payment of an additional license fee, additional land to an equal extent; and when such land is situated in a position detached from any tents or buildings, and away from any main road or line of stores or shops, the Commissioner may permit the same person to occupy, under each license, an area not exceeding three times the above-named extent, and may also depart from the form of measurement.

Transfer of Business License.

XII. A Business License may be transferred to any authorised person, and shall be available on any Gold Field to which the licensee may remove; provided it be endorsed by the Commissioner.

Inadmissible claims

XIII. No claim will be allowed in any position where, by its interference with the supply of water requisite for the public, by undermining or digging up of roads, or by obstructing public thoroughfares, the general interests will be injured.

Land enclosed or occupied not to be worked without authority.

XIV. No miner shall dig upon or undermine any land enclosed by any authorized occupant, or which is occupied by any building, or with machinery in connexion with mining operations, or used as a garden, or as a Government camp, police station, or for any public purpose.

No sludge hole to be cut to the damage of other miners.

XV. No person shall dig into, cut away, or undermine the bank of any excavation or hole containing sludge or water, in such a manner as to cause damage to any claim, waterhole, dam-bank, drain, roadway, engine, mill, machine, or any substance containing gold, the property of any other miner or miners.

Commissioner may allow new roads to be made.

XVI. Upon any four or more persons applying for a road or crossing-place over any gully, creek, quartz reef, or other obstruction, and guaranteeing that they will make the same if sanctioned, the Commissioner shall determine whether or not such road or crossing-place is necessary, and shall make such order relative thereto as he may deem requisite; and no person shall in any way resist the making of any such road or crossing-place after its formation shall have been authorised by the Commissioner.

Holes sunk near roads to be fenced.

XVII. Any miner having a shaft or hole within the distance of ten feet from any road, foot-path, or crossing-place in ordinary use, and not completely enclosed by the framework of the windlass, shall erect around such shaft or hole a substantial two-railed fence, the upper rail of which shall be at least three feet and a-half above the surface of the ground; and shall also, on leaving such shaft or hole either temporarily or otherwise, cover it with logs not less than six inches in diameter.

Fences not to be removed.

XVIII. No person shall remove, cast down, or destroy any timber or fence placed for the purpose mentioned in the foregoing clause.

Water privilege.

XIX. A water privilege shall be taken to mean the right to convey, by means of a race, a specified quantity of water to any locality. Such water shall be measured by a plank sluice

sluice head, having a sectional area of twelve inches by one, with a fall of one in twenty-four. Ground sluice heads shall have twice that sectional area. The water privilege will be considered distinct from the ground claim, and with the Commissioner's consent, may be held in connexion with fresh claims. All water privileges not used and upheld for a period of fourteen days in the case of alluvial working, and of one week in the case of river working, shall be held to be forfeited, unless such abandonment be explained to the satisfaction of the Commissioner.

XX. Applications for water privileges, or for permission to cut races for sluice ^{Races.} washing, and other purposes, must be made in writing to the Commissioner, who will not grant such privileges or permission if, in his opinion, the public interests would be injuriously affected by a compliance with such applications; and in cases where any such water privilege has been granted, the water must be allowed to return to the ordinary channel whenever the Commissioner shall so direct. Persons wishing to divert water from races for the purpose of tomming or sluicing, may be permitted by the Commissioner to use the surplus water, on payment to the proprietors of the race of such sum as may be determined by the Commissioner, in conjunction with assessors appointed in the manner prescribed in the 14th clause of the Act 20 Vict., No. 29. Surplus water shall be taken to mean all water in excess of the extent of water privilege.

XXI. Persons desirous of constructing dams or reservoirs for washing Gold, may ^{Dams, Reservoirs, or Wells.} apply in writing to the Commissioner, who will, if the same be unobjectionable, grant the requisite permission. The water contained in such reservoirs or dams, or in any wells sunk for domestic purposes with the consent of the Commissioner, shall be reserved for the exclusive use of the holders. When, however, any dam or reservoir interferes with the working of the bed of a river or creek, or obstructs the supply of water for domestic purposes, such dam or reservoir, if the Commissioner shall so direct, shall be temporarily lowered by the holder.

XXII. No machinery of any description, beyond the appliances for ordinary gold ^{Machinery.} washing, shall be erected on any Gold Field without the sanction of the Commissioner. Applications for permission to erect any machine used for gold washing must be made in writing to the Commissioner. Sanction will in no case be given until it has been shewn to the satisfaction of the Commissioner that a notice of the intended application has been posted for four clear days on the spot on which it is proposed to erect such machine, and also at the Commissioner's Office. To prevent any injurious deposit of sludge from any machine, a condition will be attached to the sanction for its erection that the owner shall, at any time, on pain of suspension of operations, dispose of the sludge in such manner as the Commissioner shall direct.

ALLUVIAL CLAIMS OTHER THAN RIVER CLAIMS.

XXIII. Each authorised miner shall be entitled to hold under his Miner's Right ^{Ex ent.} four hundred square feet of alluvial ground, and such claim shall be marked off in the form of a square, each side of which shall be twenty feet in length; and when there shall be two or more persons in any party, the claim shall be marked off in a rectangular form, the sides of which shall be in proportion to the number of such party, and shall be in length as follows, that is to say,—for two miners forty by twenty feet; for three miners forty by thirty feet; for four miners forty by forty feet; and when from any cause it shall be impracticable to take the claim in the form above-mentioned, the Commissioner may sanction a departure from that form, and allow such quantity of ground as will give to each miner four hundred superficial square feet, provided that in no case shall any such claim exceed in length twice its breadth, nor shall any such claim be taken up lengthwise on the line of any known lead, but always across such lead, and the same extent of claim may be held on any kind of alluvial ground without regard to the depth of sinking.

No more than four contiguous alluvial claims will be granted to any one party.

RIVER CLAIMS.

XXIV. Twenty feet frontage for each miner will be allowed in the beds of rivers or ^{Extent.} main creeks, running across the whole bed, unless the Commissioner deem the river or creek of such a breadth as to render a division desirable, in which case he will determine the division. When, from a superabundance of water, or other cause, such claims cannot be worked, they may be registered, but will be liable to forfeiture if the occupation is not resumed as soon as practicable.

XXV.

Commissioner to make
rules.

XXV. The Commissioner may make such orders, not inconsistent with the Act 20 Vict., No. 29, or with these Regulations, relative to the proper working of River Claims as to him shall appear expedient, which orders shall be in writing, and shall be signed by the Commissioner, and shall be duly served on the owner of any claim to which they may apply; and any owner who shall neglect to obey any such order shall be deemed to have committed a breach of these regulations, and shall, unless good reason be shewn to the satisfaction of the Commissioner for such neglect, forfeit his claim.

Persons benefiting by
race to share expense.

When any race or tunnel shall be cut, or other operation performed, rendering such claim workable, any person benefiting thereby shall, before working such claim, on penalty of forfeiture, pay such share of the expense of such operation as may be assessed by the Commissioner and two assessors appointed in the manner prescribed in the 14th clause of the Act 20 Vict., No. 29.

The number of claims of this description to be granted to any one party will not be restricted, provided that the same be taken in conjunction.

QUARTZ CLAIMS.

Definition of the words
"Reef" and "Vein."

XXVI. The word "*Reef*" shall be taken to mean any seam of quartz the average thickness of which, measured in different places actually exposed to view, shall exceed six feet. All other seams of quartz shall, for the purpose of these regulations, be deemed to be Veins only.

Extent.

Party.

XXVII. The claim allowed to each miner on the line of any quartz vein or reef shall be twenty feet in the direction of the vein or reef, and the total number of claims to be allowed for any one party of miners actually employed shall not exceed six: Provided that in all cases where any party of miners is only sinking or driving in search of gold, and shall not have found it in such quantity as to have induced them to extract it from the substance in which it is embedded, only one-half the number of men in proportion to the extent of claim shall be required to be employed on it.

Quartz claims to be
marked by posts.

XXVIII. Any miner or party of miners who may be in authorised possession of any quartz claim shall, for the information of all other persons, mark the boundaries of such claim by the erection of posts at each end of it, to be at least three inches square, standing two feet above the ground, and kept at all times clear of rubbish, or anything which may tend to conceal them from view. And no person shall, on any pretence whatever, remove, destroy, or deface any such posts, nor shall any person erect any such posts with the view of inducing other persons to suppose that such ground is lawfully taken up and occupied.

Wall between quartz
claims to be allowed.

XXIX. Between adjoining quartz claims a wall of three feet shall be preserved, and whenever any miner, in marking off a new claim, shall have neglected to leave the proper space for the wall, the Commissioner may deduct the necessary length from the claim last marked off, and assign it as a wall between such claim and the adjoining claim first marked. And, in like manner, when any miner or miners shall have marked off more than the proper width for a wall, the Commissioner may curtail such excess, and assign it to the holders of the claim first marked; or, if he deems it advisable, may order the boundary posts of the claim last marked to be removed to their proper position.

Extent of Veins.

XXX. When, in sinking for quartz, any party of miners shall strike a number of veins, none of which shall be a reef within the meaning of these regulations, they shall be entitled to hold and work such number thereof, exclusive of any cross course, as shall not exceed twenty feet in the mean thickness, to be ascertained by measurement in different parts, and they shall be entitled to follow such veins downwards, as hereinafter provided, unless it be shewn that from the union of two or more of them, or increasing thickness, the united veins have become a reef within the meaning of these regulations. In such case the Commissioner may allot any of the remaining veins, but in all cases the original holder or holders shall be entitled to select the veins adjoining each other, which they will hold and work: Provided such veins lie within a breadth of thirty yards, and do not exceed in total thickness the quantity specified in this regulation.

True position of reefs
being uncertain, how
dealt with.

XXXI. No person shall sink within fifty yards of any unabandoned shaft sunk on the supposed line of a reef or vein, until it has been proved to the satisfaction of the Commissioner that two or more nearly parallel reefs or veins do really exist in that particular site, in which case the miners first sinking shall be entitled to select which reef or veins they

they will hold; and the Commissioner may allot the others: but if any miners shall sink at a distance of not less than fifty yards from the line of shafts sunk on a supposed line, and find any reef or vein, then in such case the reef or vein struck at such distance shall be adjudged to them, and not to those who first sank on the supposed line.

XXXII. The holder of any quartz claim shall be entitled to occupy, where practicable, a surface area of thirty feet on each side of his shaft, throughout the length of the claim, for the purpose of depositing rubbish and stone, raised from the claim: Provided that when any such claim shall run through or under any alluvial or surface soil supposed to contain gold, it shall be lawful for any authorised person to take away or work any such earth or soil; and such person shall remove the same from within the boundaries of the surface area attached to the quartz claim, within a reasonable time, to be determined by the Commissioner.

XXXIII. No person shall sink or drive within fifteen feet of the centre of any shaft.

XXXIV. Miners occupying any portion of a quartz reef or vein, shall be entitled to follow and work it in any direction that such reef or vein may take: Provided they do not trespass upon the claim of any other miner on the same line, or upon ground which may properly belong to the claim of such miner, or upon any part of the wall separating the claims: Provided also, that when any reef, vein, or bed of quartz shall lie nearly horizontally, or at a less angle with the horizon than twenty degrees, the holders of any claim shall be only entitled to follow such reef, vein, or bed of quartz in the direction of the dip, for a distance not exceeding fifty yards from the point where they commenced to sink in search of any such reef, vein, or bed of quartz.

XXXV. When any quartz reef, or a portion thereof, shall exceed in thickness thirty feet, the Commissioner may, on the application of any miner, reduce the length of any claim where it shall exceed the above mentioned thickness, in such proportion as will leave each original holder an extent of fifty square yards, to be measured on the horizontal section of the reef, as nearly as the angle at which the reef stands will permit; but in all cases the original holder shall be allowed to retain the whole, provided he employ upon the reef a number of men proportionate to the area.

XXXVI. When any miner shall make a drive or adit into any unoccupied hill or range in search of any quartz reef or vein, he may take up and hold any reef or vein that he may select, and with it such reasonable amount of wall as shall be necessary for its preservation; and no miner working in any adjoining claim shall in any way interfere with it, or with the wall attached to it.

XXXVII. When any two or more nearly parallel reefs or veins of quartz, occupied and worked near the surface by different parties, shall be found in their descent to unite, the united reef or vein shall be deemed to belong to the party who first opened and worked one of such reefs or veins, or to any person or persons to whom they may have transferred their claim: Provided that if it be shewn that the claim first opened has not been worked in a *bona fide* manner throughout, or that the reefs or veins were commenced to be worked simultaneously, the Commissioner may make such division of that portion of the united reef or vein as shall appear to him to be just.

XXXVIII. When any reef or vein of quartz, shall be found in its descent to divide into two or more distinct veins, any one of which shall be a reef within the meaning of these regulations, the Commissioner may call upon the holder of the claim first opened and worked to elect which reef or vein he will hold, and to allot the others: Provided that in all cases the original holder shall be allowed to work both veins until the miner to whom the Commissioner may have allotted the other vein shall have struck it, and shall be allowed the use also of any shaft or drive which he may have sunk or driven.

XXXIX. When, in order to determine any dispute, it shall be found necessary to lay down the boundary of a quartz reef claim, the general plane of which reef descends at an angle with the horizon of less than ninety degrees, or when the plane of the reef is not perpendicular, the boundary line shall, in all cases, be a line laid off at a right angle with another

another line passing through the surface peg, marking the boundary of the claim at the end in dispute, and another point visible, and as distant as possible on the known line of the reef; and, in all cases where the general direction of the reef is not known with certainty, it shall be competent for the Commissioner, previously to any measurement made below, to fix upon some distant point which shall be taken to mark the direction of the reef for the purpose of deciding the particular dispute then before him.

Persons to stack quartz properly.

XL. Any person who wishes to retain possession of any quartz-stone, casing, or other substance containing gold, the product of a quartz claim, may do so for any period of time not exceeding one year, although the claim from which it was taken has been relinquished: Provided that he stack such stone, casing, or other substance, in a proper manner upon ground not supposed to be workable, and erect close to such stack a post with his name, address, and date of stacking legibly painted thereon; and no person shall remove, deface, or damage, any such post so erected, or remove any quartz-stone, casing, or other substance, so stacked. Any stone, casing, or other substance taken from a claim, and not so stacked, shall be deemed to be abandoned and forfeited.

EXTENDED CLAIMS.

Extent.

XLI. Where the expense attending the erection of mining machinery or works is likely to be great, or where the poverty of the ground will warrant it, the Commissioner may on application, allot to each miner proposed to be employed on such work an extended claim, not to exceed in area four ordinary claims: Provided that each miner so to be employed be placed to work on the claim within a time to be fixed by the Commissioner, and be actually kept employed during the holding of such claim, unless it be shewn to the satisfaction of the Commissioner that the working thereof is necessarily suspended. Every such extended claim shall be laid out in one block, and shall not exceed in area twenty ordinary claims. Four clear days notice of the intention to apply to the Commissioner for an extended claim must be posted on the ground by the applicant. This regulation shall apply to all extended claims whether Matrix Quartz, Alluvial, or River; and in the event of any of the conditions not being fulfilled the Commissioner may direct the forfeiture, or such diminution of the claim as may meet the justice of the case.

Extended claims already sanctioned.

LXII. Nothing in the foregoing regulations shall be taken to prejudice the right to occupation of any extended claim sanctioned by the Commissioner previously to the publication of these regulations, so long as the conditions attending such sanction be fulfilled.

AURIFEROUS TRACTS.

Leases.

XLIII. Two Classes of Leases of auriferous tracts and quartz reefs will be granted.

1st.—Leases of eight acres of alluvial land, five hundred yards of a river bed, or four hundred yards on the line of a quartz vein, will be granted for a period limited to two years, at an annual rent of £5 per acre, £5 per hundred yards of River bed, or £5 per hundred yards of Quartz Vein respectively.

2nd.—Leases for a longer period, and for greater extent of land will be granted, at a Royalty, on the gross produce of gold.

Leases of two years' duration.

XLIV. Persons desirous of obtaining leases of the First Class may make application in writing to the Commissioner, who will submit the same to the Government through the Commissioner in charge of the District, who will issue the lease, if the application be approved.

(1.) Each such application must set forth the machinery to be used, and describe the proposed method of working the claim, the extent and nature of preparatory work to be done, the number of men whom the applicant undertakes to employ within a stated period, the constitution of the Company, the number of shares and the names of the shareholders.

(2.) The rent for each year must be paid in advance, and the application for the lease must be accompanied by the sum of £5, as a deposit, to be forfeited should the lease, when approved, not be taken out.

(3.) Pending the decision of the Government, the Commissioner in charge of the District may authorize the party applying for a lease temporarily to occupy, at his own risk, the ground

GOLD FIELDS' REGULATIONS.

ground sought to be leased: Provided that a notice, in the form A hereto appended, signed by the applicant, shall have been posted for six clear days on a conspicuous part of the claim, and also at the Commissioner's Office, and that no objection has been taken to the granting of the lease; and further, provided that during the said period, the claim shall have been marked out at each corner with posts not less than three feet in height.

(4) The Commissioner in charge of the District may likewise sanction the cutting of any race or the performance of any other operation necessary for the profitable working of any claim under lease, although such race or other operation may not be on the ground actually leased, provided that such sanction be not prejudicial to the public interests.

(5.) No such lease as aforesaid shall interfere with the right to any claim or claims held prior to the date of the application for such lease.

(6) Where, from floods or other unavoidable causes, the ground shall, in the opinion of the Commissioner, be unworkable, the lessee shall not be required to continue the employment of the stipulated amount of labour.

XLV. Applications for leases of the Second Class must be addressed to the Commissioner and be accompanied by a deposit of £50 to meet expenses which may be incurred in deciding upon the application, and also by the following information:—

1. A description of the land required for lease, and a plan shewing the extent of the auriferous portion, as well as of that required for setting up machinery, erecting dwellings or offices, or for other purposes.
2. The term or period for which the ground is required.
3. The consideration, in the shape of Royalty, on the gross produce which it is proposed to pay for the privilege of mining on it, *being not less than one per cent.*
4. The proposed plan of working it, stating the kind and power of machinery to be used.
5. The minimum number of men whom it is proposed to employ.
6. The time after approval of the application which will be allowed to elapse before the work will be commenced.
7. The time which will elapse, and the work to be done, before the number of men so stated will be employed.
8. The constitution of the Association or Company by which the ground will be worked, the proposed distribution of shares, and the amount of capital subscribed.

XLVI. The Commissioner in charge of the District shall forward to the Government every such application, with his report thereon. He will also cause the applicant to distinguish, by proper posts, the land for which he has applied, and to set up as well thereon, as at the Commissioner's Office, a notice in the form A hereto appended, defining the nature of the application. If at the end of fourteen days after such notice has been duly posted, no objection be preferred to the Commissioner in charge, respecting the lease of such land, he will be empowered to grant leave for the immediate occupation of it, at the risk of the applicant, and subject to the decision of the Government as to the terms on which the lease will be granted.

XLVII. The Government will entertain applications for leases under these regulations for periods not exceeding twenty-one years, subject to the following conditions, and any others which, from the special nature of the application, it may be desirable to add:—

1. That the ground applied for has been abandoned or is unoccupied.
2. That a right of entry at all times for the purpose of examining works, books, and accounts be reserved to the Government, or to those whom they may appoint.
3. That such books be kept in a form to satisfy the Government as to the quantity of material operated on, and the gold obtained.

GOLD FIELDS' REGULATIONS.

-
4. That accurate plans and sections, shewing the mining operations, be kept by the Association or Company, and that copies of these, shewing the progress made, be forwarded half-yearly to the Government through the Commissioner in charge of the District.
 5. That the gross produce of gold be forwarded by escort to the Mint at Sydney, for valuation by assay.
 6. That one-third the subscribed capital has been paid up.

XLVIII. The infraction of any of the conditions of a lease will involve the forfeiture thereof.

FORM OF NOTICE A.

I (or we) hereby give notice that I (or we) have this day made application for a lease (*here state the term*) of the ground within the surrounding marks, measuring
 by _____ Date.

Signature.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS' COMMISSIONERS.

(LETTER OF INSTRUCTIONS TO.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1858.

(CIRCULAR.)

*Department of Land and Public Works,
Sydney, 5th August, 1858.*

SIR,

I have much satisfaction in being at length enabled to forward to you a few copies of the *Government Gazette Extraordinary* of this date, containing the Code of Regulations for the management of the Gold Fields of the Colony, established by His Excellency the Governor General, with advice of the Executive Council, under the provisions of the Act of Parliament, 20 Vict., No. 29.

2. I sincerely trust that these Regulations, in the framing of which much anxious attention has been bestowed, will be found to work advantageously for the general interests of the mining population.

3. It is not my present intention, nor indeed does it appear to be necessary, to attempt any précis of the contents of this code. But I desire to invite the attention of yourself, and of those acting under you, to the very large powers vested by these Regulations in you, such powers being given, not because it was thought that the mining population required to be repressed or controlled by any unusual authority, but because it was felt that to limit too much the discretion of Officers far removed from the seat of Government, and who would frequently be called upon to act under circumstances which it was wholly impossible to foresee, would, in effect, be to retard the development of the Gold Fields.

4. I wish, therefore, to impress upon you the paramount necessity of using these large powers, not arbitrarily or capriciously, but with firmness on the one hand, and with fairness and moderation on the other.

5. Whenever you may hesitate as to your proper line of duty in any case, I beg of you to bear in mind, that you will best interpret the intentions of the Government by acting towards the mining population in a spirit of conciliation.

6. You will be particular to make known to all those acting under you the purport of this communication.

I have the honor to be,

Sir,

Your most obedient Servant,

JOHN ROBERTSON.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(REPORT FROM COMMISSIONER IN CHARGE OF WESTERN.)

Ordered by the Legislative Assembly to be Printed, 3 August, 1858.

HALF-YEARLY REPORT.

THE COMMISSIONER IN CHARGE OF THE WESTERN GOLD FIELDS to THE SECRETARY
FOR LANDS AND PUBLIC WORKS.*Western Gold Fields' Office,
Sofala, 20 July, 1858.*

SIR,

I have the honor to submit my Report on the Western Gold Fields for the half-year ended on the 30th of June, which has been deferred in consequence of my absence in Sydney and the pressure of business since my return.

THE TURON.

This field extends in the course of the river, running from north to south, a distance of about 40 miles, commencing about 10 miles below the source and terminating at a place known as the "Golden Ridge," below which, for a distance of from 12 to 15 miles, to its junction with the Macquarie, the river is, for greater convenience of jurisdiction, comprised within the Tambaroora District. The field extends westward over a table-land, the level of which is distant from the river an average of 4 miles, and in extent is some 5 miles by 7. Over all this field miners are dispersed, in many parts thinly scattered and in other localities collected together, their residences occasionally forming small hamlets. The population of this gold field was estimated, in a Return prepared by me in the month of May last, at 4,500: since that period about 600 Chinese have been added to the number. The production of gold since the date of my last Report has continued to increase—the weekly average of quantity at the present time despatched by Escort to the Mint being not less than 850 ozs.

At about the central portion of that part of the river forming the gold field is situated the flourishing Township of Sofala, containing from 600 to 800 inhabitants. Sofala, at the present time, is marked by an appearance of great activity and prosperity. The former buildings, of bark and slabs, are rapidly giving way to improved structures of weather-boards, with shingled roofs; and I am assured that the contemplated sale of the land to the present occupants is likely to lead, at no distant period, to the erection of brick buildings.

At Sofala there are three churches,—Church of England, Roman Catholic, and Wesleyan. There are also in the district four schools. The Church of England Denominational School at Sofala numbers 150 scholars.

Within the district there are 34 licensed public-houses, and a large number of stores and other places of business, inclusive of many conducted by Chinese.

On this, more than on any other of the Western Gold Fields, the tendency to supersede, by machinery and a combined system of labor, the more simple methods of working is observable. The river portion of the field affords great facilities for enterprises in which the main agency will be supplies of running water, and for embarking in which the new Regulations about to be issued will afford a more liberal scope and a greater security. The quartz vein resources of the district are again attracting attention, and I hope at no distant time to be able to report favorably as to its prospects in that respect.

The staff on this field consists of the Commissioner in charge of the Western Fields, having the immediate management of the Turon Field and acting as Police Magistrate; a Sub-Commissioner, acting as Clerk of Petty Sessions and also performing the clerical duties of the office of the Commissioner, with a Police Force numbering nine.

TAMBAROORA.

This field, although comparatively limited in extent, has perhaps outstripped any other of the Western Fields in its progress during the last six months. It is situated on a table-land immediately overhanging the junction of the Turon and Macquarie Rivers, the lower portion of the former river being, as before remarked, comprised within that district. The table-land in extent does not exceed 3 miles by an average breadth of half-a-mile, although, as in the case of the Turon, there are workable creeks leading both into that river and into the Macquarie. There is what may be termed a township at Tambaroora, but on a far smaller scale, and evidencing a much more tardy progress than Sofala. Tambaroora is distant 24 miles from Sofala, the road lying for 8 miles along the river, and then over, for the most part, a most rugged country. The great drawback to Tambaroora—that is, the table-land portion as a gold field—is the want of a sufficient supply of water, which in any quantity has to be preserved in dams or reservoirs. A running stream it is impossible by any labor to obtain, otherwise the soil is so generally impregnated with gold that an immense yield would be procured. The great recent attraction on this field has been a vein of a most peculiar character, and of considerable richness. Between two walls of solid rock there is a kind of fissure of a softer rock, about six feet in width. After penetrating a depth varying from 8 to 60 feet, a small seam of decomposed quartz is met with. This seam is of great richness, having yielded, it is asserted, in some claims many hundreds of pounds. It has invariably, when reached, produced a large quantity of gold. The fissure has been traced for upwards of a mile, and the termination has not yet been ascertained. So great, however, is the labor of sinking to this seam of quartz, where the depth is great, that numbers of the miners have been compelled to abandon their claims from want of means to pursue the sinking. The population of Tambaroora was estimated, in my Return above referred to as prepared in May last, at 2,000, to which may now be added about 300 additional Chinese. The weekly average of gold now forwarded by Escort from that place amounts to about 500 ozs.

There are at Tambaroora two churches,—one of the Church of England, and one Roman Catholic.

The staff on that gold field consists of a Sub-Commissioner, acting as Clerk of Petty Sessions, and a Police Force to the number of five. The district is under the charge of the Assistant Commissioner for the Meroo, who is Police Magistrate for, and visits, Tambaroora. In the district are twenty-five public houses, and numerous stores and other places of business.

THE MEROO, (INCLUDING LOUISA CREEK.)

Some 20 miles distant from Tambaroora, and lying about the same distance on that side from Mudgee is Louisa Creek, the site of the Assistant Commissioner's camp. Louisa Creek runs on an elevated piece of land, and ultimately falls into the Meroo, of which it is a tributary. The Assistant Commissioner's camp is situated on this creek, about 3 miles from the river, and 4 miles from Avisford, formerly the site of the camp. It is advantageously situated as occupying a central position for jurisdiction over the extensive Meroo field. The field known as the Meroo comprises the Upper and Lower Meroo and numerous important tributaries, including Louisa Creek. In extent, from end to end, it is not less than 70 miles, and in many places of considerable width, especially on the

the upper portion, where the country is comparatively level; and workings have been carried along the banks of the river, and main creeks, and back for distances of from a quarter to half a mile in some localities. There is nothing of the nature of a table-land gold field in the Meroo District, unless at a place known as the Pyramul—being the head of a creek of that name—and at Louisa Creek, the former site of the Colonial Gold Company's operations, and of the present Government camp. The miners of the Meroo District, occupying so vast an extent of country, are necessarily more scattered than on any of the other fields, and yet collected together in some of the favorite localities. Richardson's Point, on the Centre Meroo, and distant some 7 miles from the Government camp, is the settlement of most permanent character in this district. It is in contemplation, as in the case of Sofala, to dispose of the land now occupied at this place, and to lay out a township.

The Oriental Bank are now erecting a building at Richardson's Point; and I have recently removed the Police Station, composed of a corporal and two troopers, from Avisford to that place.

In the district are four churches,—two of the Church of England, one Presbyterian, and one Roman Catholic. There is also a school at Louisa Creek, under the denominational system, attached to the Church of England. There are in the district thirty public-houses, and numerous stores.

The Meroo field has been long worked, but along the course of the river, and in some of the principal creeks, are afforded facilities, second only to the Turon, for extensive operations by means of water, the supply of which is considerable.

The population of the field in May last I returned at 6,200, to which may now be added 700 Chinese, since arrived.

The production of gold has continued steadily to increase, the quantity now sent weekly by Escort averaging 900 ozs.; this is inclusive of that sent from Mudgee, which is obtained on the Meroo.

The staff for this district consists of an Assistant Commissioner, acting as Police Magistrate, and having also the charge of Tambaroora; a Sub-Commissioner, acting as Clerk of Petty Sessions, and a Police Force numbering eight.

STONEY CREEK, (INCLUDING MERINDEE.)

Stoney Creek, although the most recently opened field of any consequence, yet is at the present time considerably behind the other fields both as to population and produce. The main workings of this field are comprised on a level summit of the range dividing the waters falling into the Macquarie and the Bell Rivers, some 15 miles from the junction, and distant about 3 miles from either. From this vicinity the Muckerawa Creek, an old and almost worked out field, falls into the Macquarie. The workings on the higher lands, or main workings, may be said to extend about three miles by one. There have been considerable, and are now some workings, on the creeks comprised within this district, inclusive of "Stoney Creek," which gives the name to the district. The great drawback to the progress of this district is the want of a sufficient supply of water, which has, as in the case of Tambaroora, to be preserved in dams and reservoirs. The field also, as regards alluvial working, has not proved to be of equal richness with any of those before named. On the other hand, there is a greater promise of extensive and payable quartz workings, and there is good reason to expect that its resources in that respect will be tested so soon as the new Regulations are issued.

Within the jurisdiction of this district are the lesser gold fields of Ophir, Burrendong, and Merindee. The latter field, although situated on the Lower Meroo, I have recently detached from the charge of the Assistant Commissioner at Louisa Creek to that of the Assistant Commissioner at Stoney Creek, with a view more to equalize the duties of those officers.

Ophir may be said to be almost abandoned, there being but about 60 miners engaged on the old workings.

Seven miles below the junction of the Muckerawa Creek with the Macquarie, and from 1 to 2 miles back from that river, near to its junction with the Cudgegong, is the "Burrendong Gold Field." This is a small and long-worked field. It has produced considerable quantities of gold. There have been many cases of wonderful individual success,
the

the gold being much scattered, and in large pieces; but as a general working, it is the most precarious of the Western Fields. It numbers at the present time some 300 inhabitants. Burrendong is attached to the district of Stoney Creek, the Assistant Commissioner from which holds a Court of Petty Sessions therein every alternate week, and which Court likewise adjudicates for Merindee.

Merindee is situated on the Lower Meroo, close to the junction with the Cudgegong. It is distant 16 miles from Burrendong. The gold field is very limited in extent, being merely a flat of about a mile in length by half-a-mile in breadth, lying along the bank of the river. It has only been known as a place of any note for about twelve months. A considerable quantity of gold was procured about that period, but the success was most unequal, the workings being of the same character as those at Burrendong. The present population is about 400.

The population comprised within the jurisdiction of the Stoney Creek Assistant Commissioner, by my estimate in May last, was returned at 1,400, to which may be added now 400 Chinese.

The quantity of gold forwarded weekly from Stoney Creek is, at an average, 180 ozs. The Merindee gold, however, finds its way to Mudgee or Louisa Creek.

The staff for this district consists of an Assistant Commissioner, acting as Police Magistrate, a Sub-Commissioner, acting as Clerk of Petty Sessions, and a Police Force numbering six. The district contains 26 public-houses, and numerous stores.

I enclose herewith the Reports of the Assistant Commissioners having the management of the fields of the Meroo and Tambaroora, and Stoney Creek.

There are in the western country many gold workings in localities distant from the places named, none of which have, however, attained sufficient importance to be considered as gold fields. I may instance the Cudgegong River; Pipe-clay Creek, 20 miles beyond Mudgee, on the other side from the Meroo; Winburndale Creek, lying between Bathurst and Sofala, towards the latter place; King's Plains, in the direction of Carcoar, distant from Stoney Creek and Sofala respectively about 70 miles; also "Fitzgerald's Swamp" and "Campbell's River," in the Bathurst country. The three last-named places have recently been mentioned to me as likely to become permanent workings: they are of late discovery. The urgent requirements of the established fields have not admitted as yet of these places being visited by myself, or an Assistant Commissioner; but it is my intention that they shall shortly be visited and reported on. The fact of their existence as gold workings evidences the extent over which gold is distributed in the western country.

On reviewing the progress of the Western Fields for the past half-year, I feel justified in offering to you my congratulations on their steady advancement and future prospects. The yield for that period, as delivered by Escort at the Royal Mint, has been 63,032 ozs. 8 dwts. 3 grs., as compared with 47,334 ozs. 12 dwts. 17 grs. for the same period of 1857.

The population, as returned in my estimate prepared in May, was then computed at 14,156, since which time it has been augmented by about 2,000 Chinese, making at the present moment a total number of 16,156, or, in round numbers, 16,000. Of these the total European male adult population is estimated at 4,756; women and children, 5,000; Chinese, 6,400. The number of persons occupying premises for business purposes may be taken at 350, and these may be estimated as one-fourth of the number employed in, and supported by, the trade and other avocations, apart from mining, on these fields.

The number of Miners' Rights issued up to the 30th of June, during 1858, is 6,498, and the number of Business Licenses for the same period, 240. It must, however, be borne in mind that these figures do not represent the numbers of persons actually holding rights and licenses, as all those taken out after the 30th June, 1857, had not fallen due at the same period of 1858. Many have been taken out in the course of the present month, and a considerable number have failed to renew the Miners' Rights expired on the 30th of June. The greater urgency for obtaining the fees from large bodies of Chinese, coupled with our limited means, has up to this time utterly precluded the adoption by the Commissioners of coercive measures with respect to that section of the European miners who have proved themselves indisposed voluntarily to comply with the Act. In any case, however, the tedious course prescribed by the Act of procedure by summons would render the attempt
at

at coercion practically abortive. In respect to the Chinese the Commissioners have been compelled to anticipate the introduction of the contemplated amending Act with regard to summary arrest, rather than permit the alternative of large bodies of these people being in unauthorised occupation of the gold fields.

In the natural course of things, as localities yielding a return by working small quantities in the ordinary method are becoming more rare, these gold fields are now passing through the change from the former system to that, the principle of which is the working by combined labor and machinery large quantities at a small per centage of profit, but which experience has proved to produce, in the aggregate, greater returns, and a more even and certain result to mining operations. A great impetus to this change will be afforded by the new Regulations now about to be issued; and under their provisions there is every prospect that the problem as to whether the numerous quartz reefs that intersperse all our fields are to afford an extensive field for operations and permanent gold workings will, before the expiration of another twelve months, be fully solved.

The Chinese immigration has of course been the most prominent feature in connection with these fields during the last half-year, and although I have on several occasions fully reported on the subject, it may be proper here briefly to allude to it. There is undoubtedly a strong feeling against these people on the part of the miners, but I am disposed to the opinion that this feeling, which met the commencement of the influx, has not increased with their augmented numbers and a further experience. A considerable section of the mining community carry their prejudice to an extent dangerous to the public peace, but the severity with which any movements having such a tendency have been at all times met by the officers on the Gold Fields, has given a wholesome check to any proceedings of the character referred to. In localities where there is a scarcity of water the European miners have undoubtedly had cause of complaint against the Chinese. This evil has, however, been to a great extent remedied by the diversion, as far as possible, of the Chinese from such localities, and regulations made for their management. I cannot see that in any other way the Chinese immigration has been of any real injury to the miners. As a rule, although impatient and irascible, they are peaceably disposed and inclined to be governed by the laws, so far as understood by them. Any designed or unprovoked offensive measures on their part against the Europeans there is no probability of. They are very industrious, earning apparently a good livelihood from the poorest ground. They work for the most part in bodies of from 20 to 40 on their first arrival, but decrease those numbers after a time. They are becoming good customers to the trading community, other than the publicans. There is, however, I must add, great difficulty in obtaining from them payment of the Miners' Right fee. It is probably the custom in their country to evade taxes, as they appear to be punctual and regular in their business engagements.

At the present time, when the gold fields of New South Wales are attracting more general attention, and being more recognized as an important branch of Colonial industry than at any period since the reaction from the interest of the first discovery, I have thought it right, even at the risk of overstepping the boundaries of my usual Half-yearly Report, to offer to the Government the fullest information in my power as to the position, extent, present condition, and future prospects of those fields entrusted to my charge.

I have, &c.,

HAROLD MACLEAN,

Commissioner in charge of
the Western Gold Fields.

THE HONORABLE
THE SECRETARY FOR
LANDS AND PUBLIC WORKS.

*Gold Commissioner's Office,
Stoney Creek, 1 July, 1858.*

SIR,

I do myself the honor to submit my Half-yearly Report on the District under my charge.

2. During the past month I have visited the gold fields at Ophir, Burrendong, Merindee, and the Lower Meroo, for the purpose of issuing Miners' Rights and Business Licenses. At the first named locality there are about 60 miners working in the bed of the Summerhill and Ophir Creeks, many of whom during the late dry weather were well repaid for their labor. Some parties are now engaged in testing, by deep sinking, the surrounding ranges. At Burrendong there are about 200 miners, the majority of whom are engaged on a quartz vein lately opened in that neighbourhood. A few only have been successful; for this branch of gold mining is too laborious, and requires an amount of capital which the ordinary digger is unable to command.

Merindee and the Lower Meroo, lately attached to this district, contain a population of about 400 miners, of whom one-third are Chinese; most of them are at present opening up new ground on the Meroo—with what degree of success I have been unable as yet to ascertain.

The Iron-ark and Stoney Creek are still, as stated in my last Report, principally occupied by Chinese. They have erected three stores, and obtained large supplies from Sydney, from which I think it probable that a considerable addition to their number may shortly be expected. No difficulty has as yet arisen between them and the European miners, although in some instances complaints have been made of their tendency to waste water. Their general conduct has been remarkably peaceable and orderly. At the Quartz Reef several parties are still sinking, with every prospect of success; and I have already received five applications for leases of 100 yards of this and other veins in the vicinity.

3. I estimate the mining and business population of this district at about 1,200, of whom 400 are Chinese. There have been issued since the 1st January, 491 Miners' Rights, and 43 Business Licenses; the disparity of these numbers with that of the estimated population is accounted for by the fact that nearly all the Chinese having passed through other gold fields were provided with Miners' Rights on their arrival here, and that many of the Licenses of the European population will not be due until later in the year. The amount of gold forwarded by Escort during the half-year was 4,127 ozs. 13 dwts. 7 grs.; the small quantity sent is chiefly attributable to the very dry weather during the summer, which prevented a large portion of this gold field from being profitably worked; and also from the fact, that the gold obtained at Ophir, Merindee, and the Lower Meroo, does not pass through the Stoney Creek Escort—the former being sent to Orange, and the latter to Louisa Creek.

I have, &c.,
WHITTINGDALE JOHNSON,
Acting Assistant Gold Commissioner.

The Commissioner in charge of
the Western Gold Fields, Sofala.

*Louisa Creek,
3 July, 1858.*

SIR,

I do myself the honor to report on the Meroo and Tambaroora Gold Fields, for the past quarter.

I have issued, for the three months ending the 30th of June,—Miners' Rights, 2397; Traders' Licenses, 89.

The amount of gold transmitted by Escort during the same period was 19,209 ozs. 15 dwts. 5 grs., to which may be added the amount left at this station by the Mudgee Escort, viz., 3,465 ozs. 7 dwts. 3 grs., all of which is the produce of this district; making a total of 22,675 ozs. 2 dwts. 8 grs.

By the above returns it will be seen that these gold fields still continue in a very flourishing condition, and from their permanent character and extent, there can be little doubt that they will continue so.

The Chinese population continue quiet, and, with the exception of giving great trouble in the collection of their License Fees, are well conducted.

The European miners are generally contented, and doing well. They bear very little good-will towards the Chinese, but I apprehend no serious disturbance among them at present.

The men under my command, with one exception, have been steady and well-behaved.

The horses, though poor, are still healthy, and, barring one, sound.

I have, &c.,

W. BROWNE,
Assistant Gold Commissioner.

The Commissioner in Charge of
the Western Gold Fields, Sofala.

1858.

Legislative Assembly.

NEW SOUTH WALES.

WESTERN GOLD FIELDS.

(LETTER FROM MR. COMMISSIONER MACLEAN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 26 October, 1858.

MR. COMMISSIONER MACLEAN to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Western Gold Fields,
Sofala, 9 October, 1858.*

SIR,

I have the honor to transmit herewith, for the information of the Honorable the Secretary for Lands and Public Works, a communication from Mr. Sub-Gold Commissioner 5 Oct., 1858. Johnson, reporting the opening of a quartz reef at Burrendong, attended by instances of very great individual success, and also of other quartz reefs in this district.

2. It will be observed, the likelihood of the reef at Burrendong proving to be a permanent working of a rich character has not yet been fully tested.

3. I propose myself shortly to visit Burrendong, when the necessity, or otherwise, of establishing a Sub-Police Station at that place will be more apparent.

I have, &c.,

M. FITZPATRICK, ESQ.,

HAROLD MACLEAN.

Under Secretary for

Lands and Public Works.

[Enclosure.]

*Gold Commissioner's Office,
Stoney Creek, 5 October, 1858.*

Sir,

I do myself the honor to report on the recent success and important discoveries of the miners in this district.

2. Some time since, as stated in my last half-yearly Report, an auriferous quartz vein was opened at the head of Spring Creek, Burrendong, from which, however, at that period, no great quantity of gold had been obtained. In the latter end of August a large nugget, weighing upwards of 142 ozs., was discovered near the surface of a reef by a man named Thomas Harvey, whose success attracted a considerable body of miners to the spot, and in a short time active operations were commenced on the supposed line of the reef. During the ensuing fortnight a further amount of about 275 ozs. was procured by Harvey and his party, making a total of 421 ozs. as the result of their labor for little more than two weeks. In the adjoining claim no less than 446 ozs. were obtained from three buckets of decomposed quartz, and during the past month upwards of 100 ozs. from other parts of the reef, making in all about 821 ozs. as the known produce of the reef during the past month. All of this gold, with the exception of about 200 ozs. remaining in my hands for safe custody, has been sent to the Mint for coinage.

* 559—

3.

3. The gold was found embedded in small quartz veins, or leader, dipping into a very steep hill at an angle of 45° . It is the opinion of competent judges, that when the main reef, which must be at a considerable depth, is reached, a very heavy deposit of gold will be obtained. About 150 miners are employed on the reef, and I have every reason to believe that extensive and permanent workings will be carried on in this locality.

4. Considerable success has also attended the deep sinking operations in Burrendong Flat—as much as 36 ozs. having been procured in one week from a single shaft, and many other claims have been proportionably remunerative. There are at present 300 miners at Burrendong; but, as the recent successes will doubtless draw a considerable population to this spot, I consider it necessary, for the preservation of order, that a detachment of the Gold Police should be stationed there—to accomplish which it will be requisite that authority be given for the removal of the old police station from its present site to Spring Creek, which could, I think, be effected at an expense of not more than £30.

5. I may also mention that several discoveries of quartz reefs have been made in the vicinity of the Iron Bark and Stoney Creek, which doubtless will eventually prove highly remunerative when skill and capital are brought to bear upon them. One steam crushing machine has already commenced operations, and another is in course of erection, so that the auriferous capabilities of the reef in this neighbourhood will shortly be tested.

I have, &c.,

WITTINGDALE JOHNSON,

Acting Assistant Commissioner.

The Commissioner in charge
of the Western Gold Fields.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(DISCOVERY OF GOLD IN THE M'INTYRE BROOK.)

Ordered by the Legislative Assembly to be Printed, 12 May, 1858.

THE SURVEYOR GENERAL to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,
Sydney, 27 April, 1858.*

SIR,

I have the honor to forward herewith a specimen of Gold found in the M'Intyre Brook, in the Darling Downs District, and forwarded to this office by Mr. Surveyor Wood, with the following remarks:—"Gold certainly does exist in the M'Intyre, and, from what I had an opportunity of seeing, I should say in sufficient quantities to pay. Enclosed I send a specimen taken from the M'Intyre Brook by Mr. Brown, about one mile below his Inn. I might here remark, that, from the character of the country, there can be no doubt that gold exists in Canning Creek, Musquito Creek, Bodumbah Creek, and the heads of the M'Intyre; also in Canal Creek, Reedy Creek, and Thane's Creek. Towards the heads of these creeks the appearances are stronger than lower down, and, in many parts, I consider the indications so strong that I believe they would pay for working."

I have, &c.,

GEORGE BARNEY,
Surveyor General.

THE UNDER SECRETARY FOR
LANDS AND PUBLIC WORKS.

1858.

Legislative Assembly.

NEW SOUTH WALES.

DISCOVERY OF GOLD AT PORT CURTIS.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1858.

M. C. O'CONNELL, Esq., C.C.L., to THE CHIEF COMMISSIONER OF CROWN LANDS.

Gladstone, 25 November, 1857.

SIR,

As it is possible some exaggerated accounts of the recent discovery of a promising gold field made by me in this district may reach Sydney, I deem it a duty I individually owe to my country, although one no longer within the sphere of my official responsibility, to lay before you, for the information of the Government, an account of what has actually taken place here, with reference to this matter, up to the present moment.

2. Having occasion, in the prosecution of my duties as Crown Land Commissioner, to leave Gladstone on the 11th of last month, on an extended tour to the northern portion of my district, and having long felt convinced that some part of the country I was about to travel over was auriferous, I adopted, at my own private expense, on a small scale, a measure which I should long ago (had I remained Government Resident) have recommended on a more extended one, as a public expenditure.

3. I took with me a very competent practical miner, and on arriving at the outside limit of present occupation on the northern frontier of the Colony,—that is, on the very last station,—on Saturday, the 17th November, I caused some pans of earth to be washed, and discovered, both in the beds of creeks and on the surface soil of the surrounding country, very promising prospects of gold; and then extending my researches over some four or five miles of ground adjoining, in almost every instance found spangles, or, as it is technically termed, "the colour of the precious metal."

4. I afterwards had some holes dug to a depth of seven or eight feet, to what appeared to be the bed rock, but without reaching any more promising washing stuff than was found on the surface; and eventually, after passing one day's journey beyond all occupation, and devoting six to the development of this very important question, I succeeded in obtaining (as a specimen only) about half a pennyweight of fine gold.

5. But a report of this discovery had already brought up from Gladstone another party of four, to continue the prosecution of the research, and they, although not well provided, and eventually disturbed by the aborigines, returned with some gold of a much heavier description than any I had found, and, moreover, obtained at another and more southern locality than the one I had tried.

6. In consequence of these discoveries, the inhabitants of Gladstone have provided rations and equipment for a party of twelve persons, who leave this on Monday, under an engagement to prosecute the research for gold for a period of six weeks.

7. I am fully persuaded—and all those practical miners who have had opportunities of examining the ground are of the same opinion—that there is a rich and extensive gold field in this neighbourhood, and the existence of gold in the soil has been verified over a distance, in a straight line, of some sixty or seventy miles; that is to say, it has been found at different points within these limits.

DISCOVERY OF GOLD AT PORT CURTIS.

8. The geological features of the country, taken in conjunction with the fact of gold being actually found, are quite sufficient, I think, in the eyes of all who have some knowledge of the affinities of rocks and minerals in other localities, to warrant the belief that this is a metalliferous country.

9. The principal rocks on the north bank of the Fitz Roy—and the same formation appears again on the Calliope—are serpentine, of many very beautiful varieties, and in large masses, with considerable veins of metal, bearing quartz in close connexion with calcareous spar and white limestone, and in addition to these, I have observed clay slate, porphyry, and many pebbles of jasper, chalcedony, and ironstone.

10. I am not yet in a position to address you officially with a request to have a gold field proclaimed, and merely forward this communication as much excitement has been caused here, and inquiries may be addressed to the Government on this subject.

I have, &c.,

M. C. O'CONNELL, C.C.L.

THE CHIEF COMMISSIONER OF CROWN LANDS;
Sydney.

The foregoing submitted for the information of the Honorable the Secretary for Lands and Public Works.

GEO. BARNEY.

18 December, 1857.

M. C. O'CONNELL, Esq., C.C.L., to THE CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 29 July, 1858.

SIR,

In reference to a communication I addressed to you towards the conclusion of last year, reporting, for the information of Government, the discovery I had made of what appeared to me to be a promising gold field on the north bank of the Fitz Roy River, I have now the honor to draw your attention to the results of the measures I initiated for the purpose of giving development to these important resources of the District of Port Curtis.

2. The daily press will have already made you acquainted with the fact of public attention having been attracted by the accounts published of the quantity of gold obtained by the party working at my instigation for this purpose, and I am enabled to add, although my letters containing the detailed statements of what has been effected have not yet reached me, that I can assert, from private sources of information, an easily accessible and remunerating gold field has been discovered.

3. As one of the consequences of this discovery is that a considerable increase to the population of the District of Port Curtis may be anticipated, and as I have already been applied to by several persons who are about to remove thither, I consider it my duty to request you to be good enough to lay this matter before the Honorable the Secretary for Lands and Public Works, and to urge upon him the necessity of taking some immediate steps for affording adequate protection to life and property on these new gold fields.

4. My reason for feeling somewhat anxious on this point is, that I know the locality about to be taken up to be on the very outskirts of occupation, and in the immediate neighbourhood of very numerous tribes of wild blacks, some of whom have already evinced a hostile feeling, by a night attack (about two years ago) on Mr. Elliot's station, when they killed one man, and severely wounded Mr. Elliot himself.

5. This fact, taken in connection with an anticipated collection of persons from all parts of the Colony, most of them unaccustomed to such close contact with wild aborigines, makes it seem to me advisable that I should be furnished with authority to take up with me from Sydney a few men, (say a sergeant and three troopers,) to be stationed on the Fitz Roy; and I would request your concurrence in an application to the Honorable the Secretary for Lands and Public Works to sanction this expenditure.

6. I beg to add, that no matter how great the emergency, it will be impossible to obtain any men on the spot; and that a reference to Sydney, after I once get back to Port Curtis, will, in all probability, involve a delay of about three months.

I have, &c.,

M. C. O'CONNELL, C.C.L.

THE CHIEF COMMISSIONER OF CROWN LANDS.

Forwarded to the Honorable the Secretary for Lands and Public Works, with reference to Capt. O'Connell's former communication, submitted on the 18th December last, and in full confidence that he will cause such steps to be taken as he may consider necessary for good order, and the protection of life, on the opening of the probable gold fields by diggers and others.

GEO. BARNEY.

30 July, 1858.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE CHIEF COMMISSIONER OF CROWN LANDS.

*Department of Land and Public Works,
Sydney, 3 August, 1858.*

Sir,

Referring to the letter from the Commissioner of Crown Lands for the Port Curtis District, respecting the discovery of a gold field on the Fitz Roy River, which was forwarded by you under blank cover on the 30th ultimo, I am directed to apprise you that the Secretary for Lands and Public Works does not think it necessary to authorise (at any rate until further information is received) so large a force of additional police as a sergeant and three troopers, as proposed by the Commissioner.

2. It appears, however, that by some mistake the troopers for the Port Curtis Commissioner were put upon the Estimates one less than was intended. Mr. Secretary Robertson thinks, that being the case, and the increased requirements of the district from the gold discovery also being considered, it will be proper to place at the disposal of Captain O'Connell two additional troopers to be employed temporarily, until more reliable information is received.

3. I am to state, that on account of the urgency of the case, this decision was communicated to Captain O'Connell at a personal interview which he had on the 31st ultimo with Mr. Secretary Robertson, with a verbal authority to proceed accordingly.

4. I am to request that you will instruct Captain O'Connell, if still in town, to lose no time in proceeding to his district, and when there, to report upon the prospects and requirements of the new gold field.

I have, &c.,

MICL. FITZ PATRICK.

THE CHIEF COMMISSIONER OF CROWN LANDS.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(CANOONA, PORT CURTIS.)

Ordered by the Legislative Assembly to be Printed, 14 October, 1858.

M. C. O'CONNELL, ESQ., to THE COLONIAL SECRETARY.

*Canoona Gold Fields,**3 October, 1858.*

SIR,

As I have no doubt the Government of New South Wales must be anxious for information from this spot, I have determined upon sending in to-morrow morning by Mr. Inspector Harrison of the Detective Police, who has offered to go into Rockhampton for this purpose, an account of what have been the occurrences of the last week in this place, in order that the same may be laid before His Excellency the Governor General for his consideration.

2. As, however, I am writing at night in my tent, with a very indifferent light, and without even the convenience of a table to write upon, I must beg you to accept this as an apology for the hurried nature of my communication.

3. The extraordinary influx of population which has taken place here within the last few days from Sydney, and its subsequent quite as extraordinary reflux, has been a spectacle which has occasioned me—as, doubtless, the knowledge of the first part of this movement being in progress has occasioned to the Government—a feeling of very considerable anxiety for the preservation of the public peace and the maintenance of good order in this locality.

4. It is now scarcely a week since the arrival of steamers and other vessels with large numbers of passengers took place at Rockhampton, and yet already by far the greater number of persons who came up by these opportunities have returned, or are anxious to return, to the places from whence they came.

5. There has evidently been great disappointment amongst these persons in the hopes they entertained as to the benefits which were to ensue to them from their visits to these Gold Fields; and I fear there will be much consequent distress, and in many instances want and privation.

6. I have caused, yesterday and to-day, a computation to be made, by the Police, of the numbers now present on these diggings, and I find from the return to me, made by Mr. Inspector Read, that there are about 1,200 persons located here—a considerable number of whom, however, I fancy to be still unsettled in their determination of remaining.

7. It is evident that a complete panic has taken possession of the minds of all those who have hurriedly quitted other occupations in Sydney to hasten hither, tempted by the accounts of the quantities of gold obtained by the first diggers at Canoona; and this feeling of alarm at finding themselves so far from their homes, without the facility of picking up gold immediately on their arrival, has proceeded to such an extent that the stream of immigration has almost entirely ceased, as between Rockhampton and this place.

8. I am aware also, that many persons have turned back on the road, discouraged by the accounts they received, and that they have disposed of their little property in tools and conveniences at a ruinous sacrifice—or have even thrown it away to be picked up by whoever might choose to appropriate it.

9. There is therefore at Rockhampton, I fear, a stagnation in the tide of population, which may work into very considerable evil if measures be not taken to arrest it; and I write by this same opportunity to Mr. Hutchinson, the Clerk of Petty Sessions, pointing out the steps I wish to be taken to provide for the immediate maintenance of the absolutely destitute; and I have requested him to forward you a copy of my letter, in order that you may be aware of what I have done in this matter.

10. But I am given to understand that many other vessels may be expected to arrive, and I feel that whatever palliatives may be adopted to soften the distress which must be expected to ensue from the concourse of such large numbers of a disappointed people, the only remedy consists in pushing, as rapidly as possible, the search for some extension of the deposit of gold, which has hitherto occupied and rewarded the labor of those engaged in its research.

11. I consider it my duty, therefore, for the present to station myself here, and urge this matter as one of most vital importance, with all the dispatch attainable; but I feel that I am placed in very extraordinary circumstances, and I trust the Government will extend to me full powers to act in accordance with my judgment and the exigencies which surround me.

12. It is unavoidable but that some expenditure must be incurred, and as it is impossible I can communicate with the Government, and obtain its sanction to the adoption of measures which may be of immediate necessity, I hope I may be relieved from that uneasiness of feeling which necessarily attaches to having to act entirely on my own responsibility, without any authority whatever for so doing.

13. I am at the present moment adopting measures to provide for the maintenance of the entirely destitute at Rockhampton, and I must also incur some expense here in pushing the prospecting of the country, more in anticipation of an expected influx of arrivals than for the immediate wants of those who are employed on the spot—and yet absolutely essential as both these matters are, they are, strictly speaking, no portion of my duties, and I find that I am incurring a larger amount of responsibility than I feel comfortable under.

14. I must now briefly advert to what seem to me the causes of the disappointment and panic which has so rapidly succeeded to the elation of hope, which led so many persons to forsake their homes and their business in Sydney for this distant place.

15. It appears that the 500 or 600 persons who were here previously had fully occupied the portion of ground upon which gold has been as yet found, and not having felt any necessity for pushing out further, no attempt had been made to prospect or develop the further lead of the gold. The new arrivals, finding they could not profitably establish themselves where the old diggers were employed, became almost immediately discouraged, and many obstacles presenting themselves to their search for new ground in the want of water, owing to the dry season, and in the impossibility of obtaining horses or carts to carry their washing stuff to water when they could obtain it, they, with very few exceptions, after one or two days residence, returned to Rockhampton to seek a passage back to Sydney.

16. It will be evident to the Government, from the rapidity with which this tide of population made its flow and ebb, very little attempt can have been made by its labor to develop what may be the resources of this district as a gold producing country, and I am not as yet prepared, by any means, to state it as my opinion that these Diggings are a failure. On the contrary, I have seen many persons who are doing well, and I believe the greater numbers of those now present will remain.

17. I am, however, too short a time here to speak authoritatively on this subject, having only arrived on Friday evening; but, during the ensuing week, I hope to be able to communicate to you some authentic information.

18. I beg to state in conclusion, that, as far as I can learn, none of the accounts sent down from hence of the produce of gold which caused so much excitement in Sydney, and created such a rush, have been exaggerated. The gold was actually obtained, and with great facility, but the space occupied is now nearly exhausted, and no new ground has as yet been discovered.

I have, &c.,

M. C. O'CONNELL.

THE HONORABLE
THE COLONIAL SECRETARY.

WM.

WM. HUTCHINSON, ESQ., to THE COLONIAL SECRETARY.

(Private.)

*Police Court, Rockhampton,
6 October, 1858.*

SIR,

I do myself the honor, by the direction of Captain O'Connell, to transmit the enclosed copy of a letter addressed by him to me, under date 3rd instant. Not being under instructions to report officially, I have selected the medium of a private letter to do so, in order to supply you with such information as I can afford touching the existing state of affairs here.

Since Captain O'Connell's departure for the diggings on 29th ultimo, the resident management of the Police and Camp has devolved on me. This afternoon, however, I propose to transfer it to Mr. Cloete, who, I am informed arrived in Keppel Bay yesterday.

I have endeavoured to make the presence of a Police Force rather heard of than seen, as well with a view to avoid collision with the people as to conceal its weakness—(3 constables, the remainder of the Constabulary, being with Captain O'Connell at the diggings.) From the state of excitable discontent which prevailed amongst the many who, during the past week returned disappointed, on two occasions I had special reasons to anticipate disturbance; but I am happy to say that up to the present time peace and good order have been maintained.

Fearing that the congregation of a destitute and discontented population would lead to injurious results, and materially embarrass the local authorities, I have taken upon myself, in the absence of Captain O'Connell, to consent to an infringement of the Passenger Act, by clearing several vessels, although aware that they were intended to convey a greater number of passengers than by law allowed. The urgency of the case will, I trust, be accepted as sufficient excuse; indeed, had I not done so, I should have been compelled to anticipate the authority contained in the enclosure of this letter. As it is, I have been able to refrain from incurring so great an expense, and hope to continue to do so until his return. It may be well for me here to mention that, at the ship's cost, I have taken every possible precaution that a sufficiency of water and provisions had been provided for the number of passengers actually intended to be conveyed.

The present aspect of affairs here is very unpromising. Crowds of people continue to arrive, of whom the greater number seem utterly unprovided with money or provisions; and, consequently, failing to find gold in abundance on the surface of the ground, are compelled by necessity, or impelled by fear, to endeavour to return. As, however, Captain O'Connell has reported on this head, further comment from me is unnecessary.

I have, &c.,

THE HONORABLE

WM. HUTCHINSON.

THE COLONIAL SECRETARY.

P.S.—During the day the "Eagle" and several other vessels have arrived. Passengers no sooner land than they are eager to return. The greater number of those who are now leaving for Sydney have not passed this station, and of such as have proceeded to the diggings only a small fractional part have put a spade in the ground. Judging from the most reliable information and concurrent testimony, the gold hitherto procured has been raised from one tract or patch of ground, beyond the limits of which it has not yet been obtained in paying quantities. Prospecting parties are now, I believe, out in several directions to find the lead, or break new ground. The success they may meet with remains to be seen. Many parties who ought to be competent judges still entertain strong favorable anticipations; but in the absence of personal inspection of the field I do not venture to offer any opinion of my own. Not only are the people returning, but the greater bulk of the goods consigned to this market will be returned. The A. S. N. Company have reduced return-fares to £3 10s., and sailing vessels are taking passengers for £3. Very many, however, are unable to raise even such small amounts. I write in the midst of great confusion and frequent interruptions.

[Enclosure

[Enclosure to the foregoing.]

Canoona Gold Field,
3 October, 1858.

SIR,

As from the great number of persons who have gone down from hence to Rockhampton, many, I fear, in a state of complete destitution, it is possible some serious distress may exist, and be the cause of great public inconvenience, I have to request you, as the only officer of the Government on the spot, to cause notices to be posted calling on persons willing to offer to send in to you tenders for the rates at which they will supply meat, flour, tea and sugar for rations as the Government may require the same; and I authorise you to accept the lowest tender, and apprise the tenderer that as his accounts fall due monthly they will be paid by my orders upon the Government in Sydney.

2. Having secured the means of providing rations, I beg you to invite the co-operation of Mr. Commissioner Wiseman and Mr. William Archer, in aiding you to form a Committee amongst the many persons of respectability who are now at Rockhampton, for the purpose of deciding on the claims of the really destitute to Government support.

3. Such persons as the Committee may recommend as being unable to maintain themselves I authorise you to place upon the Government list, and to have rations issued to, upon the condition—which should be strictly enforced—that they form a distinct encampment at some distance from the township, near the lagoon at which I myself was encamped before leaving Rockhampton.

4. You will be good enough, with the aid of the Committee, to form such a scale of rations as they may determine on, taking 10 lbs. flour, 10 lbs. meat, $\frac{1}{4}$ lb. tea, and 2 lbs. of sugar as the maximum for the adult male.

5. I request you will also forward a copy of this letter by the earliest opportunity to the Honorable the Colonial Secretary in Sydney.

Wm. Hutchinson, Esq.,
Rockhampton.

I am, &c.,
M. C. O'CONNELL,
C. C. L.

INSPECTOR READ to THE INSPECTOR GENERAL OF POLICE.

Fitz Roy Gold Fields,
3 October, 1858.

SIR,

I trust that you will not think me dilatory in communicating with you, but the fact of my not having anything of consequence to report—being very much put about, and even now having to write on the lid of a box, under a tree—I hope will plead sufficiently for the delay.

The whole party enjoy good health.

The "City of Sydney" arrived in Keppel Bay on the Friday after our departure. The "Samson" came alongside and took half the passengers to convey them to Rockhampton, a distance between forty and fifty miles. I went with the first party for the purpose of communicating with Captain O'Connell, or other persons in authority there. The FitzRoy River is very difficult, and we went up a wrong channel for some hours, and had to return to Keppel Bay in the evening, where, to our great surprise, we saw a large steam vessel coming down the channel which we had just left, and, on inquiry, found it to be the "Yarra Yarra," who had made a similar mistake, and being navigating it for two days before they discovered their mistake. By good luck next morning we fell in with the mate of the "Pirate" (which had run aground, as well as many other vessels which are now lying high and dry there), the mate piloted us to Rockhampton, and on Saturday evening I succeeded in seeing Captain O'Connell, but he had not received any official communication from Government, and, therefore, could not give me any instructions, so I returned as quickly as possible to the "City of Sydney," which I reached on Sunday evening, and on Monday morning got my men and horses on board the "Samson," which brought us to Rockhampton by the evening. We pitched our tent, and had to remain until Wednesday morning, as I could not get a conveyance for our goods, which I found to be two dray loads. I also had to purchase flour and other articles to take to the diggings, having been informed that great destitution prevailed. I agreed to give £25 each for the drays, and £3 10s. besides for moving the goods at Rockhampton, making a total of £53 10s. (fifty-three pounds ten shillings). The second dray only arrived here this morning, in charge of constable Clarke, who endured great fatigue and privations, as well as the rest of us. In consequence of the state of the roads, in several places the goods had to be unloaded and carried on the men's shoulders.

I arrived here on the morning of the 1st instant, having pushed on with the troopers. We were two days performing the journey, and bivouacked the first night on the banks of
the

the Twenty-five Mile Creek: anything but a pleasant position, as the place is infested with alligators, to the great terror of parties camping in the neighbourhood—(the night previous, one, some thirteen feet long, was seen within a few feet of my tent at Rockhampton.) On the march I was obliged to dispense with a tent, and sleep with the troopers—our saddles for pillows, and cloaks our only covering. We met numbers of the diggers returning in a wretched plight, giving a most unfavorable account of the diggings; amongst whom were several respectable persons from Sydney, but so altered in appearance and dress that I scarcely knew them.

Notwithstanding this there are many here doing well, particularly those of the first "rush," amongst whom are many of the unemployed who were sent at the expense of the Government.

I have seen large quantities of gold, and several nuggets,—one $3\frac{1}{2}$ ounces,—dug since I have been here.

Capt. O'Connell arrived here yesterday, and has pitched his tent near us. Our present Camp is not a permanent one, as the diggings will shortly be moved; and he has not as yet issued any orders for the regulation of the Gold Fields, but is about to do so. I have not as yet received any rations from him, although I have spoken several times upon the subject, and I asked him last night to make arrangements with some storekeepers for a supply, as the mode in which I have been purchasing will come very expensive.

There are several parties out prospecting, and I am in hopes to have better news in my next.

The intense heat causes great suffering, although there is little or no illness. The water is very bad.

The horseshoes, as ordered, have not been sent, and the Police tents are all small ones.

I saw the two Correspondents of the *Herald* returning yesterday, as discomfited as the rest. I shall communicate the earliest further intelligence.

I have, &c.,

W. R. READ,

Inspector in Charge of Detachment.

THE INSPECTOR GENERAL OF POLICE.

P.S.—Inspector Harrison arrived last night, having come up the river in a waterman's skiff. He has got Constable Koy specially employed, and Constable Musgrove remains for the present at Rockhampton.

INSPECTOR HARRISON to THE INSPECTOR GENERAL OF POLICE.

Rockhampton, 6 October, 1858.

SIR,

I have the honor to forward for your information the following particulars relative to this district. Mr. Read and the troopers left here on Wednesday, the 29th ult., the constables followed the day after, with the exception of Musgrove, who is here with the Clerk of Petty Sessions; the force here now consists of four men. On Tuesday, the 28th, I started, accompanied by Captain Hunter, of the mail steamer "Adelaide," Constable Kaes and another, for the diggings in a small skiff. We arrived within ten miles of the diggings in the boat, and performed the rest of the journey on foot. The diggers were far more orderly than I expected to find them from the reports that had reached Rockhampton; indeed there were very few disorderly characters there. The number of tents on Sunday were 268, and about 1,200 diggers. There is but one sly grog-shop, which is kept by * * * * *, but up to the present time I have not heard of a single robbery or act of violence. I rode down from the diggings yesterday, bringing despatches from Captain O'Connell for Sydney. Rockhampton is in a very unsettled state, so much so that both yesterday and to-day mobs were assembled at different places, and I am satisfied that it would have taken a very slight spark to have broken down the barrier of order and have caused an open riot. Stump orators of course were not wanting, one of whom did the utmost in his power to excite the mob, and even proposed seizing the vessels for the purpose of returning to Sydney. Although

* c 190—B

the

the man made himself remarkably conspicuous I could not possibly get a slant at him; as it would probably have brought about the very disorder we are striving to avoid. The individual in question left to-day by the "Wonga Wonga" on his return home. Although there have been a great many threats thrown out against the storekeepers, I know of no instance in which any depredation has been committed; and as Captain Moody this afternoon has lowered the fares of the Company's boats from £6 to £3 10s., and a heavy rain having set in, will in a great measure reduce the place to order. I, myself, from what I have seen at the diggings, feel very sanguine that an extensive gold field will be discovered in a very short time; and the fact of these parties returning is no criterion wherefrom to judge; as, at the outside, not more than one in twenty ever put a spade in the ground—and at least one-half of the arrivals never visit the diggings at all.

The storekeepers are naturally very anxious about their property, but I believe, should a disturbance take place, there are quite sufficient well-disposed persons here to protect themselves and property, as, on the first day of our arrival, Captain Moody, Mr. David Moody, Captain Hunter, and Mr. Lloyd, were all-sworn in as special constables, and there are plenty more volunteers.

The weather is not nearly so hot as I expected to find it, and there is absolutely no sickness at all. Mr. Cloete and the constables arrived to-day, by the "Wonga Wonga," but they have not yet landed.

I have, &c.,

CHAS. E. HARRISON,

Insp Detc. Police.

THE INSPECTOR GENERAL OF POLICE,
Sydney.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(REPORT OF W. H. WISEMAN, C. C. L., ON PORT CURTIS DIGGINGS.)

Ordered by the Legislative Assembly to be Printed, 10 September, 1858.

THE LEICHHARDT COMMISSIONER to THE CHIEF COMMISSIONER OF CROWN LANDS,
concerning Concoona Gold Diggings.

Crown Lands' Office,
26 August, 1858.

SIR,

I do myself the honor to report to you, for the information of the Government of His Excellency the Governor General, that I returned yesterday from my visit to the scene of the Gold Diggings on the Fitz Roy River.

2. I found about 200 persons collected there; all were finding gold in satisfactory quantity. Five separate companies of diggers, whom I questioned, informed me that they were realizing thirty shillings per diem per man. I saw one nugget over three ounces, and many varying from one to two ounces. One party which I was watching washed out near three ounces whilst I was there. The gold is now found away from the bed of the small watercourse, which can scarcely be called a creek, about five miles from the river. They sink wells for water in the said watercourse, with which the stuff is washed. They have to carry it a quarter of a mile on their own or on horses backs—a great impediment. The gold is chiefly nuggety, or granular, with much oxide of iron on it, found within a foot of the surface. They refuse £3 10s. per ounce, but that might be more than its value. Two parties had dug holes thirty feet deep in search of gold on the bed rock: they had sunk thirty feet, throwing out serpentine and quantities of white clay, which the miners call burnt quartz. Some experienced American miners just arrived—men of some means—seemed to think well of the diggings, and of the general appearance of the ranges. Of course they advised the parties above-named to dig down deeper. Every one is anxious on this subject, as it will decide the permanency of the diggings.

3. From what I have now seen of the exact appearance of the ground where the gold is found, I can certify that there are numerous tracts, or rather patches, of two to three or to four miles square, amongst the mountain ranges, between all the creeks running into the Fitz Roy from the north and north-west. I myself have seen several; of course, many more not seen exist; I could not mistake the ground when once seen. The loose stones on the surface and the vegetation is quite peculiar, and almost confined to these places. The variety of coarse grass growing there indeed I have not observed elsewhere. The bed rocks are of granite, porphyry, sienite, serpentine, and argillaceous schists. Along the range called by me Parnassus and Polygon, lying between the Fitz Roy River and Shoalwater Bay, as shewn in the small pencil sketch I forwarded to you, such tracts may be found, and on Princhester and Marlborough Creeks several. Between those two creeks is a high serrated range, originally called by me Sierra Rubra, from the very red appearance its rocks tinged with oxide of iron present under the setting sun, which has on its flanks numerous such spots. They are also to found on the base of the range which lies between Broad Sound

and the waters of the Mackenzie and Isaac. If gold is found in deep diggings where the miners are now at working, I think it may safely be predicted that there are valuable gold fields on the Fitz Roy.

4. Considerable changes may be expected. Gladstone is now nearly deserted. All produce required at the diggings will be landed at Rockhampton, from which to the diggings the road on the north bank would not be more than twenty miles. I intend soon to go down the Fitz Roy with Mr. Clarke, the surveyor, to have his opinion of a spot between the mouths of the Fitz Roy and of Casuarina Creek, which I have heard from Mr. Colin Archer may be suitable for a seaport town. The water in Casuarina Creek is deeper than in the Fitz Roy, and there is no bar. Should such be the case, Keppel Bay may become a shipping place of importance.

5. I am aware that I need not allude to the necessity of official supervision at the diggings, but I would desire to call attention to the necessity for the presence of a Chief and other constables at Rockhampton. Complaints are frequently made to me about the dangers arising from men roaming about in uncontrolled drunkenness. Also, there is already a great increase of complaints from masters about the absconding of their men.

I have the honor to be,

Sir,

Your most obedient servant,

W. H. WISEMAN,

C. C. L.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(LETTER FROM CAPTAIN O'CONNELL RESPECTING CANOONA.)

Ordered by the Legislative Assembly to be Printed, 30 September, 1858.

M. C. O'CONNELL, ESQ., C.C.L., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

*Crown Lands' Office,
Gladstone, 20 September, 1858.*

SIR,

When addressing you on the 7th instant on the subject of the prospects and progress of the Canoona Gold Fields, I had hoped to be enabled to forward an additional communication by the overland mail, which closed on that evening; but having to attend the Police Court on that day I was unable to do so.

2. Since then no opportunity of writing to Sydney has presented itself, except by the "Albion," a vessel I understood to be bound for the Fitz Roy River until she was underway, and it was too late to overtake her; but as the "Eagle" steamer had left this on the 10th instant for Rockhampton, and was expected back on the 13th, I did not deem the delay of much consequence.

3. The "Eagle," however, only returned this evening, having grounded on some of the shoals in the Fitz Roy, and having been detained in consequence nearly a week beyond her anticipated time.

4. I may mention here that I sent my coxswain, who had a good knowledge of the intricacies of the river, to act as pilot on board the "Eagle," but as it was his first trip with a vessel drawing so much water, it is not surprising, in an unsurveyed channel, such a detention should have occurred.

5. I am now enabled to add to my former report, that the progressive increase of the yield of gold on the Canoona Gold Fields is said to meet the most sanguine anticipations.

6. About 350 ounces have now been sent to Sydney; but the principal portion of the gold obtained is still in possession of the diggers.

7. The "Eagle" reports having sighted four vessels this morning going into Keppel Bay without calling at this port; and the "Jeannette," a cutter which came in here last night from Sydney, brings accounts of a large number of vessels being laid on for this place or the Fitz Roy.

8. There are also numerous arrivals by all the overland routes from the interior, and the number of persons on the diggings are computed at from five to six hundred.

9. Having been delayed here since the 5th instant, by the necessity of obtaining fresh horses, and of completing the business which awaited me, I now purpose proceeding to-morrow to the Gold Fields, and trust to have the honor of addressing you a further-report on my return.

10. I enclose, for the information of the Honorable the Secretary for Lands and Public Works, a sketch of this locality, taken from the maps prepared for the illustration of the divisions of the Electoral Bill, in which I have indicated the approximate position of the Canoona Gold Fields.

11. From this sketch it will be perceived that the Canoona Gold Fields are distant from this about 100 miles.

12. I would impress upon the attention of the Government that all this country, which now seems to be becoming the attraction to a considerable population, of whose advent moreover I have no warning previous to their arrival, is entirely on the outskirts of occupation, and that much disorder may be anticipated from the sudden admixture of white people with the wild aborigines of the interior.

13. I beg also to bring under your notice the fact that, from the departure of the greater number of the male population from hence, many women and children are left in Gladstone, in worse danger from risk of aboriginal outrage than I should like to subject them to had I any responsibility in this matter.

14. It happens that at the present moment, out of the five constables stationed here, two are absent on escort duty to Brisbane for indefinite periods, so that when I leave, taking my three orderlies with me for the Gold Fields, the Chief Constable can with certainty depend only upon himself and three men to protect a town scattered over about two miles and a half of ground, with the families of the absent diggers to be cared for.

15. I am happy to say that as yet I have heard no complaints, or even anticipation of outrage, but at this distance from all other resource, with the influx of white population to the diggings on the one hand, and the temporary abandonment of families in the midst of the aboriginal population on the other, I should recommend a Police Force of at least one sergeant and ten men to be added, for the purposes of escort, and for the repression of riot and disorder on the Gold Fields, to the present available strength of police in this district.

16. I presume, also, the Government will think it necessary soon to appoint a Resident Commissioner to the Canoona Gold Fields, and that I shall be authorised in the meantime to issue Miners Rights to those who may apply for them.

I have, &c.,

M. C. O'CONNELL,

C. C. L.

THE CHIEF COMMISSIONER OF CROWN LANDS,
Sydney.



DISTANCES BY ROADS AS COMPUTED

Gladstone to Canoonah	103 miles
Do " Rannes	108
Do " Gayndah	160
Do " Maryborough	180

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(CANOONA, PORT CURTIS.)

Ordered by the Legislative Assembly to be Printed, 7 October, 1858.

M. C. O'CONNELL, ESQ., C.C.L., to THE COLONIAL SECRETARY.

Rockhampton,

27 September, 1858.

SIR,

I have received, this day Mr. Elyard's letter of the 18th instant, (No. 58-435,) intimating to me, as well as to the Bench of Magistrates at Rockhampton, that it had been considered expedient, in consequence of the numbers of persons now proceeding to the Fitz Roy Gold Diggings, at once to proclaim this place as one for holding Petty Sessions; and that a Clerk of Petty Sessions, who was also a Gold Receiver, and who held a deputation from the Customs, had likewise been appointed.

2. I was also informed that a mounted inspector, 3 mounted troopers, with 1 sergeant, 4 foot police, and 1 detective, had, under instructions to the Inspector General of Police, been ordered to proceed to this district.

3. I have now to apprise the Government of the arrival this afternoon of Mr. Maxwell Hutchinson and the detachment of police above-mentioned at their destination; and I have to express my thanks for the aid which has been provided for this district under the trying circumstances under which it now is placed.

4. Within the last few days there have arrived here, by eleven vessels—five of which were steamers—about 1,043 persons (according to the best information I can obtain), and I understand about 700 of these have already proceeded to the Canoona Diggings—distant thirty-five miles from hence.

5. In addition to the numbers I have given, there may be computed about 300 as arrivals overland, who are also at the diggings; and the distribution of the population in this neighbourhood may be said, at the present moment, to be situated thus, viz.:—1,000 at the diggings, and between three or four hundred at Rockhampton.

6. I must remark, however, that of the 1,000 persons supposed to be at the diggings, 700 are about arriving, or have been there only for one or two days.

7. But I am given to understand that some thousands of persons are already on their voyage hence from Sydney, and that considerable numbers may be expected from Melbourne and other ports.

8. This is an announcement which, I confess, causes me considerable anxiety for the peace and good order of the district, as the pressure of such a vast increase of population on its means of subsistence must, inevitably, in the first place cause much inconvenience, and, no doubt, much individual distress.

9. I am also bound to take into consideration the fact, which is notorious, that many have come up into this newly located country with but trifling means of support, under a vague hope that gold is to be obtained without that expenditure of time and labor which its very value ought to teach them is necessary to its production.

10. There has yet to be solved also the problem whether the Gold Field which has been productive to the few who as yet have been working it, will prove equally profitable to the much larger numbers who now appear inclined to look to it for a means of livelihood, and this is a question, momentous as it is, which nothing but experience can resolve.

11. There are elements of disorder here which induce me to ask you for an increased force of police, of 1 serjeant and 6 men mounted, and 4 dismounted men.

12. I propose to station the Inspector and all the mounted men together, with three dismounted men, on the diggings, the remainder of the dismounted men being at Rockhampton.

13. I am happy to be enabled to state, that up to the present moment I have received no information of any outrage having been committed, either here or at Canoona, beyond an assault which occurred on board one of the vessels in the river this morning, and which I have to inquire into to-morrow.

14. The cause from which I apprehend most discontent at the present moment is from a possible scarcity of flour, through the difficulty of obtaining a sufficiency of carriage for goods from hence to the Gold Fields; but as I trust, from the best inquiries I can make, there is a sufficiency of this necessary article here, or on board the vessels in the river, I hope some means will be devised of transporting it, either by land or by water, to some point within reach of the consumers.

15. I add a few memoranda on a separate paper upon some points which appear to me worthy of immediate consideration, should the present influx of population to this district continue. And I beg to assure you that no effort on my part shall be wanting to secure, as far as practicable, the peace and good order of this district.

*I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

M. C. O'CONNELL,
C. C. L.

MEMORANDA upon some points which appear to me worthy of consideration, if the present influx of population to Port Curtis should continue.

A Harbour Master ought to be appointed, with jurisdiction extending from Port Curtis to the head of navigation on the Fitz Roy. He would require a crew, with a decked boat of twelve or fifteen tons, as well as a whaleboat.

A Custom House should be established at Gladstone, to compel all foreign vessels to call in there. Vessels of large tonnage, or drawing more than nine feet six of water, cannot easily navigate the Fitz Roy; and for foreign vessels to unload in Keppel Bay, where there is no settlement, nor much probability of one for some years to come, would, it appears to me, open the door to many frauds upon the revenue. Moreover, there are several dangers about the entrance into Keppel Bay, and large vessels with passengers would lose very little in time, and gain much in comfort to their people, by transshipping them in the harbour of Port Curtis, instead of in Keppel Bay. I fear there will be some sad loss of life if passenger vessels continue to use the entrance by Keppel Bay in bad weather.

There ought to be a lighthouse erected—I think on Gatcombe Head.

The Fitz Roy River and the inner passage between Keppel Bay and Port Curtis ought to be surveyed and buoyed off.

Two different townships on the river might be laid out and sold at once, in addition to Rockhampton, which, as it is surveyed, ought to be offered for sale as soon as possible.

The townships I allude to would be one at the crossing-place of the river nearest to Canoona, and the other on the north bank of the Fitz Roy, some eight or ten miles below Rockhampton—at least this latter place is worth examining, to discover whether it offers any advantages over Rockhampton itself.

M. C. O'CONNELL,
C. C. L.

1858.

Legislative Assembly.
NEW SOUTH WALES.

GOLD FIELDS.
(CANOONA, PORT CURTIS.)

Ordered by the Legislative Assembly to be Printed, 7 October, 1858.

M. C. O'CONNELL, Esq., C. C. L., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Rockhampton,
27 September, 1858.

SIR,

Having learnt by the *Government Gazette* of the 17th instant my appointment to act, under the provisions of the Act of Council 20 Vict., No. 29, as a Commissioner on the Gold Fields, I presume it is my duty to address to you, direct, my reports on matters connected with this service.

2. I have the honor, therefore, to inform you that I have been delayed here on my way to the Gold Fields at Canoona by the arrival of the "City of Sydney" in Keppel Bay, and to await the transport hither of the Police and other Officers of the Government Establishment who were on board of her.

3. These, and also the Police horses, were landed this afternoon, and after to-morrow's rest to refresh the animals, whose legs are somewhat cramped from the voyage, the Police Force, under Inspector Read, will proceed on to the diggings.

4. I am myself likewise detained to-morrow by the necessity of holding a Police Court, to take evidence in an aggravated case of assault.

5. As the mail by the "City of Sydney," however, leaves in the morning, I avail myself of the opportunity to communicate to you such information as I have been enabled to collect on the present state and prospects of the Gold Fields in this neighbourhood.

6. There have landed here within the last few days upwards of 1,000 people, and of these 700 have gone to the diggings, making, with those who were previously there, about 1,000 persons of all descriptions at Canoona.

7. It must be remembered, however, that the greater number of the above have only just reached the ground, and cannot yet be said to be at work.

8. The quantity of gold, therefore, which has as yet been sent down to Sydney can have been produced only by the labor of the first 60 or 100 diggers; and this quantity, as nearly as I can learn it, is about 400 ounces.

9. Until within the last two days all the reports I have received, both of individual and aggregate success on these diggings, have been most favorable; and all the original diggers who left their employment in Gladstone to seek for gold at Canoona have remained steadily at work, taking, many of them, their families up to reside with them.

10. It is now said, however, that the last comers have found all the as yet discovered available ground pre-occupied, and, as it is asserted, worked out; nor are they inclined to push out, and prospect on that which has not as yet been tried.

11. I have no doubt the continued dry weather has something to do with this, apparently, depreciated estimate of these diggings; but, occurring unfortunately just when new arrivals are flocking in, it has created, at any rate for the time, a want of confidence amongst the latter, which will most probably cause many to return.

12. I look with some alarm at the vast numbers who are said to be now on their way hither, as I fear there will be much disappointment and individual distress, more particularly to those who come unprepared to submit to several weeks of delay before the search for gold becomes profitable.

13. Hitherto the price of provisions has been very moderate, both at Canoona and Rockhampton, but the pressure of so large an increase of population in a new district has already raised the price of meat to 6d. and 8d. per lb., and I fear that the high price of carriage (25s. per cwt.) will have the effect of equally raising the cost of all other articles of subsistence at the diggings.

14. I am writing this letter hurriedly, after a fatiguing day, under a hot sun, in observation on, and attendance at, the debarkation of the arrivals by the "City of Sydney" and the "Boomerang," so that I must plead this as an excuse if I have not entered into all the points upon which you may desire information, but I thought it better to write even hurriedly by the "City of Sydney," sailing to-morrow morning, than to lose the opportunity.

15. I must mention, in conclusion, that I am very anxious to receive as soon as possible the necessary books and documents to enable me to register claims and issue Miners' Rights.

THE HONORABLE
THE SECRETARY FOR LANDS
AND PUBLIC WORKS.

I have, &c.,
M. C. O'CONNELL,
C. C. L.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PORT CURTIS GOLD FIELDS.

(LETTERS FROM CAPT. O'CONNELL RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 26 October, 1858.

M. C. O'CONNELL, ESQ., C.C.L., to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

Canoona Gold Fields,

13 October, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 30th September, intimating to me the appointment of Mr. Assistant Commissioner Cloete to take charge of the Gold Diggings in my district, and requesting me to hand over to him the Miners' Rights and Business Licenses which have been forwarded to me.

2. Mr. Cloete has not yet arrived here, being impeded on his route, I make no doubt, by the rise of the Fitz Roy River; an obstacle which prevents likewise, for the present, any movement on my part towards Rockhampton.

3. The Miners' Rights and Business Licenses alluded to by you have not yet reached me, but shall be handed over, so soon as I am in receipt of them, to Mr. Cloete, as Mr. Secretary Robertson requests.

4. Not having received these documents, I have not, of course, as yet issued either Rights or Licenses, so that Mr. Cloete will enter upon his duties untrammelled by any acts of mine in this respect; and I beg to assure Mr. Secretary Robertson that in the distribution of the Police force placed at my disposal I shall not fail, in accordance with his views, to hand over to Mr. Cloete as large a number as the exigencies of the public service at Rockhampton will allow me to do.

5. I may mention, in conclusion, that I am not yet in possession of the letter you mention as having been written to me on the 17th September, but I received one of the 18th, from the Colonial Secretary's Office, which I presume to be to a similar purport with that you allude to.

I have, &c.,

M. C. O'CONNELL, C.C.L.

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS,
Sydney.

M. C. O'CONNELL, ESQ., C.C.L., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Canoona Gold Fields,
16 October, 1858.

SIR,

I had the honor on the 4th and 6th instant to address to the Honorable the Colonial Secretary Reports on the progress of events at these Gold Fields; and I now beg to send you an account of what has transpired since I last wrote.

2. I was not in receipt of any letters from your office until Sunday evening last, on my return to this camp, when I received that of the 30th September, acquainting me with Mr. Cloete's appointment; and having very little convenience for carrying on my correspondence (generally writing under what shade I can obtain from a tree), I addressed to the Government such communications only as would serve to keep it acquainted with what was passing at this place.

3. As I intimated to the Colonial Secretary in my letter of the 6th instant was my intention, I struck my tents, on that morning, and proceeded with six men who had volunteered for the purpose, on being provided with rations, to prospect a creek about seven miles from hence, and then to pass on to Mr. Connor's station, where gold had been said to have been found.

4. We missed the creek I was looking for on our way out, but reached Mr. Connor's on the 8th, trying the country at every opportunity where water offered itself; on the 9th we tried a creek running into that Mr. Connor's station is upon, as far as the range dividing Fitz Roy from Broad Sound waters; and on the 10th we carried our prospecting down Mr. Connor's creek to the river, visiting the creek I was first looking for, and returning to camp on the evening of the 11th (Sunday).

5. I regret to say that during the five working days we were thus out we came across no portion of country giving sufficient indication, by washing, of the presence of gold in the soil to induce us to remain and more thoroughly prospect it; but throughout the tract we passed over, about eighteen miles west from hence, the geological formation continues very similar to what it is here, and it is possible some persons who have gone out in the same direction may be more successful than we were, as I have since met with people who state they obtained gold in a creek in that vicinity.

6. On the Monday after my return to camp the party of men who had been out with me proceeded to prospect another locality, about two miles distant—I having myself to attend an inquiry on the body of a man found drowned; and on Tuesday and Wednesday prospecting was also carried on, and with more promising results than previously.

7. In consequence however of receiving the notification of Mr. Cloete's appointment, I have discontinued all further attempts to urge on the search for gold, on the expiration of the first week for which the men (10) were rationed; as I thought it better he should not be embarrassed by finding in operation measures I had adopted on my own responsibility, and which were in excess of the duties of his office.

8. Having given the above detail of my own proceedings, I will turn to the results of my observation during the fortnight I have been upon this ground; and I may now venture to report to you, for the information of Government, as facts closely approximating to the true state of the case:—

That there are about one thousand persons congregated on these diggings.

That there are many daily going and coming; but that for the last week these have been in pretty equal proportions, so as not materially to affect the aggregate number here present.

That as to the yield of gold either past or present, it is very difficult to form any reliable opinion from want of data to form it upon—the gold passing always by private hand, and generally in small quantities, from hence to Sydney; but I should say from what information has reached me, that not much over a thousand ounces has been as yet produced, including that now in the hands of the diggers. The largest individual gain acknowledged to me by the persons realizing it has been £12 per week each to a party of four.

That

That at the present moment the majority of persons here are not successful.

That the portion of ground originally worked and found to be so rich in its yield of gold, is now fully occupied, and in some parts said to be worked out; but that a considerable number of persons, perhaps from 400 to 500, are carrying on labor upon it, and many of them profitably.

That no extension of this auriferous patch has as yet been discovered of sufficient importance to give employment to any large number of men—but that detached parties are now scattered over the country, at distances varying from two to four, and seven miles, and that gold has been found in several places in the neighbourhood, indicating its continuance somewhere in the formation.

That the labor hitherto employed in searching for an extension bears no proportion to that which might have been expected from the numbers who have come here and passed away again—many having been discouraged by bad reports on the road up, and more after a day, or perhaps less, spent in looking about them, having despaired of eventual from not meeting with immediate success.

That the means of the great majority of persons who have come up here do not admit of their giving adequate time to any protracted search, and that the unoccupied state of the country beyond this station opposes likewise considerable difficulty in the way.

That from the causes mentioned in the two last paragraphs it is very difficult at present to form any reliable opinion as to the eventual extension of the Gold Fields opened in this district, but that there is much to encourage a favorable opinion on this subject in the continuance of similar geological formations over a considerable tract of country, and in the fact that gold has been found at Gracemere, Rannes, and Port Curtis, distances varying from thirty to sixty, and one hundred miles from hence.

9. From what I have stated above it will be evident to the Government that matters here are passing through a crisis, whose issue mainly is in the hands of Providence.

10. If there is no more gold than what has already been obtained neither human labor nor human enterprise will produce it; but if, as from previous experience in this country we may be, I think, fairly led to expect more gold does exist, I doubt not there is energy and perseverance enough amongst the population now assembled here shortly to develop it.

11. I have, in conclusion, much satisfaction in reporting that, as far as the general peace is concerned, all is remarkably quiet and orderly on these diggings.

I have, &c.,

M. C. O'CONNELL,

C. C. L.

THE HONORABLE THE SECRETARY FOR
LANDS AND PUBLIC WORKS,
Sydney.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOLD FIELDS.

(SHIPMENT OF BUILDINGS, &c., TO PORT CURTIS.)

Ordered by the Legislative Assembly to be Printed, 1 October, 1858.

THE COLONIAL ARCHITECT to THE SECRETARY FOR LANDS AND PUBLIC WORKS, *reporting*
Shipment of Buildings, &c., to Port Curtis.

Colonial Architect's Office,
Sydney, 1 October, 1858.

SIR,

I do myself the honor to report that, in obedience to your Minute of 27th ultimo, herewith returned, and to subsequent verbal instructions, I caused to be shipped by the "Wonga Wonga" steamer, which left yesterday for Keppel Bay, the following Buildings, &c., for the Gold Fields at Port Curtis:—

The iron building, removed from Fort Phillip.
 One wooden building, 24 ft. by 12 ft., containing 2 rooms, for Customs' Officers.
 One do. 20 ft. square and 12 ft. high, for Male Hospital.
 One do. 12 ft. square, for Females' Hospital.
 One do. 12 ft. square, for Medical Officer's Dispensary.

With bricks, lime, and other necessary materials.

I also forwarded 4 large and 2 small Tents, 1 Iron Safe, and provisions for the workmen in case of emergency.

To put up these buildings, and perform any other works in connection therewith that might be found necessary on the spot, I despatched, under charge of Mr. Jas. Moore, Clerk of Works, 6 carpenters and 1 laborer, all men accustomed to such work.

A statement of the expenditure incurred will be submitted as soon as it can be ascertained.

I have, &c.,

ALEXR. DAWSON,
 Colonial Architect.

THE HONORABLE
 THE SECRETARY FOR LANDS
 AND PUBLIC WORKS.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PORT OF ROCKHAMPTON.

(RETURN OF SHIPPING SINCE 2 OCTOBER, 1858.)

Ordered by the Legislative Assembly to be Printed, 24 November, 1858.

RETURN of Ships and Passengers, Inwards and Outwards, since the 2nd October, 1858.

NAME OF SHIP.	INWARDS. PASSENGERS.	OUTWARDS. PASSENGERS.	NAME OF SHIP.	INWARDS. PASSENGERS.	OUTWARDS. PASSENGERS.
Duke of Wellington	44	61	<i>Brought forward.....</i>	2,489	1,542
Wonga Wonga	320		Royal Sovereign	273	150
Uncle Tom	65	70	Warren Goddard	6	
Storm King	52	52	Hebe	90	
Malay	113	112	Mariposa	99	92
Callender	61	70	Willing Lass	63	
Emily Hort	63	62	Rialto	133	
Eagle	95		Dunedin	92	
Sarah	6		Drover	78	
Bonnie Doon	97		Carolina	135	
Maria	72	1	Ellen Simpson	126	
Coquette	29		Mermaid	6	
Lady Grey	25	25	Unknown	8	
Edward	14		Ripley	41	
Tamar	80		British Banner	190	
City of Sydney	325	300	General Wyndham	298	
Admella	144	170	Eagle	1	
Henry	46	4	Cornet	2	
Sea Witch	118	98	Elizabeth	48	
Cario	61		Golden Spring	75	
Ariel	62	6	Austral	226	
Cecilia	2		Staghound	56	48
Perseverance	51		Jane	65	71
Vanquish	16		Cyclone	37	45
Victoria Packet	65		Swan	65	65
Don Juan	57	60	Pirate		121
Wonga Wonga	3	223	Jenny Lind	6	60
Shamrock	84		Lavinia	27	20
Roderic Dhu	10		Otago	5	25
Sarah	2		Prince Arthur	187	
Yarra Yarra	30	216	Ardoille	161	
Gazelle	132		Keystone	186	
George	43		Eliza Goddard	86	
Carnation	2	12	Caroline	56	
Lalla Rook	63		Maori	120	
Brilliant	29		Regia	21	
Mary Jane	8		Eagle		150
<i>Carried forward.....</i>	2,489	1,542	<i>TOTAL.....</i>	5,562	2,389

The Timandra, not reported, wrecked near Keppel Bay.

The Sybil, not reported, lying on her beam ends in the River. Cargo all damaged.

There must have been at least 500 arrivals previous to the date at which this Return commences.

1858.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY BRANCH OF ROYAL MINT.

(RETURN OF EXPENSE OF ESTABLISHMENT AND CONDUCT OF.)

Ordered by the Legislative Assembly to be Printed, 15 April, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 9 April, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House :—

“ (1.) A Return shewing the gross cost of the Sydney Branch
“ of the Royal Mint to 31st December, 1857, specifying the
“ cost of buildings, cost and freight of machinery, and every
“ expense incurred in bringing the Mint into active operation,
“ including the amounts paid for the passages of the various
“ officers and staff, and shewing the different heads of revenue
“ under which such expenditure has been charged.

“ (2.) A Return shewing the gross amount of salaries, allow-
“ ances, and contingencies in reference to that Branch Mint,
“ paid in each year, to the same date.

“ (3.) A Return shewing the names of all officers and persons
“ employed in the Mint during the year 1857, specifying those
“ who are provided with quarters at the expense of the Colony
“ (if any.) ”

SYDNEY BRANCH OF ROYAL MINT.

No. 1.

A RETURN shewing the Gross Cost of the Sydney Branch of the Royal Mint to the 31st December, 1857, specifying the cost of Buildings, cost of Freight of Machinery, and every expense incurred in bringing the Mint into active operation, including the amounts paid for the Passages of the various Officers and Staff, and showing the different heads of revenue under which such expenditure has been charged.

Cost of Buildings	19,005	0	0
Cost of Machinery	14,413	19	3
Cost of additional Machinery subsequently provided	1,415	18	7
			<u>15,829 17 10</u>
Freight of Machinery, &c.	1,790	14	3
Passages of Officers and Staff	1,969	10	0
Salaries, Wages, and Contingent Expenses to the day of opening	10,394	18	9
Total Expense incurred in bringing the Mint into active operation			<u>48,990 0 10</u>
Expense of maintaining the Mint from the opening to 31st December, 1857	36,520	13	5
Less, value of stores remaining unexpended on that date	1,592	3	10
			<u>34,928 9 7</u>
Actual gross cost of the Mint to 31st December, 1857	£83,918	10	5

The whole of the above sum has been voted on Estimate, and charged to the General Revenue of the Colony,—with the exception of £10,000 remitted to London in November, 1852, which was charged to the Territorial Revenue.

No. 2.

A RETURN shewing the Gross Amount of Salaries, Allowances, and Contingencies in reference to that Branch Mint, paid in each year to the same date.

YEAR.	SALARIES.	ALLOWANCES.	CONTINGENCIES.	TOTAL.	REMARKS.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1853	1,512 14 9	16 15 5	19 19 7	1,549 9 9	
1854	3,914 3 0	80 7 8	675 15 7	4,670 6 3	
1855	9,441 10 8	850 16 10	2,292 17 7	12,585 5 1	
1856	10,069 14 7	953 8 11	4,207 18 3	15,231 1 9	In this year the pay of the Police and others was transferred from the head of "Allowances" to that of "Salaries."
1857	9,459 13 4	Nil	3,419 16 0	12,879 9 4	
Total..	34,397 16 4	1,901 8 10	10,616 7 0	46,915 12 2	

SYDNEY BRANCH OF ROYAL MINT.

3

No. 3.

A RETURN shewing the Names of all Officers and persons employed in the Mint during the Year 1857, specifying those who are provided with quarters at the expense of the Colony (if any.)

OFFICE.	NAME.	If Provided with Quarters at expense of Colony.	REMARKS.
Deputy Master	Edward Wolstenholm	Yes.	
Principal Officers. { Superintendent of Bullion Office	Ward, Captain R.E.	No.	
Do. of Coining Department..	Charles Elouis.....	Yes	Required to live in the Mint for its security.
1st Clerk of Bullion Office....	Joseph Trickett	No.	
Registrar and Accountant	Robert Hunt	"	
Assayer	E. N. Knipe.....	"	
Do.	Francis B. Miller	"	
Clerk	William S. Jevous	"	
Do.	Henry N. Severn.....	"	
Do.	John W. M'Cutcheon..	"	
Assistant Clerk.....	William Drummond	"	
Do.	Albert G. Decie	"	From 1 January to 31 May.
Engineer of Machinery	Hugh Gilchrist	"	From 9 Jan. to 31 Dec., 1857.
Mechanic	Joseph Newton	"	
Do.	Henry Bradstock	"	
Do.	Edward Gozzard	"	
1st Messenger	Alfred Chislett	"	
2nd Do.	James Horan	"	
Serjeant	Austen Thynne	"	
Police Force. { Constable	Alexander Armstrong.	Yes.	
Do.	James Anderson	No.	
Do.	George Shepherd	"	
Do.	John Clarke	"	From 1 Jan. to 20 Feb.
Do.	Robert Anderson	"	From 21 Feb. to 31 Dec., 1857.
Serjeant	Archibald Gardner	Yes.	
Corporal	William Adams	"	
2nd Do.	William Bannerman	"	Allowance in lieu of Quarters.
Do.	Joseph Flude	"	
Do.	George Gall	Yes.	
Sapper	William Stewart	"	
Do.	John Peacock	"	
Do.	Joseph Patterson	"	Deserted 15 April, and since absent.
Do.	Joseph Woods	"	
Do.	Edward Evans	"	
Do.	Mark Day	"	
Do.	Joseph Clarke	"	
Do.	Charles Macfarlane	"	Allowance in lieu of Quarters.
Do.	Richard Whiting	"	
Do.	Samuel Rapson	"	
Do.	Charles Philpott	"	
Temporary Workman	Charles Bolton	No.	Men taken on throughout the year for short periods, and discharged when their services could be dispensed with.
Do.	John Davis	"	
Do.	Edward Finsley	"	
Temporary Lad	William Bannerman	"	
Do.	William Hebden	"	
Do.	Thomas Quill	"	
Do.	Henry Hooper	"	
Do.	William Shepherd	"	
Do.	Thomas Wade	"	
Do.	George Gilchrist	"	
Do.	Edward Coveny	"	

E. W. WARD,

Deputy Master.

Royal Mint, Sydney, 15 April, 1858

1858.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY BRANCH OF THE ROYAL MINT.

(CORRESPONDENCE AND REPORT RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 11 May, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

(No. 8.)

*Downing-street,
6 February, 1858.*

SIR,

At the request of the Lords Commissioners of the Treasury, I transmit, for your information, a copy of a letter which has been addressed to their Lordships' Board by the Master of the Royal Mint, on the subject of the Returns from the Deputy Master of the Sydney Branch of that establishment.

I have, &c.,

H. LABOUCHERE.

GOVERNOR SIR W. DENISON, K.C.B.,

&c., &c., &c.

*Royal Mint,
12 January, 1858.*

SIR,

I have the honor to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the following Returns from the Deputy Master of the Sydney Branch of the Royal Mint have been duly received by me.

Six Monthly Returns, called for by Order in Council of 19th August, 1853, shewing the transactions in Bullion of the Sydney Branch of the Royal Mint for April to September, inclusive.

The Coin produced during these months is as follows:—

	Sovereigns.	Half-Sovereigns.	Total.
	oz.	oz.	oz.
In April ... ..	.....	8986-08	8986-08
May ... ..	.....	12841-31	12841-31
June ... ..	.....	12209-56	12209-56
July ... ..	.....	8990-22	8990-22
August	5,907-24	7311-93	13219-17
September	21,247-15	.....	21247-15

Amount charged for Coinage—Nil.

Two Quarterly Returns of Waste in Coinage of Gold at the Sydney Branch of the Royal Mint, during the Quarters ended 30th June and 30th September, 1857.

Two Quarterly Duplicate Returns, made by the Board of Verification to the Colonial Secretary, reporting the state of the Bullion in the Mint on the 1st July and 1st October, 1857, in conformity with the Order in Council of 19th August, 1853.

I have also to request you to submit to their Lordships my Report, enclosed, (being the ninth) on the weight and fineness of the coins produced at the Sydney Mint, during the two quarters ending the 30th June and 30th September, 1857, and transmitted to me by the Deputy Master for examination in accordance with the provisions of Her Majesty's Order in Council above referred to.

A copy of the said Report will be forwarded to the Deputy Master at Sydney for his information.

I have, &c.,
THOS. GRAHAM.

SIR C. E. TREVELYAN,
&c., &c., &c.

PIECES taken without preference by the Colonial Secretary at the deliveries of the Sydney Mint during the Quarter ending 30th September, 1857.

Denomination of Coin.	No. of Pieces.	Total Weight in Ounces.	Average Weight of each Piece.	Average Proportion of Gold in 1000 Parts.
Sovereigns	37	9,500	0.256,756	916.81
Half-Sovereigns ...	40	5,138	0.12,845	916.95

The standard weight of the Sovereign being 0.25,682 oz., and the standard fineness 916.67 in 1000 parts.

THOS. GRAHAM,
Master of the Mint.

Ninth Report submitted to the Lords Commissioners of Her Majesty's Treasury on the weight and fineness of Gold Coins struck at the Sydney Branch of the Royal Mint, and transmitted by the Deputy Master at Sydney, for examination, in accordance with the provision of Her Majesty's Order in Council of 19th August, 1853.

1. Pieces taken without preference by the Colonial Secretary at the deliveries of the Sydney Mint, during the quarter ending 30th June, 1857.

Denomination of Coin.	No. of Pieces.	Total Weight in Ounces.	Average Weight of each Piece.	Average Proportion of Gold in 1000 Parts.
Sovereigns .....	.....	.....	.....	.....
Half-Sovereigns ...	77	9,888	0.12,841	917.03

1858.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY BRANCH OF THE ROYAL MINT.

(DESPATCH AND PAPERS RELATIVE TO COINAGE AT.)

Ordered by the Legislative Assembly to be Printed, 9 November, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

(No. 14.)

*Downing-street,
21 July, 1858.*

SIR,

I transmit herewith, for your information, the copy of a letter which I have 10 July, 1858. received from the Assistant Secretary to the Lords Commissioners of the Treasury, covering two Reports from the Master of the Mint, relating to Coins struck at the Sydney Branch of the Royal Mint.

I have, &c.,

E. B. LYTTON.

GOVERNOR

SIR W. DENISON, K. C. B.,

&c., &c., &c.

[Enclosure.]

*Treasury Chambers,
10 July, 1858.*

SIR,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, herewith, for the information of Secretary Sir Edward Bulwer Lytton, copies of two Reports from the Master of the Mint, dated the 28th ultimo, and of their enclosures, relating to Coins struck at the Sydney Branch of the Royal Mint.

I am, &c.,

C. E. TREVELYAN.

H. Merivale, Esq.,

&c., &c., &c.

MR. GRAHAM to SIR C. E. TREVELYAN.

*Royal Mint,
28 June, 1858.*

SIR,

Referring to my letter dated 28th July, 1857, written in conformity with instructions from the Lords Commissioners of Her Majesty's Treasury, communicated in your letter dated 9th November, 1855, I have now to submit an account of the weight and fineness of Coins struck at the Sydney Branch of the Royal Mint, and sent home by the Governor of New South Wales during the year 1857.

These Coins were conveyed in closed packets, bearing the seal of the Colonial Treasurer, and were received by me with your letters of the 30th May, 1857, and later dates.

COINS taken from the Colonial Circulation from January to December, 1857.

Taken from Circulation in	Number of Pieces.		Weight of		Proportion of Gold in 1,000th parts.	Date of Treasury Letter transmit- ting packets of Coins &c.
	Sovereigns.	Half Sovereigns.	Sovereigns.	Half Sovereigns.		
January	2	....	123-215	....	916-90	30 May, 1858.
" .....	....	2	123-270	....	7-30	" "
" .....	....	....	....	61-730	6-50	" "
" .....	....	....	....	61-625	6-15	" "
February	2	....	123-095	....	7-30	" "
" .....	....	....	123-185	....	6-90	" "
" .....	....	2	....	61-575	6-90	" "
" .....	....	....	....	61-735	6-55	" "
March	2	....	123-605	....	7-15	8 July, 1858.
" .....	....	....	122-845	....	6-60	" "
" .....	....	2	....	61-547	6-25	" "
" .....	....	....	....	61-532	6-75	" "
April	2	....	123-395	....	6-50	28 August, 1858.
" .....	....	....	123-155	....	6-30	" "
" .....	....	2	....	62-017	6-65	" "
" .....	....	....	....	61-557	6-25	" "
June	2	....	123-365	....	6-65	6 October, 1857.
" .....	....	....	123-565	....	6-65	" "
" .....	....	2	....	61-617	6-75	" "
" .....	....	....	....	61-687	6-65	" "
"	2	....	123-165	....	6-50	" "
" .....	....	....	123-085	....	6-30	" "
" .....	....	2	....	61-283	6-55	" "
" .....	....	....	....	61-187	6-15	" "
July	2	....	123-115	....	6-65	28 Dec., 1857.
" .....	....	....	123-625	....	7-00	" "
" .....	....	2	....	61-477	6-85	" "
" .....	....	....	....	61-482	6-35	" "
August	2	....	123-455	....	6-80	" "
" .....	....	....	123-615	....	6-55	" "
" .....	....	2	....	61-557	6-95	" "
" .....	....	....	....	61-642	6-60	" "
No despatch ..	4	....	123-235	....	6-55	8 Feb., 1858.
" .....	....	....	122-900	....	6-75	" "
" .....	....	....	123-340	....	6-60	" "
" .....	....	....	123-660	....	6-40	" "
" .....	....	4	....	61-747	7-15	" "
" .....	....	....	....	61-622	6-80	" "
" .....	....	....	....	61-572	6-95	" "
" .....	....	....	....	61-802	6-90	" "
November	2	....	123-105	....	7-25	20 Feb., 1858.
" .....	....	....	123-005	....	6-90	" "
" .....	....	2	....	61-577	6-75	" "
" .....	....	....	....	61-397	6-80	" "
December	2	....	123-415	....	6-90	1 April, 1858.
" .....	....	....	123-205	....	7-05	" "
" .....	....	2	....	61-290	7-05	" "
" .....	....	....	....	61-355	7-15	" "
Average			123-275	61-565	916-73	

The average weight found of the Sovereigns is 0.2568229 oz., of the Half-sovereigns 0.1282604 oz., the standard weight of the Sovereign being 25682 oz.

The average fineness found of all the Coins is 916.73, the standard fineness being 916.67.

SIR C. E. TREVELYAN,
&c., &c.

I have, &c.,
THOS. GRAHAM.

MR. GRAHAM to SIR C. E. TREVELYAN.

Royal Mint,
28 June, 1858.

SIR,

I have the honor to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the following Returns from the Deputy Master of the Sydney Branch of the Royal Mint have been duly received by me:—

Three monthly Returns called for by Order in Council of 19th August, 1853, showing the transactions in Bullion of the Sydney Branch of the Royal Mint, for October to December, 1857, inclusive.

The

The Coin produced during these months is as follows :—

	Sovereigns.	Half-Sovereigns.	TOTAL.
	ozs.	ozs.	ozs.
In October	35,949-07	.....	35,949-07
„ November	12,840-50	.....	12,840-50
„ December	37,492-29	.....	37,492-29

Amount charged for coinage—Nil.

One Quarterly Return of Waste in Coinage of Gold at the Sydney Branch of the Royal Mint, during the quarter ending 31st December, 1857.

One Quarterly duplicate Return made by the Board of Verification to the Colonial Secretary, reporting the state of the Bullion in the Mint on the 2nd January, 1858, in conformity with the Order in Council of the 19th August, 1853.

I have also to request you to submit to their Lordships my Report, enclosed, (being the tenth,) on the weight and fineness of the Coins produced at the Sydney Mint during the quarter ending 31st December, 1857, and transmitted to me by the Deputy Master, for examination, in accordance with the provisions of H. M. Order in Council above referred to.

A copy of said Report will be forwarded to the Deputy Master at Sydney for his information.

I have, &c.

THOS. GRAHAM.

A paper containing a summary of the Monthly Returns of Gold coined at the Sydney Branch of the Royal Mint, during the year 1857, is also included.

TENTH REPORT submitted to the Lords Commissioners of Her Majesty's Treasury on the weight and fineness of Gold Coins struck at the Sydney Branch of the Royal Mint, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's Order in Council of 19th August, 1853.

PIECES taken without preference by the Colonial Secretary at the deliveries of the Sydney Mint, during the Quarter ending 31st December, 1857.

Denomination of Coin.	No. of Pieces.	Total weight in Ounces.	Average weight of each piece in Ounces.	Average proportion of Gold in 1000th parts.
Sovereign	86	22-080	0-2567	917-008
Half-Sovereign .....	.....	.....	.....	.....

The standard weight of the Sovereign being 0-25682 ozs., and the standard fineness 916-67 in 1000th parts.

THOMAS GRAHAM,
Master of the Mint.

Royal Mint,
28 June, 1858.

SUMMARY

SUMMARY of the Monthly Returns of Gold Coined at the Sydney Branch of the Royal Mint during 1857.

	Sovereigns.	Half-Sovereigns.	Total Weight.	Total Value.
	OZS.	OZS.	OZS.	
January	14,765.69			
February ..	.....	10,277.29		
March .....	.....	10,338.41		
April .....	.....	8,986.08		
May .....	.....	12,841.31		
June .....	.....	10,209.56		
July .....	.....	8,990.22		
August	5,907.24	7,311.93		
September	21,247.15			
October	35,949.07			
November	12,840.50			
December	37,492.29			
	128,201.94	68,954.80	197,156.74	£ 767,679 1 1½

Value of Gold coined in 1855	£514,810 5 1
Do. 1856 ..	1,219,807 0 8
Do. 1857	767,679 1 1½
Total... ..	£2,502,296 6 10½

Royal Mint,
28 June, 1858.

THOMAS GRAHAM,
Master of the Mint.

1858.

Legislative Assembly.
NEW SOUTH WALES.

COUNTRY POSTMASTERS.
(RETURN RELATIVE TO SALARIES AND ALLOWANCES.)

Ordered by the Legislative Assembly to be Printed, 7 May, 1858.

THE POSTMASTER GENERAL to THE HONORABLE THE COLONIAL SECRETARY, *transmitting*
a Return of the Country Postmasters.

General Post Office,
Sydney, 23 April, 1858.

SIR,

In compliance with the instructions contained in your letter of the 10th instant, No. 47, I have the honor to forward a Return of the Country Postmasters, and their Salaries and Allowances.

The Postmasters have no perquisites whatever, and in no case do I consider the salary remuneration for office accommodation, or for any service beyond that of the Postal duty.

I have, &c.,

W. H. CHRISTIE,
Postmaster General.

THE HONORABLE
THE COLONIAL SECRETARY.

N. B.—This Return is the Return of present Salaries of Country Postmasters; but a careful revision for 1858 is now being made, and will be brought under notice in due course.

COUNTRY POSTMASTERS.

RETURN of the COUNTRY POST OFFICES and POSTMASTERS, with the SALARY and ALLOWANCES
(if any) attached to each Office.

POST OFFICE.	POSTMASTER.	SALARY.	REMARKS.
Aberdeen	W. J. Gardiner	12 0 0	
Albury	A. Haydon	100 0 0	
Appin	Jno. Armstrong	20 0 0	
Armidale	J. Moore	120 0 0	
Ashfield	W. H. Maybury	12 0 0	10s. per Month for Portage allowed.
Avisford	Thos. Gorrie	25 0 0	
Balmain	A. Chape	15 0 0	Letter Carrier voted but not yet appointed.
Balranald	Geo. Edwards	15 0 0	
Bandon Grove	W. A. Smith	12 0 0	
Barraba	D. Sinclair	12 0 0	
Bathurst	W. Thompson	230 0 0	Letter Carrier employed.
Baulkham Hills	John Kelly	12 0 0	
Bega	John Jagers	12 0 0	
Bendemeer	John Dixon	25 0 0	
Berrima	J. Powell	40 0 0	
Binalong	M. Murphy	15 0 0	
Binda	E. Webster	25 0 0	
Bingera	J. Perfement	18 0 0	
Blayney	Thos. Davis	12 0 0	
Bodalla	R. Wilkin	12 0 0	
Bombala	H. Hogarth	20 0 0	
Botany Road	W. West	10 0 0	
Bowenfels	Joseph Cooke	20 0 0	
Braidwood	Jno. Hendricks	70 0 0	
Breeza	J. R. Ferrier	12 0 0	
Brisbane	Elise Barney	175 0 0	Residence and Assistant at 5s. per diem allowed—Letter Carrier employed.
Brookfield	Jno. Thorndike	12 0 0	
Bundaburra	A. Stevenson	12 0 0	
Bundarra	Jno. Crisfield	12 0 0	
Bungendore	Owen Byrne	18 0 0	
Bungonia	J. Armstrong	15 0 0	
Burrogorang	Anne Rigney	12 0 0	
Burrowa	J. Hurley	15 0 0	
Byron	Colin Ross	15 0 0	
Calandoon	Jno. McDonald	15 0 0	
Caloola	Arthur Budden	12 0 0	
Camden	Eliza Pearson	40 0 0	
Campbelltown	W. Fowler	100 0 0	
Camperdown	J. Larkin	10 0 0	
Cannonbar	H. Egan	12 0 0	
Canowindra	W. Fletcher	15 0 0	
Canterbury	W. Slocombe	12 0 0	
Carcoar	S. Fox	35 0 0	
Carroll	A. Thompson	12 0 0	
Casino	Jno. Meanby	15 0 0	
Cassillis	W. Millar	25 0 0	
Castlereagh	E. Fuller	12 0 0	
Clarence Town	D. Farquhar	18 0 0	
Collector	J. Simpson	12 0 0	
Condamine	H. Foster	12 0 0	
Coolah	Anne Henderson	12 0 0	
Cooma	C. Walters	30 0 0	
Coonabarrabran	A. Croxon	12 0 0	
Cowra	J. B. McNab	15 0 0	
Cundletown	T. L. Scott	12 0 0	
Dalby	F. W. Roche	18 0 0	
Dapto	Thomas Hobbs	25 0 0	
Delegate	Chas. Stuart	12 0 0	
Deniliquin	Chas. Edwards	18 0 0	
Drayton	E. Lord	80 0 0	
Dubbo	J. G. Scriseir	12 0 0	
Dundee	C. W. Gardiner	15 0 0	
Dungog	Thos. Doust	18 0 0	
East Maitland	Edwd. Ogg	60 0 0	Letter Carrier employed.
Eden	Geo. Barclay	15 0 0	
Emu	J. Smythe	10 0 0	
Enfield	W. J. Innes	10 0 0	
Fish River Creek	W. J. Jones	12 0 0	
Frazer's Creek	J. Leslie	12 0 0	
Gayndah	Jno. Connelly	20 0 0	
Gerrington	Anne Fuller	12 0 0	
Carried forward		£1,649 0 0	

COUNTRY POSTMASTERS.

3

POST OFFICE.	POSTMASTER.	SALARY.	REMARKS.
	Brought forward.....	£1,949 0 0	
Gladstone.....	R. Hetherington.....	12 0 0	
Glebe.....	F. H. Capper.....	12 0 0	
Glen Innes.....	J. Martin.....	25 0 0	
Goode's Inn.....	J. Goode.....	18 0 0	
Goonoo Goonoo.....	W. Alderton.....	20 0 0	
Goulburn.....	J. J. Woodward.....	200 0 0	Letter Carrier employed.
Gosford.....	T. C. Battley.....	15 0 0	
Grafton.....	Thos. Shoveller.....	30 0 0	£3 per annum for Portage allowed.
Gresford.....	Jno. Bush.....	20 0 0	
Gulligal.....	H. R. Johnson.....	18 0 0	
Gundagai.....	D. Winton.....	100 0 0	
Gundaroo.....	Jos. Styles.....	12 0 0	
Gunning.....	Wm. Grovenor.....	20 0 0	
Guyong.....	Wm. Rowe.....	15 0 0	
Hartley.....	M. J. Finn.....	90 0 0	
Hexham.....	H. Woodhead.....	12 0 0	9d. per diem allowed for Portage.
Hinton.....	H. Atkins.....	25 0 0	6d. per diem allowed for Portage.
Ipswich.....	R. Gill.....	100 0 0	
Jamberoo.....	W. Allen.....	15 0 0	
Jugiong.....	J. Sheahan.....	12 0 0	
Jerry's Plains.....	O. Saunders.....	20 0 0	
Kembla.....	Jno. Armstrong.....	12 0 0	
Kempsey.....	J. N. Tozer.....	18 0 0	
Largs.....	Geo. Roberts.....	12 0 0	
Kiama.....	T. J. Fuller.....	35 0 0	
Little Hartley.....	Geo. Jarvis.....	12 0 0	
Liverpool.....	H. B. Berresford.....	40 0 0	5s. per week allowed for Portage.
Lochinvar.....	Jos. Smith.....	15 0 0	
Longbottom.....	P. M'Grath.....	12 0 0	£18 per annum for Portage allowed.
Louisa Creek.....	R. R. Hughson.....	12 0 0	
Luddenham.....	J. Davies.....	12 0 0	
Major's Creek.....	J. B. Burke.....	12 0 0	
Mangrove Creek.....	D. Macintosh.....	12 0 0	
Manilla.....	G. Veness.....	12 0 0	
Manly.....	Geo. Birch.....	12 0 0	
Marengo.....	J. Handcock.....	12 0 0	
Marulan.....	Jas. Moroney.....	18 0 0	
Maryborough.....	M. T. Pitts.....	18 0 0	2s. 6d. allowed on the arrival or departure of any steamer.
Meadow Flat.....	Jno. O'Brien.....	12 0 0	
Merimbula.....	D. S. Kirkwood.....	12 0 0	
Merriwa.....	S. Dorton.....	20 0 0	
Merton.....	G. A. F. Kibble.....	30 0 0	
Millfield.....	A. Irwin.....	12 0 0	
Moama.....	T. Waltham.....	25 0 0	
Molong.....	J. Liscombe.....	30 0 0	
Moorna.....	A. M'Clymont.....	12 0 0	
Morangarell.....	D. C. M'Gregor.....	12 0 0	
Moree.....	Donald Munro.....	12 0 0	
Morpeth.....	Jane Surymore.....	70 0 0	
Moruya.....	Oliver Lodge.....	15 0 0	
Mudgee.....	J. Dickson.....	70 0 0	
Mullenderree.....	E. Fletcher.....	18 0 0	
Mundooran.....	Thos. Webster.....	12 0 0	
Murrurundi.....	H. Wheeler.....	100 0 0	
Muswellbrook.....	Geo. Denshire.....	50 0 0	
Narellan.....	Jno. Hartley.....	12 0 0	
Newcastle.....	Wm. Thompson.....	150 0 0	Residence allowed—Letter Carrier employed.
Newtown.....	Thos. Illidge.....	15 0 0	
Nundle.....	A. M'Clelland.....	30 0 0	
Oaks.....	E. Reily.....	12 0 0	
O'Connell.....	J. Roberts.....	12 0 0	
Obley.....	W. Wass.....	12 0 0	
Orange.....	Jas. Dale.....	25 0 0	
Paddington.....	R. Westaway.....	15 0 0	
Pambula.....	S. Covington.....	12 0 0	
Parramatta.....	J. Wickham.....	160 0 0	Letter Carrier employed.
Paterson.....	B. Wormersley.....	25 0 0	
Peel.....	J. Reed.....	12 0 0	
Penrith.....	W. H. Kellett.....	95 0 0	
Petersham.....	M. Williams.....	10 0 0	
Picton.....	P. Molloy.....	15 0 0	
Port Macquarie.....	M. J. Spence.....	20 0 0	
Prospect.....	Chas. Govnell.....	12 0 0	
Pure Point.....	Stephen Tucker.....	12 0 0	
Pymont.....	E. Fleming.....	10 0 0	
Queanbeyan.....	H. Lever.....	50 0 0	
Quirindi.....	Geo. Gurton.....	12 0 0	
Raymond Terrace.....	Thos. Gilbert.....	40 0 0	6d. per diem allowed for Portage.
Redfern.....	J. G. Hanks.....	12 0 0	
Richardson's Point.....	G. Dickinson.....	12 0 0	
Richmond.....	J. F. Jones.....	30 0 0	
Richmond River Heads.....	E. Ross.....	12 0 0	
Riversford.....	S. C. Drew.....	12 0 0	
Rockhampton.....	Jno. Palmer.....	12 0 0	
	Carried forward.....	£4,386 0 0	

POST OFFICE.	POSTMASTER.	SALARY.	REMARKS.
	Brought forward.....	£4,386 0 0	
Rockley	M. Levy	15 0 0	1s. per diem (Sundays excepted) allowed for Portage.
Rocky River	A. W. Hayles	50 0 0	
Rolland's Plains	J. Churchill	12 0 0	
Rouse Hill	Jno. Retallick	12 0 0	
Ryde	Geo. Pope	25 0 0	
Ryalstone	A. M. Armstrong	25 0 0	
Sackville Reach	H. C. Kirwan	12 0 0	
St. Alban's	Jno. Pescud	12 0 0	
St. Leonard's	G. H. Stevens	10 0 0	
St. Mark's	F. M'Lean	12 0 0	
St. Mary's	W. Draper	25 0 0	
St. Peter's	Jas. Godbolt	12 0 0	
Seone	N. F. Asser	40 0 0	
Seaham	Richd. Barton	15 0 0	
Shell Harbour	M. Hassan	12 0 0	
Shoalhaven	Jas. Lang	25 0 0	
Singleton	F. Hope	120 0 0	
Smithfield	J. Mansfield	12 0 0	
Sofala	W. Walker	68 15 0	
Stoney Creek	R. Dougall	30 0 0	
Stroud	Thos. Laman	25 0 0	
Surat	D. Coghlan	12 0 0	
Sutton Forest	R. Wallace	12 0 0	
Tabulam	C. H. E. Chauvel	15 0 0	
Tambaroora	W. J. Slack	40 0 0	
Tamworth	L. Levy	125 0 0	
Taralga	S. Phillips	12 0 0	
Tarcutta	T. H. Mate	40 0 0	
Taroom	W. Yaldwyn	12 0 0	
Ten Mile Creek	Jas. Ford	12 0 0	
Tenterfield	A. Canning	20 0 0	Letter Carrier employed.
Tinonee	Thos. Renwick	16 0 0	
Toowoomba	M. J. Adams	12 0 0	
Tucua	W. W. Harrall	18 0 0	
Tumut	H. Hilton	35 0 0	
Ulladulla	D. Warden	15 0 0	
Uralla	J. M'Crossin	12 0 0	
Wagga Wagga	G. Forsyth	20 0 0	
Walcha	J. H. Daniel	15 0 0	
Wallgett	C. F. Hunt	12 0 0	Letter Carrier employed by Inhabitants under Government sanction.
Wallabadah	C. Paterson	12 0 0	
Warialda	G. H. Johnson	30 0 0	
Warwick	J. Harris	30 0 0	
Watson's Bay	Jane Graham	12 0 0	
Waverly	Thos. Grace	12 0 0	
Wee Waa	Wm. Hogarth	15 0 0	
Wellington	Hy. Pike	25 0 0	
Wellingrove	R. Smith	15 0 0	
West Maitland	E. B. Daly	200 0 0	£15 per annum for Portage allowed.
Wheco	T. Arnson	12 0 0	
Wilberforce	W. West	15 0 0	
Windsor	R. Dick	100 0 0	
Wingham	Wm. M'Lean	15 0 0	
Wiseman's Ferry	G. Walmsley	12 0 0	
Wollombi	M. Byrne	18 0 0	
Wollongong	Geo. Hewlett	60 0 0	
Woolshed	J. Humphreys	15 0 0	
Yass	Thos. Laidlaw	120 0 0	
		6,127 15 0	New Office—no Postmaster yet appointed.
Bowling Alley Point .....	.....	12 0 0
	TOTAL	£6,139 15 0	

1858.

Legislative Assembly.
NEW SOUTH WALES.

POSTAL COMMUNICATION BETWEEN SYDNEY AND MACDONALD RIVER.
(PETITION FROM INHABITANTS OF ST. ALBAN'S.)

Ordered by the Legislative Assembly to be Printed, 27 October, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

We, the undersigned, on behalf of the Inhabitants of the Macdonald River, most respectfully beg to lay before you the following Memorial, agreed to be forwarded to your Honorable House, at a Public Meeting held at the Court House, St. Alban's, Wednesday, October 20th, 1858 :—

That your Memorialists having felt the urgent necessity of having Postal Communication between Sydney and Macdonald River twice a-week instead of once, which is the present arrangement, in or about August, 1857, sent a Petition to W. H. Christie, Esq., Postmaster General, stating our requirements, and received in answer, on September 4th, 1857, intimation—"that advertisements calling for tenders for ensuing year are already published; and I fear that there is little chance of a surplus of vote after the postal lines already sanctioned and provided for; but should there be such surplus, the requests of the Memorialists shall meet with every consideration." Accordingly the post continued the same for that year; but in February, 1858, called Postmaster General's attention to promise for year 1859; and on April 24th, 1858, received letter to annexed purport :—"I beg to inform you that I will call for tenders for 1859 once or twice a-week, &c."—which was done; and naturally considered that we should have Postal Communication twice a-week, more particularly as Mr. David Cross, of Macdonald River, tendered for twice a-week; therefore were much surprised at receiving notice from Postmaster General, "that in consequence of tender for twice a-week being too dear, that the communication would still be once a-week." Immediately a Public Meeting of Inhabitants was convened, with a view to petitioning your Honorable House to grant our earnest and much wanted request. We may mention that the post arrives here at St. Alban's on *Sunday* evening, at 5 o'clock, a short time before church afternoon service is over, and leaves again the same evening at six o'clock. Thus the post is entirely useless to any one, save he resides within a few minutes ride of post office; and when you are informed that the number of inhabitants exceeds six hundred, and take into consideration the importance of this district, as regards commercial communication with Sydney markets, you can easily perceive the great inconvenience the inhabitants are put to by such an arrangement. Repeatedly we are obliged to go to Sydney, in the event of legal documents being forwarded which require immediate attention, as a fortnight would elapse before an answer could be received, unless we happened to be at post office at the very time the post arrived, and then what time have we to answer?—One hour. And as regards Police communication with Wollombi, of which Police District we form a part, the constables are constantly going backwards and forward, in consequence of there being no second communication to Sydney, through which office our letters to and from Wollombi pass; and the same applies to our remittances to Mangrove, &c.

Under these circumstances, most earnestly pray that your Honorable House, taking into deliberation our present annoyances through the post only being once a-week, that you will be pleased to grant our prayer, in the manner to which it may appear most beneficial.

And, as in duty bound, your Petitioners will ever pray, &c.

[Here follow 31 Signatures.]

St. Alban's, Macdonald River,
October 20, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.(FURTHER PAPERS RELATIVE TO, *via* PANAMA.)*Ordered by the Legislative Assembly to be Printed, 9 April, 1858.*

Further papers relative to a Steam Postal Service between Southampton
and Sydney *via* New Zealand and Panama.

SCHEDULE.

NO.	PAGE.
1. Letter from Mr. Wetton to the Colonial Secretary, stating that the Directors of the Royal Mail Steam Packet Company are not at present at liberty to recommend to the Proprietary the ratification of his provisional agreement with this Government, 19 January, 1858	2
2. Under Secretary to Mr. Wetton, in reply, 6 February, 1858.....	2
3. Secretary to the Chamber of Commerce to the Colonial Secretary, requesting information on the subject, 27 January, 1858.....	3
4. Under Secretary to the Secretary of the Chamber of Commerce in reply, 6 February, 1858	3
5. Colonial Secretary, Auckland, New Zealand, to Colonial Secretary of New South Wales, enclosing a copy of a letter addressed to him by Mr. Wetton, and of his reply, 23 February, 1858	3
6. Colonial Secretary to the Colonial Secretary, Auckland, in reply, forwarding a copy of the answer to Mr. Wetton's letter of the 19th January, 1858, (No. 1), 15 March, 1858	4
7. Secretary to the Chamber of Commerce to the Colonial Secretary, enclosing a communication from the Chamber of Commerce on the subject, 29 March, 1858	5
8. Under Secretary to the Secretary of the Chamber of Commerce, in reply, 6 April, 1858 ..	5

STEAM POSTAL COMMUNICATION.

No. 1.

CHAMPION WETTON ESQ., to THE COLONIAL SECRETARY.

*Royal Mail Company,
Sydney, 19 January, 1858.*

SIR,

With reference to my negotiations on the part of the Royal Mail Steam Packet Company with the Government of New South Wales, for the establishment of Steam Communication between England and Australia *via* Panama, I am desired to acquaint you, that as the Company have received an intimation that Her Majesty's Government are not at present prepared to sanction the scheme, the Directors are not at liberty to recommend to the Proprietary the ratification of my provisional agreement with His Excellency's Government.

But, as we are informed that Her Majesty's Government have in contemplation to contract with the Company for the establishment of a *fortnightly* Steam Service between England and Australia, immediately the present line *via* Suez is brought into a state of thorough efficiency and regularity, the Directors will be prepared to convey the fortnightly Mail alternately *via* Suez and *via* Panama, if such be the mutual wish of the Imperial and Colonial Governments.

I have, &c,

THE HONORABLE

CHAMPION WETTON.

THE COLONIAL SECRETARY.

No. 2.

THE UNDER SECRETARY to C. WETTON, ESQ.

*Colonial Secretary's Office,
Sydney, 6 February, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 19th ultimo, stating,—with reference to your negotiations for the establishment, by the Royal Mail Steam Packet Company, of Steam Communication between England and Australia, *via* Panama and New Zealand, that as the Company have received an intimation that Her Majesty's Government are not at present prepared to sanction the scheme, the Directors are not at liberty to recommend to the Proprietary the ratification of the provisional agreement made with this Government; but, that being informed that the Home Government have it in contemplation to contract with the Company for the establishment of a fortnightly Steam Service between England and Australia, immediately the present line *via* Suez is brought into a state of thorough efficiency and regularity,—the Directors will be prepared to convey the fortnightly Mail alternately *via* Suez and *via* Panama, if such be the mutual wish of the Imperial and Colonial Governments.

2. I am further directed to inform you, that your letter has been laid before the Governor General and the Executive Council; and that the Council can only express their regret that the Company represented by you should not have seen fit to complete an arrangement which originated with their own accredited Agent.

3. With regard to a fortnightly Steam Service, I am desired to state, that this Government have received no official intimation that Her Majesty's Government contemplate any such arrangement as that to which you refer; and that they are not, therefore, in a position to treat with you upon the subject.

I have, &c.,

C. WETTON, ESQ.,

W. ELYARD.

&c., &c.

No. 3.

No. 3.

THE SECRETARY TO THE CHAMBER OF COMMERCE to THE COLONIAL SECRETARY.

*Chamber of Commerce,
Sydney, 27 January, 1858.*

SIR,

I am directed by the Committee of this Chamber respectfully to request that you will inform them what progress has been made for carrying out the provisional arrangement entered into with this Government by Mr. Champion Wetton, on behalf of the Royal Mail Steam Packet Company, for the Postal Service *via* Panama.

I have, &c.,

ALEX. THOMSON,

Secretary.

THE HONORABLE

THE COLONIAL SECRETARY,

&c., &c., &c.

No. 4.

THE UNDER SECRETARY to THE SECRETARY TO THE CHAMBER OF COMMERCE.

*Colonial Secretary's Office,
Sydney, 6 February, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 27th ultimo, expressing the desire of the Chamber of Commerce to obtain information of the progress which has been made for carrying out the provisional arrangement entered into with this Government by Mr. Champion Wetton, on behalf of the Royal Mail Steam Packet Company, for the establishment of a Steam Postal Service between England and Australia *via* Panama and New Zealand.

2. In reply, I am desired to inform you, that the Addresses of the Legislature on the subject were duly forwarded by the Governor General to the Imperial Government, with His Excellency's recommendation that the arrangement should be carried into effect with as little delay as possible, but that no answer has as yet been received to his Despatch. The only information of which the Colonial Government is in possession relating to this matter, is contained in a letter which has been addressed to the Colonial Secretary by Mr. Wetton, who states, that, as the Company have received an intimation that Her Majesty's Government are not at present prepared to sanction the scheme, the Directors are not at liberty to recommend to the proprietary the ratification of the provisional agreement made with this Government.

I have, &c.,

W. ELYARD.

ALEXANDER THOMSON, ESQ.,

Secretary to the Chamber of Commerce.

No. 5.

THE COLONIAL SECRETARY, AUCKLAND, to THE COLONIAL SECRETARY, SYDNEY.
*New Zealand.**Colonial Secretary's Office,
Auckland, 23 February, 1858.*

SIR,

With reference to former correspondence on the subject of a contract for the conveyance of Mails between England and Australia by way of Panama and New Zealand, I have the honor to transmit to you, for the information of the Government of New South Wales, a copy of a letter received from Mr. Wetton, and of one which has been addressed, by my direction, to that gentleman, in reply.

I have, &c.,

E. W. STAFFORD.

THE HONORABLE

THE COLONIAL SECRETARY,

New South Wales.

[Enclosure]

[Enclosure 1 in No. 5.]

Royal Mail Company,
Sydney, 20 January, 1858.

SIR,

For the information of the Government of New Zealand, I beg to hand you, under cover hereof, a copy of my communication of yesterday's date to the Colonial Secretary of New South Wales, in reference to my late negotiations, on the part of the Royal Mail Company, with that Government, and with the Government of New Zealand, for the establishment of Steam Communication between England and Australia *via* Panama.

I have, &c.,

CHAMPION WETTON.

THE HONORABLE

THE COLONIAL SECRETARY,
New Zealand, Auckland.

[Enclosure 2 in No. 5.]

Colonial Secretary's Office,
Auckland, 23 February, 1858.

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 20th ultimo, transmitting a copy of your communication of the 19th of the same month to the Colonial Secretary of New South Wales, with reference to your late negotiation, on the part of the Royal Mail Company, with the Governments of New South Wales and New Zealand, for the establishment of Steam Communication between England and Australia *via* Panama.

In that communication you state that, as the Company have received an intimation that Her Majesty's Government are not at present prepared to sanction the scheme, the Directors are not at liberty to recommend to the Proprietary the ratification of your provisional agreement.

In reply, I am to state, that as Mr. Stafford is unaware that the sanction of the Imperial Government was in any way requisite to the ratification of the agreement, he cannot admit the withholding of that sanction as any justification of the course taken by the Directors. That agreement was entered into by the Governments of New South Wales and New Zealand as principals, and without any reference to the views or opinions of the Imperial Government, to whom only the preparation of the details of the contract was referred; nor was the necessity of such reference ever required by you during the progress of the negotiations.

The Government of New Zealand being, however, now released from any engagement with the Royal Mail Company, in respect of the subject of the negotiations, will be prepared to make such arrangements as it may deem suitable with any parties desirous of establishing the service in question.

I have, &c.,

W. GISBORNE,
Under Secretary.

C. WETTON, ESQ.,
Royal Mail Company,
Sydney.

No. 6.

THE COLONIAL SECRETARY, SYDNEY, to THE COLONIAL SECRETARY, AUCKLAND.

New South Wales,
Colonial Secretary's Office,
Sydney, 15 March, 1858.

SIR

I have the honor to acknowledge the receipt of your letter of the 23rd ultimo, in which, with reference to former correspondence respecting a Contract for the conveyance of Mails between England and Australia, by way of Panama and New Zealand, you forwarded a copy of a communication received by you from Mr. Wetton, enclosing a copy of one addressed by him to me on the subject, together with a copy of your reply; and I transmit, for your information, a copy of the answer which was given by this Government to Mr. Wetton's letter.

I have, &c.,

CHARLES COWPER.

THE HONORABLE

THE COLONIAL SECRETARY,
Auckland, New Zealand.

No. 7.

No. 7.

THE SECRETARY TO THE CHAMBER OF COMMERCE to THE COLONIAL SECRETARY.

*Chamber of Commerce,
Sydney, 29 March, 1858.*

SIR,

I have the honor, by desire of this Chamber, to lay before you the accompanying Memorial, having reference to the subject of the Royal Mail Company's Contract with the Government of New South Wales for a Monthly Steam Postal Communication with England *via* Panama, and to request, respectfully, that you will be pleased to submit the same to His Excellency the Governor General.

I have, &c.,

THE HONORABLE

ALEXANDER THOMSON.

THE COLONIAL SECRETARY.

[Enclosure in No. 7.]

*Chamber of Commerce,
Sydney, 29 March, 1858.*

MAY IT PLEASE YOUR EXCELLENCY,

The Sydney Chamber of Commerce having taken into consideration the subject of the provisional Contract made in the month of June, last year, between your Excellency's Government and Mr. Champion Wetton, the accredited Agent of the Royal Mail Company, for the establishment of a monthly Steam Communication between Sydney and Southampton *via* Panama; and having carefully and dispassionately weighed the facts and inferences deducible from the correspondence which passed between Mr. Wetton and the Governments of this Colony and New Zealand, having regard also to the fact that, in every particular, the stipulated conditions were faithfully carried out by this Colony, even to the voting of the required subsidy of £35,000; and that on the part of the Company no action appears to have been taken to fulfil the obligations of their authorised Agent,—are of opinion that it is neither proper nor desirable that a compact solemnly entered into with the Government of this Colony should be thus disrespectfully evaded by any body of Directors, whatever their position or influence may be; and, therefore, venture respectfully to request that your Excellency will be pleased to cause such measures to be adopted as will compel the Directors of the Royal Mail Company to carry out, in its integrity, the agreement concluded, in their behalf, by Mr. Champion Wetton.

For, and on behalf of the Members of the Sydney Chamber of Commerce,

JOSEPH S. WILLIS,

HIS EXCELLENCY

Chairman.

SIR WILLIAM THOMAS DENISON, K.C.B.,

&c.,

&c.,

&c.

No. 8.

THE COLONIAL SECRETARY to THE SECRETARY TO THE CHAMBER OF COMMERCE.

*Colonial Secretary's Office,
Sydney, 6 April, 1858.*

SIR,

By desire of the Colonial Secretary, I have the honor to acknowledge the receipt of your letter of the 29th ultimo, and to inform you that the communication from the Chamber of Commerce therein enclosed, in which they request that measures may be taken by the Governor General to compel the Directors of the Royal Mail Steam Packet Company to carry out, in its integrity, the agreement concluded, on their behalf, with Mr. Wetton, for the establishment of a Steam Postal Service between Southampton and Sydney *via* Panama and New Zealand, has been laid before His Excellency.

2. The arrangement made with Mr. Wetton was, as will be observed by the letter addressed to you from this Department on the 27th of June last, a provisional one, subject to the approval on the one part of the local Parliament, and on the other to ratification by the Shareholders of the Company in England; and, although it is much to be regretted that the Directors have as yet taken no steps to fulfil the arrangement which originated with their own accredited agent, it does not appear that the Government has any power to compel them to do so.

3. I am, however, directed to add, with reference to my letter of the 6th of February last, that no reply has been received to the Governor General's Despatch, in which His Excellency forwarded to the Imperial Government the Addresses of the local Legislature on the subject, with a recommendation that the Contract provisionally made with Mr. Wetton should be completed with as little delay as possible.

I have, &c.,

ALEXANDER THOMSON, Esq.,

W. ELYARD.

Secretary to the Chamber of Commerce.

1858.

Legislative Assembly.
NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

Papers relating to the Contract with the European and Australian
Royal Mail Company for the Conveyance of Mails between
Great Britain and Australia.

SCHEDULE.

No.	Page.
1. Secretary to the Chamber of Commerce to the Colonial Secretary, inquiring with reference to the Contract with the Royal Mail Company, 7 November, 1857.	2
2. Secretary to the Chamber of Commerce to the Colonial Secretary, forwarding a copy of Resolutions on the subject of the irregular performance of the Contract, 13 November, 1857.	2
3. Under Secretary to Secretary of Chamber of Commerce, in reply, 17 November, 1857.	2
4. Secretary to Chamber of Commerce to Colonial Secretary, transmitting a Petition of the Chamber of Commerce, 10 December, 1857.	3
5. Secretary to Chamber of Commerce to Colonial Secretary, forwarding a further Petition of the Chamber of Commerce on the subject, 8 March, 1858.	4
6. Under Secretary to Secretary of Chamber of Commerce, in reply, 18 March, 1858.	5
7. Mr. Wetton to Colonial Secretary, in reference to the Mail Service between England and the Colonies, 24 February, 1858.	5
8. Under Secretary to Mr. Wetton, in reply, 25 February, 1858.	5
9. Colonial Secretary of New South Wales to Chief Secretary, Victoria, Chief Secretary, South Australia, Colonial Secretary, Tasmania, 27 February, 1858, and Colonial Secretary, Auckland, New Zealand, on the same subject, 10 March, 1858.	6
10. Colonial Treasurer of Tasmania to Colonial Secretary, New South Wales, transmitting the copy of an answer given by that Government to a letter from Mr. Wetton, 15 March, 1858.	7
11. Chief Secretary, South Australia, to Colonial Secretary, New South Wales, acknowledging receipt of his letter of 27 February, 1858.	7

STEAM POSTAL COMMUNICATION.

No. 1.

THE SECRETARY TO THE CHAMBER OF COMMERCE to THE COLONIAL SECRETARY.

*Chamber of Commerce,
Sydney, 7 November, 1857.*

SIR,

I am directed by the Committee of this Chamber to request that you will have the kindness to inform them if, in the event of the Admiralty determining the contract at present existing with the European and Australian Royal Mail Company, the Commissioners are empowered to enter immediately into a fresh contract, or if they must first obtain the sanction of the Colonial Governments for that purpose.

I have, &c.,

ALEXR. THOMSON,
Secretary.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 2.

THE SECRETARY TO THE CHAMBER OF COMMERCE to THE COLONIAL SECRETARY.

*Chamber of Commerce,
Sydney, 13 November, 1857.*

SIR,

By direction of the Sydney Chamber of Commerce, I have the honor to lay before you the accompanying copy of a series of Resolutions (adopted at a Meeting held yesterday), which it is respectfully requested may be transmitted to Her Majesty's Secretary of State for the Colonies.

I have, &c.,

ALEXR. THOMSON,
Secretary.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure in No. 2.]

At a meeting of the Sydney Chamber of Commerce, held the 12th November, 1857.

It was resolved—

"1. That this Chamber has noticed with much gratification the Resolutions recently adopted by both Houses of Parliament expressive of the extreme dissatisfaction entertained as to the mode in which the Contract of the European and Australian Royal Mail Steam Company has been hitherto performed.

"2. That it appears desirable that an expression of opinion upon the same important subject should also emanate from the Sydney Chamber of Commerce, more especially as, since the present Time Table only allows two days for replies to their correspondents, the merchants and traders of this City have been most seriously inconvenienced by the past irregularities of the service.

"3. That this Chamber is of opinion that, if the Directors of the European and Australian Royal Mail Company do not satisfy the Imperial Government that they are making effectual provision for proper performance of the service in future, the Contract ought to be annulled."

ALEXR. THOMSON,
Secretary.

No. 3.

THE UNDER SECRETARY to THE SECRETARY TO THE CHAMBER OF COMMERCE.

*Colonial Secretary's Office,
Sydney, 17 November, 1857.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letters of the 7th and 13th of this month, respecting the Contract with the European and Australian Royal Mail Steam Company for the conveyance of the Mails between Australia and the United Kingdom, and to state that the Government is glad to observe, by the Resolution

Resolution enclosed in the last mentioned letter, that the view taken by the Chamber of Commerce on this subject is in accordance with the opinion expressed by the Legislature of this Colony, which will, of course, be communicated to the Home Government.

2. At the same time, I am desired to point out that the Resolutions enclosed in your communication are not in the proper form for transmission to the Secretary of State; but, if the Chamber of Commerce will submit a Petition embodying the representation which they may desire to make on the subject, it will be duly forwarded to the Imperial Government.

I have, &c.,

ALEXANDER THOMSON, Esq.,
Secretary to the Chamber of Commerce.

W. ELYARD.

No. 4.

THE SECRETARY TO THE CHAMBER OF COMMERCE to THE COLONIAL SECRETARY.

Chamber of Commerce,

Sydney, 10 December, 1857.

SIR,

I have the honor to acknowledge the receipt of the Under Secretary's letter (57-4599) of the 17th November, and, in pursuance of the suggestion contained therein, to submit a Petition to His Excellency the Governor General, the form of which, it is hoped, will obviate the objection that exists to a compliance with the request of this Chamber, as conveyed in my letter of the 13th November.

I have, &c.,

ALEXR. THOMSON,

Secretary.

THE HONORABLE

THE COLONIAL SECRETARY,

&c., &c., &c.

[*Enclosure in No. 4.*]

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.

The Petition of the Sydney Chamber of Commerce,—

HUMBLY SHEWETH :—

That at a General Meeting of the Members of the Chamber held on the 12th of November, 1857, it was resolved :—

1. That this Chamber has noticed, with much gratification, the Resolutions recently adopted by both Houses of Parliament, expressive of the extreme dissatisfaction entertained as to the mode in which the Contract of the European and Australian Royal Mail Company has been hitherto performed.
2. That it appears desirable that an expression of opinion upon the same important subject should also emanate from the Sydney Chamber of Commerce, more especially as since the present Time Table only allows two days for replies to their correspondents, the merchants and traders of this City have been most seriously inconvenienced by the past irregularities of the service.
3. That this Chamber is of opinion that if the Directors of the European and Australian Royal Mail Company do not satisfy the Imperial Government that they are making effectual provision for proper performance of the service in future, the Contract ought to be annulled.

Your Petitioners therefore humbly pray that your Excellency may be pleased to communicate the foregoing Resolutions to Her Majesty's Secretary of State for the Colonies.

For and on behalf of the Sydney Chamber of Commerce,

R. TOWNS,
Chairman.

No. 5.

THE SECRETARY TO THE CHAMBER OF COMMERCE to THE COLONIAL SECRETARY.

*Chamber of Commerce,
Sydney, 8 March, 1858.*

Sir,

I do myself the honor, by direction of the Committee of this Chamber, to wait upon you with the accompanying Petition to His Excellency the Governor General, praying that a series of Resolutions in reference to the existing Steam Postal Contract, adopted by the Chamber at its last sitting, and set forth in the Petition, may be transmitted to Her Majesty's Secretary of State for the Colonies.

I have, &c.,

ALEXR. THOMSON.

THE HONORABLE,
THE COLONIAL SECRETARY.

[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 Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.,

The Petition of the Sydney Chamber of Commerce,—

HUMBLY SHEWETH:—

That at a General Meeting of the Members of the Chamber, held on the 5th day of March, 1858, it was resolved:—

1. That in the opinion of this Chamber the Time Table adopted by the European and Australian Royal Mail Company would be very inconvenient to the Colonists of New South Wales, even if it were maintained with punctuality.
2. That the inconvenience to which the Colonists would even then be subjected has been most seriously aggravated by the inefficient performance of the Contract.
3. That so long as the present Time Table is retained, the inhabitants of this Colony will, it is feared, be constantly subject to repetitions of the inconvenience to which they have been on several occasions exposed by the non-arrival in Sydney of the overland Mail prior to the departure of the steamer with the homeward Mail.
4. That such a re-arrangement of the Time Table as will render the recurrence of past irregularities less probable is due to the Colonists of New South Wales, considering the extent of their commerce, and the amount contributed by them to the subsidy paid to the European and Australian Royal Mail Company.
5. That it is the more incumbent upon the Company to accede to their just demand in this particular as a diminution in the number of days now permitted between the arrival and departure of the Mails at and from London would permit of the desired re-arrangement of the Time Table.
6. That if so reasonable a request be not promptly granted, it will, undoubtedly, become a matter for grave consideration with the Colonists of New South Wales whether it will be politic for them to continue their contribution to a service from which they have derived little benefit, and which, in consequence of its irregularity, has caused them most serious inconvenience.
7. And further, this Chamber desires to reiterate the opinion expressed in their Petition of 10th December last,—that if the Directors of the European and Australian Royal Mail Company do not satisfy the Imperial Government that they are making effectual provision for the proper performance of the service in future, the Contract ought to be annulled.

Your Petitioners therefore humbly pray that your Excellency may be pleased to transmit the foregoing Resolutions to Her Majesty's Secretary of State for the Colonies.

For and on behalf of the Sydney Chamber of Commerce,

JOSEPH S. WILLIS,
Chairman.

No. 6.

THE UNDER SECRETARY to THE SECRETARY TO THE CHAMBER OF COMMERCE.

*Colonial Secretary's Office,
Sydney, 18 March, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 8th instant, enclosing a Petition from the Chamber of Commerce, embodying a series of Resolutions passed by the Chamber, in reference to the existing Steam-Postal Contract; and to inform you, that the Petition will be transmitted by His Excellency the Governor General to the Secretary of State by the next Mail.

I have, &c.,

ALEXANDER THOMSON, Esq.,

W. ELYARD.

Secretary to the Sydney Chamber of Commerce.

No. 7.

C. WETTON, Esq., to THE COLONIAL SECRETARY.

*European and Australian Royal Mail Steam Company,
Sydney, 24 February, 1858.*

SIR,

As the representative in Australia of the Royal Mail and of the European and Australian Royal Mail Companies, I have the honor to address you in reference to the Mail Service between England and the Colonies.

From many causes, now unnecessary to advert to, partly accidental, partly arising from the natural difficulties of the route, and partly from inexperience, the Mails have not generally been delivered at either terminus with regularity, or within the Contract time; nor has the service been carried on in a manner satisfactory to any of the parties interested in the Contract, at Home or in the Colonies, to Her Majesty's Government or to the Company themselves. This is acknowledged and regretted by the Company; and this is now in course of remedy, by new arrangements made under the sanction and full approval of Her Majesty's Government.

With the view of reorganizing the Service on a new and better footing, the assistance of an experienced and powerful Company has been obtained, in the amalgamation of the Royal Mail Steam Packet Company with the European and Australian Royal Mail Company, under an agreement which now only waits the legalization of an Act of the Imperial Parliament. Anticipating the assent of the Legislature, the new management are already taking active measures to organize a more efficient staff ashore and afloat, and to place on the line a sufficient number of powerful vessels, with a spare ship at either terminus of the outside service; by which means, it is to be hoped, better time will be kept in future, and as near an approach will be made to regularity as is possible under the existing terms of the Contract. All that long experience and ample means can do will now be done to carry out this Service in a manner worthy of the great interests involved. And the Company, thus newly and more rigorously constituted, with so great an outlay already incurred, has a right to ask of the public and of the Governments of these Colonies a fresh and a fair trial, and some forbearance, pending the reorganization of the Service.

I have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY,

New South Wales,

&c., &c., &c.
Sydney.

CHAMPION WETTON,

Superintendent.

No. 8.

THE UNDER SECRETARY to C. WETTON, Esq.

*Colonial Secretary's Office,
Sydney, 25 February, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of yesterday's date, in which, adverting to the irregularities which have occurred in the performance of the Contract for the conveyance of the Mails between England and these Colonies,

Colonies, you state that they are now in the course of remedy by new arrangements, and, in consequence, urge that the Company you represent should have a fresh and fair trial, and some forbearance, pending the reorganization of the Service.

2. In reply, I am desired to inform you that the Government of this Colony feels that it has good reason to be very much dissatisfied with the mode in which the Mail Service has been conducted. Strong remonstrances have already been made to the Imperial Government, pointing out the numerous failures which have taken place, and which can only be attributed to the neglect of the Company, and its utter disregard of the conditions of the Contract, and the vague statements of the measures contemplated by the Company for the improvement of the Service, which are contained in your communication, are not considered by the Government sufficient to justify it in withholding the further remonstrance which it is intended to make, or in agreeing to a further trial of a Company which has so utterly failed in performing its engagements.

I have, &c.,

C. WETTON, Esq.,
&c., &c., &c.

W. ELYARD.

No. 9.

THE COLONIAL SECRETARY to THE CHIEF SECRETARY, VICTORIA.

New South Wales,

Colonial Secretary's Office,

Sydney, 27 February, 1858.

SIR,

You are no doubt aware that the irregular manner in which the Mail Service between England and the Australian Colonies, by the European and Australian Royal Mail Steam Company, has been performed has been the subject of much complaint in New South Wales, and this has been felt so seriously that representations have been made, from time to time, to the Home Government, pointing out the inconvenience which has resulted from the failure of the Company to observe the conditions of the Contract.

2. Mr. Wetton, who has recently been appointed Superintendent of the Company, has addressed to me a letter, stating that these irregularities are in course of remedy by new arrangements, and bespeaking for the Company a fresh trial and forbearance, pending the reorganization of the Service. It does not appear, however, to this Government that anything has been advanced by Mr. Wetton which should induce it either to withhold the additional remonstrance, which is about to be made to the Imperial Government on the subject, or to signify its willingness to be a party to any arrangement for extending a further trial to a company which has so completely failed in its engagements; and, as there seems to be a possibility that Mr. Wetton has made a similar communication to the adjoining Colonies, I have the honor to transmit, for your information, a copy of the reply which has been addressed to him in answer to his letter to me.

3. I take this opportunity of stating that the subject of the Steam Postal Service between the United Kingdom and New South Wales is now engaging the serious consideration of this Government, with a view to the proposal of some plan by which a speedy and regular communication may be secured.

4. I shall be happy to enter into any correspondence with you upon this subject, or to receive from you any suggestions with which you may be disposed to favor me, in order that this Colony may be prepared to act in concert with the neighbouring Colonies; and I beg to assure you of our readiness to meet in a friendly spirit the wishes of our fellow Colonists upon this most important subject, and to co-operate with them in a united endeavour to obtain such a measure as shall be of mutual advantage to the Australian Colonies.

I have, &c.,

CHARLES COWPER.

Similar Letters addressed to the Colonial Secretary, Tasmania, dated 27th February, 1858. Chief Secretary, South Australia, dated 27th February, 1858. Colonial Secretary, Auckland, New Zealand, 10th March, 1858.

No. 10.

THE COLONIAL TREASURER OF TASMANIA to THE COLONIAL SECRETARY OF
NEW SOUTH WALES.

Colonial Treasury, Hobart Town,
15 March, 1858.

SIR,

I have the honor to acknowledge your letter of the 27th ultimo, and the copy of your reply, of the 25th, to the Agent of the European and Australian Royal Mail Company; and I beg to transmit the answer of this Government to that gentleman.

I have, &c.,

THE HONORABLE

FREDK. M. INNES.

THE COLONIAL SECRETARY,
Sydney, New South Wales.

[Enclosure in No. 10.]

Tasmania,
Colonial Treasury, Hobart Town,
15 March, 1858.

SIR,

I have the honor to acknowledge your letter of the 24th ultimo, wherein, as the representative in Australia of the European and Australian Royal Mail Companies, you address me in reference to the Mail Service between England and the Colonies.

In this communication you state that, from many causes, partly accidental, partly resulting from the novelty of the undertaking, the Mails have not been delivered at either terminus with regularity or within the contract, nor has the Service been carried on in a manner satisfactory to any of the parties interested in the contract; and you intimate that, with a view to reorganizing the Service on a better footing, arrangements are in progress by which it is hoped that better time will be kept in future, and an approach made to regularity; and you ask of the Government of this, as of the other Colonies, a fresh and a fair trial, and some forbearance, pending the reorganization of the Service.

The Government of this Colony is not insensible to the risks which attended the adoption of a new mode of Postal Communication between Europe and the Australian Colonies, and has not been disposed, therefore, on slight grounds to complain of those irregularities which have taken place, and which you are constrained yourself, as the Agent of the European and Australian Royal Mail Company, to admit. It is gratified also to learn, that by new arrangements it is hoped that those irregularities will be obviated in future; but I am not warranted by the indefinite assurances in your letter, and by past experience of the management of the Company you represent, to commit this Government further than by this general acknowledgment of your communication.

I have, &c.,

F. M. INNES.

CHAMPION WETTON, ESQ.,
Superintendent, European and Australian
Royal Mail Company, Sydney.

No. 11.

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

South Australia,
Chief Secretary's Office,
Adelaide, 15 March, 1858.

SIR,

I beg to acknowledge the receipt of your letter of the 27th ultimo, putting me in possession of the purport of a correspondence which has passed between your Government and Mr. Wetton, the Superintendent to the European and Australian Royal Mail Company, relative to the irregular manner in which the Mail Service between England and the Australian Colonies has been performed, and further reporting the willingness of the New South Wales Government to enter into some new arrangement for the speedy and regular conveyance of the Mails. I have now the honor, by direction of His Excellency Sir R. G. Macdonnell, to inform you, that the subject will receive the full consideration of the Government of South Australia.

I have, &c.,

W. YOUNGHUSBAND,
Chief Secretary.

THE HONORABLE
THE COLONIAL SECRETARY,
New South Wales.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM SHIP "CITY OF SYDNEY."

(PAPERS RELATIVE TO CHARTER OF, FOR CONVEYANCE OF MAILS TO SUEZ.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

PAPERS relating to the Charter of the Steam Ship "City of Sydney" for the conveyance of the Mails, in the place of the European and Australian Royal Mail Company's Contract Vessel, the "European."

SCHEDULE.

NO.	PAGE.
1. Mr. Larmour to the Colonial Secretary, relative to the Charter of the "City of Sydney" for the conveyance of the Mails in lieu of the "European," and forwarding the copy of a letter from the Admiralty Agent on the subject, 2 November, 1857	2
2. Postmaster General to the Colonial Secretary reporting on Mr. Larmour's proposal, 4 November, 1857	3
3. Under Secretary to Mr. Larmour, in reply, 6 November, 1857	3
4. Under Secretary to Postmaster General on the subject, 6 November, 1857	4

STEAM SHIP "CITY OF SYDNEY."

No. 1.

H. LARMOUR, Esq., to THE COLONIAL SECRETARY.

*European and Australian Royal Mail Company,
Sydney, 2 November, 1857.*

SIR,

In consequence of the crank shaft of the S. S. "European" having proved defective, and it being impossible to provide a new one in time to despatch that vessel with the Mails of the 11th November, to meet the requirements of the service, I have chartered, at a heavy outlay, the only vessel available for the service in the Colonies, viz., the "City of Sydney."

As Captain Reid, the Admiralty Agent of the "European," has communicated to me his refusal to embark the Mails on board the "City of Sydney," (copy of which communication I enclose,) I will thank you to inform me whether the Government of New South Wales will object to the despatch of the Mails per "City of Sydney," under the contract. It will only be a temporary arrangement for this voyage, and the ship not to be continued in the service.

I have, &c.,

H. LARMOUR,

Manager.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure in No. 1.]

*R. M. S. S. "European,"
Sydney, 31 October, 1857.*

SIR,

I beg to acknowledge the receipt of your letter of the 30th instant, informing me that the crank shaft of the "European" had proved defective, and that it is impossible to provide another in time to despatch that vessel with H. M. Mails on 11th proximo, but in lieu of the "European" that you had chartered the "City of Sydney," steamer, for the service.

I have to call your attention to the articles of agreement between my Lords Commissioners of the Admiralty and the Directors,—that in every case of a ship becoming disabled the Company will "replace the same by good and efficient vessels of similar tonnage."

On inspecting the steamer "City of Sydney," I find her not in accordance with the terms of Contract, and therefore decline embarking with H. M. Mails in her, on the 11th proximo.

I have, &c.,

W. REID,

Commander R. N.,
Admiralty Agent.

H. LARMOUR, Esq.,

Manager of the European and Australian
Royal Mail Company, Sydney.

No. 2.

No. 2.

THE POSTMASTER GENERAL to THE COLONIAL SECRETARY.

*General Post Office,**Sydney, 4 November, 1857.*

SIR,

I have the honor to acknowledge the receipt of a communication addressed to you by the Manager of the European and Australian Royal Mail Company, together with an enclosure, addressed to Mr. Larmour, by Captain Reid, R.N., the Admiralty Agent on board the "European," and beg to report thereon, in pursuance of your instructions under blank cover of yesterday's date.

2. I am of opinion that, under the present circumstances, the despatch of the usual Monthly Mail is highly expedient, and will be of great benefit to the public; and that, as the "European" cannot convey the November Mails, and there is an uncertainty as to the "Columbian" being able to do so, the chartering of the "City of Sydney" is likely to prove advantageous to the public interests.

3. I understand the Admiralty Agent's letter as protesting against the "City of Sydney" as not being the class of vessel contracted for by the Home Government, and as giving his decision not to accompany her, but to remain for the "European," whose Mail he will take charge of in due course.

4. In a personal communication with Captain Reid, he confirmed this view, and added the word "with" in his original letter, which addition to some extent modifies his former communication.

5. I purpose, with the approval of the Government, shipping the usual Monthly Mail by the "City of Sydney," and would respectfully recommend that the Manager of the European and Australian Royal Mail Company be informed of this decision; as also that the Colonial Government can in no way enter on the general question of the Contract, or its non-performance; and that their acquiescence in the present arrangements must in no way be considered as interfering with any fines or penalties that the Home Government may think proper to inflict.

I have, &c.,

W. H. CHRISTIE,

Postmaster General.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 3.

THE UNDER SECRETARY to H. LARMOUR, ESQ.

*Colonial Secretary's Office,**Sydney, 6 November, 1857.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 2nd. instant, stating that, in consequence of the crank shaft of the steam ship "European" having proved defective, and the impossibility of providing a new one in time to despatch that vessel with the Mails of the 11th of this month, you have chartered the "City of Sydney," as the only vessel available for the service in the Colonies, and inquiring whether this Government will object to the despatch of the Mails for the present month by the latter steamer, under the Contract.

2. In reply, I am directed to inform you, that, in order to prevent the great inconvenience to the community which would be occasioned by the usual Monthly Mail not being despatched at the appointed time, the Postmaster General will be authorised to ship them on board the "City of Sydney," as you desire; but it is to be distinctly understood, that the course

course adopted by the Colonial Government is not to be considered as interfering with the obligation of the Company you represent duly to perform their Contract, or with any fines or penalties to which they may become liable in consequence of the breach of any of the provisions of it.

H. LARMOUR, Esq.,
Manager of the European and
Australian Royal Mail Company.

I have, &c.,
W. ELYARD.

No. 4.

THE COLONIAL SECRETARY to THE POSTMASTER GENERAL.

*Colonial Secretary's Office,
Sydney, 6 November, 1857.*

SIR,

In acknowledging the receipt of your letter of the 4th instant, I am directed by the Colonial Secretary to transmit, for your information and guidance, a copy of a letter which has been addressed to the Manager of the European and Australian Royal Mail Company, in reply to a communication from him on the subject of the transmission of the Mails for the present month by the "City of Sydney."

THE POSTMASTER GENERAL.

I have, &c.,
W. ELYARD.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(DESPATCHES RELATIVE TO CONTRACT FOR.)

Ordered by the Legislative Assembly to be Printed, 20 May, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

(Circular.)

Downing-street,

13 March, 1858.

SIR,

As some dissatisfaction has been felt in the Australian Colonies at the manner in which the conveyance of Mails between this Country and Australia has been executed by the European and Australian Royal Mail Company, I think it right to transmit to you, for your information, a copy of a letter which has been received at this Department from the Treasury, in answer to a representation on the subject which was made by the Government of Victoria; and I trust that the further arrangements referred to in Mr. Wilson's letter will have the effect of ensuring a greater degree of punctuality in the performance of this service.

I have, &c.,

STANLEY.

GOVERNOR

SIR W. DENISON, K.C.B.,

&c., &c., &c.,

New South Wales.

JAMES WILSON, ESQ., to H. MERIVALE, ESQ.

Treasury Chambers,

27 February, 1858.

SIR,

With reference to your letter of the 20th instant, transmitting copy of a Despatch from the Governor of Victoria, with a memorandum which has been drawn up by the Postmaster General, as to the unsatisfactory manner in which the European and Australian Royal Mail Company have hitherto carried out their Contract, and requesting to be informed of the views of this Board upon this subject,—I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Secretary of State for the Colonies, that my Lords concur very much in the views taken by Sir H. Barkly as to this service, and they are of opinion that it would be a good means of securing greater regularity if the voyage between Suez and Melbourne were divided by a change of vessel at Point de Galle.

My Lords have perused the representations of the Chamber of Commerce at Melbourne, and join with them in deprecating the extreme irregularity of the service. My Lords have, however, taken every means in their power, short of terminating the Contract, to induce the Company to perform the service with greater regularity. The heavy fines provided for by the Contract have been enforced to the full extent to which My Lords considered them as due.

The subject of proceeding to more serious measures has engaged the attention of this Board; but My Lords have been deterred from taking any further steps up to this time, on several considerations.

First,—Experience has shown the Home Government that all the extensive and heavy services are performed, in the first instance, in a manner which has never been satisfactory to the Government or to the public; and my Lords felt that it was better to put up with a less perfect service for a time, in the hope that, as the arrangements of the Company became more perfect, it would improve, and rather than hazard a new Contract with a new Company, which would again unsettle everything, and expose the service to all the risks of forming new arrangements; and, next, the European and Australian Company has recently effected arrangements with the West India Royal Mail Company to assist them in the performance of the service; from this arrangement, which will bring both ships and experience in management to the service of the European and Australian Company, My Lords are led to hope for an improved service.

In the meantime every motive will be given to urge the Company in that direction, by the infliction of the penalties which become payable.

My Lords, however, see, with much regret, that the Postmaster General of Victoria is the first to suggest a repudiation of the obligations of the Contract on the part of that Colony.

The Contract was made, at the direct wish of the Colonies, by Her Majesty's Government, and every security for its performance was taken by the Home Government. The irregularities which have occurred are as much a matter of regret, concern, and inconvenience to those who in this country are connected with the Colonies, and the public in general who have correspondence with them, as they can be to the Colonies themselves.

And my Lords feel assured that the Colonies, sensible of the efforts on the part of the Home Government to make arrangements, and to carry them into effect so as to meet the mutual wants of both parties interested in the fulfilment of the Contract, will, on their part, continue faithfully to fulfil their obligations, until it shall be thought fit on both sides to discontinue the arrangements.

I am, &c.,

JAMES WILSON.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL CONTRACT.

(DESPATCH RELATIVE TO PERFORMANCE OF.)

Ordered by the Legislative Assembly to be Printed, 15 June, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

(Circular.)

*Downing-street,**23 March, 1858.*

SIR,

With reference to my Circular Despatch of the 13th instant, respecting the manner in which the Mail Contract has hitherto been performed by the European and Australian Royal Mail Company, I transmit to you the copy of a letter from the Assistant Secretary to the Lords Commissioners of the Treasury, from which you will perceive that the Company are prepared to keep six vessels of a proper size on the Suez and Sydney Line, and that the two which are now employed on that line will shortly be replaced by other two of larger dimensions, and that the necessary measures will be taken by the Board of Admiralty to enforce that arrangement.

I have, &c.,

STANLEY.

GOVERNOR

SIR WM. DENISON, K.C.B.,

&c., &c., &c.,
New South Wales.

SIR C. E. TREVELYAN, K.C.B., to HERMAN MERIVALE, ESQ.

*Treasury Chambers,**16 March, 1858.*

SIR,

The Lords Commissioners of Her Majesty's Treasury have directed me to acquaint you, for the information of Lord Stanley, with reference to your letter of 20th ultimo, that my Lords have been informed by the Board of Admiralty that, having communicated with the European and Australian Steam Packet Company relative to the complaints preferred against them by the Chamber of Commerce at Melbourne, &c., with respect to the manner in which the Mail Service has been performed, the Board have received an admission from the Company of the necessity of keeping (6) six vessels on the Suez and Sydney Line.

I am at the same time to state, that the Company have at present that number of vessels on the line, and though two of these are not of the proper size, they will be replaced shortly by two of the proper dimensions, and that the Board will take measures for maintaining that number of vessels on the line for the future.

I am, &c.,

C. E. TREVELYAN.

1858.

Legislative Assembly.

NEW SOUTH WALES.

MAIL SERVICE BETWEEN ENGLAND AND AUSTRALIA.
(DISSOLUTION OF CONTRACT.)

Ordered by the Legislative Assembly to be Printed, 19 August, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON

(Circular.)

Downing-street,
16 June, 1858.

SIR,

With reference to previous correspondence, I transmit to you, herewith, for your information, a copy of a letter from the Secretary to the Treasury, announcing the 16 June, 1858. necessary dissolution of the present Contract with the European and Australian Royal Mail Company, and reporting the temporary arrangement which it is proposed to make for conducting the Mail Service with Australia, until some new Contract can be entered into of a more permanent nature.

GOVERNOR

SIR WM. DENISON, K.C.B.,
New South Wales.

I have, &c.,
E. B. LYTTON.

MR. HAMILTON to MR. MERIVALE.

Treasury Chambers,
16 June, 1858.

SIR,

I am desired by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Secretary Sir Edward Bulwer Lytton, with reference to the correspondence which has already taken place on the subject of the irregularities in the Mail Service between this Country and the Australian Colonies, that their Lordships were in negotiation with the European and Australian Royal Mail Company, with a view to place the service on a more satisfactory and efficient footing, and that Mr. Cunard was willing to have connected himself with the service, provided certain modifications in the contract could be made.

Their Lordships, attaching great value to the connexion of a gentleman with the character and experience of Mr. Cunard, and believing that in him would be found the best guarantee of the punctual and satisfactory performance of the service, were disposed to assent to considerable modifications in the contract, as the condition of Mr. Cunard's undertaking the service in connexion with the present contractors—contingent, however, upon the consent of the Colonies.

But their Lordships' attention having been called to resolutions adopted at a meeting of the shareholders of the European and Australian Royal Mail Company, of which a copy is herewith transmitted, and by which it appears that the shareholders had agreed to dissolve and wind up the Company, and likewise to a balance sheet, signed by the Auditors of the Company, exhibiting losses to a very large amount, they have not deemed it right to continue negotiations.

I am to state that, although it is necessary to proceed carefully under the present circumstances, their Lordships see no alternative but that of either accepting from the European and Australian Royal Mail Company a surrender of the contract, or taking steps to annul it.

It is obvious that the contractors, from the losses they have already sustained, are unable to carry on the contract; and although, as has been already stated, their Lordships would have been disposed to have consented to considerable modifications in an existing contract with a solvent Company, in order to strengthen them, and enable them to carry on the service, yet their Lordships are of opinion that it would not be expedient to modify the terms of the contract with the Company under the circumstances of its insolvency being declared by its own shareholders, and steps being taken for liquidation and winding up.

Such modification and arrangement, under such circumstances, would be virtually a new contract with new parties, and ought to be offered to public competition.

Their Lordships therefore propose, when the existing contract shall be either surrendered or cancelled, to invite tenders, without delay, for a new service, modifying the terms in such particulars as experience may have shewn to be necessary, and they have every hope that they will thus be able to place the service in all respects on a satisfactory footing.

I am to state that, to obviate the inconvenience which would otherwise be occasioned by the sudden removal of the present line of steamers, it is the intention of their Lordships to take immediate steps for entering into a temporary arrangement with the Royal Mail Steam Company, or some other Company, for the service, during the period that must elapse between the termination of the present contract and the commencement of the new one.

In conclusion, I am to request that you will move Sir Edward Bulwer Lytton to communicate with the Governors of the several Colonies by the Mail, which has been detained until to-morrow.

I am, &c.,

GEO. A. HAMILTON.

[*Enclosure referred to.*]

At an adjourned special extraordinary general meeting of the Shareholders of the European and Australian Royal Mail Company (limited), held at Glasgow, on Wednesday, the 2nd June, 1858,—

It was Resolved:—

1. That the affairs of the European and Australian Royal Mail Company (limited) be voluntarily wound up, under and in accordance with the provisions applicable to the voluntary winding up of a Company contained in the Joint Stock Company's Act, 1856.

2. That the Directors of the Company be as they are hereby authorised to cause notice to be given in the *Edinburgh Gazette* of such resolution to wind up the Company voluntarily, in conformity with the provisions of the said Statute.

3. That Walter Mackenzie, accountant in Glasgow, be as he is hereby nominated and appointed Liquidator, for the purpose of winding up the affairs of the said Company, and distributing the property in accordance with the provisions contained in the said Joint Stock Companies' Act, 1856, with all the powers, rights and privileges conferred upon Liquidators by Statute, or pertaining to the office by law or otherwise in relation to the voluntary winding up of a Company; and that the remuneration to be paid to the said Liquidator shall be at the rate of five hundred pounds sterling per annum for the first year, and in the event of the affairs of the Company not being wound up before the expiry of one year from this date, the rate of remuneration shall be as may be fixed by a general meeting of the Company, to be then called.

4. That the conditional or provisional agreement referred to in the supplementary Report of the Directors, in so far as it makes provision for the disposal of the three ships and plant and others therein mentioned, be and the same is hereby approved of, subject to the rights and approval of the mortgagees or others interested therein; and

5. That the Directors of the Company be as they are hereby authorised and empowered in the interim, and until the foregoing resolutions, or such of them as may require confirmation, shall have been confirmed by a subsequent meeting, to be called for the purpose, in terms of the said Joint Stock Companies' Act, 1856, in concert with the said Liquidator, to adopt such measures, and to enter into and complete and carry through, such arrangements or agreements, (including the conditional or provisional agreement before referred to,) as they and he may consider expedient, and for the interest of the Company; either with the view of having the working agreement, which had been entered into with the Royal Mail Company on the faith of an amalgamation, terminated or cancelled, or for having its terms enforced, or for preserving, recovering, chartering, or otherwise disposing of and realizing, all or any portion of the Company's property or assets, subject to the rights and approval of the mortgagees of the Company's ships, so far as said mortgagees or any of them are interested, with a view to or towards the winding up of its affairs; and generally to do whatever they and the said Liquidator may consider proper or expedient for protecting or promoting the interests of the Company, or for the purpose of carrying out or giving force and effect to all or any of these Resolutions.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(LETTER FROM W. C. WENTWORTH, ESQ., AS CHAIRMAN OF AUSTRALIAN ASSOCIATION.)

Ordered by the Legislative Assembly to be Printed, 20 April, 1858.

LETTER from W. C. WENTWORTH, ESQ., Chairman of the General Association for the Australian Colonies, in London, to the Colonial Secretary of New South Wales, respecting a proposal for the extension of the existing contract for the Mail Service between England and the Australian Colonies.

*General Association for the Australian Colonies,
Committee Rooms, London Tavern,
January 14, 1858.*

SIR,

The Association, on the occasion of the Government entering into a contract for the Mail Service with the European and Australian Steam Company, were induced to point out to Her Majesty's Ministers the unsatisfactory character of the arrangements, and the inadequacy of the means provided for carrying out that service, in the number and power of the vessels employed, and in the neglect of any proper tests for determining their speed prior to leaving England.

The unfavourable anticipations which the Association formed as to the working of the European and Australian Steam Company have unfortunately been realised in a very marked degree; and had the contract continued in the same hands, the Association are of opinion that the several Colonies would have been justified in withholding their confidence in its future operations. A junction has, however, been formed between the European and Australian Company and the Royal Mail Company, which, if carried out upon the terms proposed, affords a well-grounded hope that the service will hereafter be performed with speed and punctuality, and in a manner satisfactory to the Colonists. It is one of the conditions of the proposed union, that not less than six vessels, of adequate size and power, should be provided for the service between the Colonies and Suez,—an arrangement which will permit one spare vessel always to be available in the Red Sea, and another in Sydney, in the event of any one of the vessels being disabled at either end of the line.

In the interview which the Committee of the Association have recently had with the Provisional Committee of the amalgamated Companies, the Chairman of the latter body, C. Mangles, Esq., gave the most positive assurances of their desire to give every satisfaction henceforth to the Colonies in the performance of the contract. He fully admitted the irregularities that have characterised the service as hitherto performed, and the well-grounded character of the complaints that have been made respecting it. An addition will have to be made to their Capital, of £250,000, which has already been subscribed for. To effect the

junction proposed, an Act of Parliament will be required, all the preliminary steps necessary for which have already been taken.

In order, however, to complete the proposed union of the two Companies, Mr. Mangles stated that it would be an essential condition that their contracts should be prolonged for two years beyond the term for which they are at present taken. The Imperial Government, it is understood, are favourable to such an extension, and it only rests with the several Colonies to determine whether the proposal shall be acceded to. The Committee of the Association, having taken into their deliberate consideration all the circumstances of the case, are of opinion that it will be for the interest of the Colonies that the proposed extension of the contract should be conceded. If the present European and Australian Steam Company break down, as it inevitably will if it fail to effect a union with the Royal Mail Company, the communication by steam with the Colonies will be interrupted for an indefinite period, and the Colonies placed in the hands of the Peninsular and Oriental Company, who, by virtue of their monopoly, will be able to exact whatever terms they choose from the Colonies, and perform the service in whatever mode they like. Indeed it is somewhat doubtful whether, with the present exigencies of the Indian service, the Peninsular and Oriental Company would be able to undertake an Australian line. All that they could possibly effect would merely be the establishment of a *branch* line from Ceylon to Australia, making the interests and convenience of the Colonial passengers and mails entirely subordinate to those of India.

The Committee of the Australian Association, therefore, strongly advise the several Governments of the Australian provinces promptly to consider the proposal of granting an extension of the contract to the amalgamated Company upon the terms suggested, persuaded as they are that upon the concessions sought for depends the continuance of steam communication between the Colonies and England, or, at all events, the avoidance of a serious interruption that must otherwise inevitably arise. It must also be obvious, that the required extension of the contract will be to the manifest advantage of the Colonies, if it be carried out in future, as your Committee believe it will be, in its integrity.

I have, &c.,

W. C. WENTWORTH,

Chairman.

TO THE HONORABLE

THE CHIEF SECRETARY

of New South Wales.

1858.

Legislative Assembly.
NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION WITH ENGLAND.

(MINUTES AND PROCEEDINGS OF EXECUTIVE COUNCIL.)

Ordered by the Legislative Assembly to be Printed, 27 August, 1858.

W. DENISON,

Message No. 26.

Governor General.

With reference to the Address of the Legislative Assembly on the 6th of this month respecting Steam Postal Communication with England, and the Governor General's reply thereto of the 10th instant, His Excellency now transmits, for the information of the Assembly, Copies of the Minutes of Proceedings of the Executive Council upon the subject.

2. In accordance with the opinion expressed by the Council, the Governor General invites the Legislative Assembly to appropriate any sum not exceeding £50,000 a year, for a period of either seven or ten years, for the establishment of a Steam Postal Communication with England by way of Panama.

Government House,

Sydney, 27 August, 1858.

PROCEEDINGS of the Executive Council with respect to an Address from the Legislative Assembly relative to Steam Postal Communication with England.

Extract from Minute No. 58-32, dated 9th August, 1858.

Present:—

HIS EXCELLENCY THE GOVERNOR GENERAL,
THE HONORABLE THE VICE-PRESIDENT OF THE COUNCIL,
THE HONORABLE THE COLONIAL TREASURER,
THE HONORABLE THE SOLICITOR GENERAL,
THE HONORABLE THE SECRETARY FOR LANDS AND PUBLIC WORKS.

HIS Excellency the Governor General lays before the Council an Address which has been presented to him by the Honorable the Speaker, embodying certain Resolutions adopted by the Legislative Assembly, on the 6th instant, with reference to the existing Steam Postal Communication with England *via* India, and a proposed communication *via* Panama; and, in deference to the wish expressed in the concluding paragraph of this Address, His Excellency now submits the subject for the consideration of the Council.

2. The Council accordingly proceed to consider the several matters touched upon in the Address, a copy of which is hereto annexed; and, after a lengthened deliberation, advise that His Excellency should, by the Mail which will leave Sydney on the 11th instant, forward a copy of the Resolutions to the Right Honorable the Secretary of State for the Colonies

Colonies, and especially urge upon the attention of Her Majesty's Government the principle affirmed in the 6th Resolution, viz., "That in any future contract for the Mail Service, it is not for the interests of New South Wales that the Imperial Government should make any arrangement binding on this Colony without previous reference thereto."

3. Having further deliberated, the Council defer their decision as to what other steps it would be expedient to adopt in the matter until their next meeting.

EDWARD C. MEREWETHER,
Clerk of the Council.

PROCEEDINGS of the Executive Council with respect to Steam Postal Communication with England.

Extract from Minute No. 58-33, dated 16th August, 1858.

Present :—

HIS EXCELLENCY THE GOVERNOR GENERAL,
THE HONORABLE THE VICE-PRESIDENT OF THE COUNCIL,
THE HONORABLE THE ATTORNEY GENERAL,
THE HONORABLE THE COLONIAL TREASURER,
THE HONORABLE THE SECRETARY FOR LANDS AND PUBLIC WORKS.

UPON the invitation of His Excellency the Governor General, the Council resume the consideration of the question of Steam Postal Communication with India, submitted to them at their last meeting, and then only partially proceeded with.

2. On the present occasion the Council have before them, in addition to the Resolution adopted by the Legislative Assembly on the 6th instant, a Minute in which His Excellency explains his own views upon the subject; and having again given to the consideration of the question that full and earnest attention which its importance demands, the Council desire that the result of their deliberations be recorded as follows :—

1st. They are clearly of opinion that the Steam Postal Communication with England and India has been conducted under the existing contract with the European and Australian Steam Navigation Company in a most unsatisfactory manner. But, in dealing with the question with reference to the future, it is proper to consider whether the conditions of that contract were such as could be fulfilled with any degree of regularity. It may be urged, it is true, that the practicability of the undertaking was a matter for the consideration of the parties who engaged to perform it, and they, it may fairly be presumed, proportioned the amount of their demand upon the Government to the character of the work they had to do; but in such a wide scheme as that which was grafted upon the original proposition, it is evident that there were many risks to be run, upon which it was difficult, if not impossible, to calculate.

2nd. The Government of New South Wales never contemplated the establishment of a separate and distinct line all the way from England to Australia; all the calculations were based upon the assumption that advantage would be taken of the existing line to India, so far as that could be made available, and the difficulties which have been encountered are due, in great measure, to the attempt which has been made to establish with insufficient means an independent line from Australia to Suez. The Council believe that the experience of the working of this line for the last 18 months has shewn that it is too long to admit of being worked with any probability of regularity by vessels sailing from Sydney making the voyage to Suez and returning at once. Such a voyage would take 89 days, and no time would be given for such ordinary repairs to machinery as must always be required from time to time.

3rd. It is by no means certain that the work could be done with regularity were the vessels to sail from Suez and Sydney independently of each other; the voyage of each would still be from 44 to 46 days, and this is no longer than a steamer can be fairly expected to work without a thorough inspection of her machinery. The Council are therefore of opinion that it would very much conduce to the regularity of the Mail Service to and from England, if the different stages or portions of the voyage were shortened, as might be done were Ceylon made the termination of the direct voyage from the Colonies, instead of Suez.

4th

4th. Should the Company who at present hold the contract altogether fail either to carry on the Mail Service, or to induce other parties to undertake it, or, should Her Majesty's Government determine the contract, the whole question will then be open for reconsideration, and it will be in the power of the Australian Colonies to propose new arrangements. It is desirable, therefore, that some determination should be arrived at by this Colony as to what those arrangements should be.

5th. In dealing with the question, the Council assume that the advantage of a rapid, frequent, and regular Steam Communication with Europe, Asia, and America, are great enough to justify the Colony in paying to persons who will undertake to provide the necessary means for this, a much larger sum than can be possibly received by the Government in the shape of postage.

6th. It may also be laid down as an axiom, or, at all events, as a fact deduced from experience, that it does not conduce to the satisfactory working of a contract to have too many persons or bodies parties to it; and that if the parties interested in the due performance of the work are, as is the case with the present Mail Contract, at the two extremities of a line of some 12,000 miles in length, differences of opinion and heart-burnings are nearly certain to occur.

7th. The object of a frequent and regular communication with all the civilized parts of the globe would, it appears to the Council, be best attained by maintaining a line to Ceylon, and from thence to England and India, on the one hand, and another to Panama, and from thence to England and North and South America, on the other; and should it be found, after a fair estimate of the cost of these lines, that it would be advisable to carry them out by entering into contracts for their execution, it would be as well to avoid, as much as possible, the multiplication of parties to the contracts. This result, it appears to the Council, might be secured by the following arrangement:—

The Imperial Government, in consideration of the receipt of the postage paid in England, would engage to deliver the Australian letters at Point de Galle on the first line, and at Panama on the second line. This would add in a very trifling degree to the amount of the subsidies already paid by the Home Government to the Peninsular and Oriental Company, and the Royal West Indian Mail Company, and would be productive, on the other hand, of a saving of the share of the subsidy now paid to the English and Australian Mail Company. In consideration, however, of the greater distance and cost of the conveyance of the Mail between Panama and Sydney, a proportion of the subsidy to be paid to the Company, or individuals working this line, might fairly be chargeable to the Home Government: this, however, would be a matter for future consideration.

8th. The Australian Colonies would, on their part, undertake to convey the Mails between Australia and Point de Galle and Panama, each Colony receiving, as at present, the postage charged upon its letters, and contributing to the expense of the undertaking in proportion to the number of letters sent from each.

9th. In order, however, to avoid the difficulties arising, or likely to arise, from having too many parties to these contracts, it would be advisable that the contract for the line *via* Ceylon should be made by the Government of Victoria, and that for the Panama line by the Government of New South Wales; the cost of the two lines being divided between the Australian Colonies, as before stated, in proportion to the number of letters dispatched from each.

10th. A special agreement should also be entered into with the Colony of New Zealand with reference to the amount of its contribution towards the Panama line.

11th. In conclusion, the Council consider it desirable that these views should be communicated to the Governments of the adjacent Colonies, and their concurrence therein invited; and advise accordingly that the Honorable the Colonial Secretary should adopt this step without delay.

EDWARD C. MEREWETHER,
Clerk of the Council.

MINUTE OF THE GOVERNOR GENERAL.

The Resolutions adopted by the Legislative Assembly, on the 6th August, relative to the Steam Postal Communication with England, open up a very wide question, and one which is deserving of the most serious consideration of the Government.

The mode in which the Steam Postal Communication has been conducted, under the present contract with the English and Australian Steam Navigation Company, has been most unsatisfactory there is no doubt; but, in considering the question with reference to the future, and not to the past, it behoves the Government to consider whether the conditions of the contract were such as could be fulfilled with any degree of regularity. It may be said, it is true, that the practicability of the undertaking was a matter for the consideration of the parties who undertook to perform it, and who, it is to be supposed, proportioned the amount of their claim upon the Government to the character of the work they had to do: but in such a wide scheme as was grafted upon the original proposition it is evident that there were many risks to be run, upon which it was difficult, if not impossible, to calculate. The Government of New South Wales never contemplated the establishment of a separate and distinct line all the way from England to Australia. All the calculations were based upon the assumption that advantage would be taken of the existing line so far as that could be made available; and the difficulties which have been encountered are due, in great measure, to the attempt which has been made to establish an independent line from Australia to Suez with insufficient means.

I believe that the experience of the working of this line for the last 18 months, has shown that it is too long to admit of being worked with any probability of regularity by vessels sailing from Sydney making the voyage to Suez and returning at once. Such a voyage would take 89 days, and no time would be given for such ordinary repairs to machinery as must always be required from time to time. I am by no means certain that the work could be done with regularity were the vessels to sail from Suez and Sydney independently of each other—the voyage of each would then be from 44 to 46 days, and this is longer than a steamer can be fairly expected to work without a thorough inspection of her machinery. My opinion, therefore, is, that it would very much conduce to the regularity of the Mail Service to and from England and these Colonies, if the different stages or portions of the voyage were shortened, as might be done were Ceylon made the termination of the direct voyage from these Colonies, instead of Suez. Looking to the difficulties which the Company has had to encounter, I do not think it would be fair or reasonable to deal hardly with it, or to press for greater punctuality than is fairly attainable. The Colonies, however, have a right to demand that vessels in good order, and competent, under ordinary circumstances, to perform their work, should be alone employed, and I decidedly object to the employment of the "Victoria," which it is evident is not capable, looking to her power and to the state of her machinery, to make the voyage in any reasonable time.

Should, then, the present Company propose to continue its contract, or should it, as it has power to do with the assent of the Lords Commissioners of the Admiralty, transfer the contract to any other Company, I should be disposed to recommend such reasonable concessions as would ensure regularity. Should, however, the Company fail altogether either in carrying on the Mail Service itself, or inducing other parties to undertake it, the whole question will then be open for consideration, and I will now proceed to consider the mode in which it would be desirable to deal with it.

I may premise that the advantages of a rapid, frequent, and regular steam communication with Europe, Asia, and America, are great enough to justify the payment, by the Colony, to persons who will undertake to provide the necessary means for this, of a much larger sum than can be possibly received by the Government in the shape of postage. I may also, I think, lay down as an axiom, or, at all events, as a fact deduced from experience, that it does not conduce to the satisfactory working of a contract to have too many persons or bodies parties to it; and that if the parties interested in the due performance of the work are, as is the case with the present Mail contract, at the two extremities of a line of some 12,000 miles in length, differences of opinion and heart-burnings are nearly certain to occur. The object of a frequent and regular communication with all the civilized parts of the globe would, as it seems to me, be best attained by maintaining a line to Ceylon, and from thence to England and India, on the one hand, and another to Panama, and from thence to England and North and South America, on the other; and should it be found, after a fair estimate of the cost of these lines, that

that it would be advisable to carry them out by entering into contracts for their execution, it would be as well to avoid as much as possible the multiplication of parties to the contracts, and this it appears to me might be secured by the following arrangement:—The Imperial Government, in consideration of the receipt of the postage paid in England, would engage to deliver the Australian letters at Point de Galle on the first line, and at Panama on the second line. This would add in a very trifling degree to the amount of the subsidies already paid by the Home Government to the Peninsular and Oriental Company, and the Royal West Indian Mail Company, and would be productive, on the other hand, of a saving of the share of the subsidy now paid to the English and Australian Mail Company. In consideration, however, of the greater distance and cost of conveyance of the Mail between Panama and Sydney, a proportion of the subsidy to be paid to the Company, or individuals working this line, might fairly be chargeable to the Home Government: this, however, would be a matter for future consideration.

The Australian Colonies would on their part undertake to convey the Mails between Australia and Point de Galle and Panama, each Colony receiving, as at present, the postage charged upon its letters, and contributions to the expense of the undertaking in proportion to the number of letters sent from each.

In order, however, to avoid the difficulties arising, or likely to arise, from having too many parties to these contracts, it would be advisable that the contract for the line *via* Ceylon should be made by the Government of Victoria, and that for the Panama line by the Government of New South Wales; the cost of the two lines being divided between the Australian Colonies, as before stated, in proportion to the number of letters dispatched from each.

A special agreement should be entered into with the Colony of New Zealand with reference to the amount of its contribution towards the Panama line. Should these views coincide with those of the Members of the Executive Council, it would be desirable that a special reference should be made to the Governments of the adjacent Colonies, and their concurrence requested. Should they express their willingness to adopt the scheme thus sketched out, I shall then be in a position to communicate on the subject with the Secretary of State, and to seek the concurrence of the Imperial Government.

W. DENISON.

PROCEEDINGS of the Executive Council with respect to Steam Postal Communication with England.

Extract from Minute No. 58-34, dated 23rd August, 1858.

Present:—

HIS EXCELLENCY THE GOVERNOR GENERAL,
THE HONORABLE THE VICE-PRESIDENT OF THE COUNCIL,
THE HONORABLE THE COLONIAL TREASURER,
THE HONORABLE THE SECRETARY FOR LANDS AND PUBLIC WORKS.

IN reference to the Proceedings of the Council at their two last meetings on the subject of Steam Postal Communication with England, His Excellency the Governor General now lays before the Council a Despatch which he has received by the "European" from the Right Honorable the Secretary of State for the Colonies, transmitting the copy of a letter from the Secretary to the Treasury, announcing the dissolution of the present contract with the European and Australian Royal Mail Company, and reporting the temporary arrangement which it is proposed to make for carrying on the Mail Service with Australia, until a new contract can be entered into of a more permanent character.

2. His Excellency at the same time lays before the Council a letter from Champion Wetton, Esquire, the Agent of the said Company, to a somewhat similar effect, but stating that an arrangement actually been entered into with the Royal Mail Steam Packet Company to carry on the service for six months, from the 1st July last.

3. In their previous deliberations upon this question, the possibility of a dissolution of the contract was not unforeseen by the Council; and the practical effect of the present communication is simply to place them in a position to take more decided action towards carrying out the views recorded at their last meeting, which were in fact based upon, and intended to meet, such a contingency as that which has now arisen.

4. There is one point, however, yet untouched by the Council, upon which it appears to the Governor General very desirable that some determination should be arrived at without delay, viz.,—whether the Government in making a contract for the conveyance of the Mails is bound, or indeed entitled, to mix up this question with that of the conveyance of passengers and goods; and in a Minute reviewing the whole subject, His Excellency now submits this point for the consideration of the Council, and also suggests, that in lieu of communicating the result of their deliberations to the adjacent Colonies in writing, as previously recommended, a special envoy should be accredited for the purpose, and dispatched to Melbourne with full instructions as to the course which he is to adopt, should the views of the Government of Victoria coincide with those of the Government of New South Wales, or be such as can be acceded to.

5. With regard to the first matter, the Council concur with His Excellency in thinking that all that the Government are called upon to consider is, how to get the Mails conveyed in the most rapid and effective manner, consistent with a proper economy; and they therefore record their deliberate opinion that in any new contract or contracts for the conveyance of the Mails, either by Suez or Panama, a Postal Service only should be provided for, as it would not, they believe, be wise on the part of the Government to make any stipulation as to the size of the vessels or the amount of accommodation. These are points for the determination of the contractors, who will, if they consider the passenger and goods traffic likely to prove remunerative, make the necessary arrangements for its accommodation.

6. With regard to the second matter referred to in His Excellency's Minute, the Council are disposed to adhere to their former recommendation,—that the general views of this Government upon the whole subject should be communicated to the adjacent Colonies by the Honorable the Colonial Secretary; and as the provisional arrangement for the conveyance of the Mails is to cease in six months from the 1st July, they are of opinion that no time should be lost in adopting this step, and such other decided measures for the establishment of a Postal Communication by Panama as may be deemed expedient.

What those measures should be the Council now proceed to consider.

7. In the first place, it is absolutely necessary that the Government should be in a position to carry out the specific arrangement for this line, recommended at their last meeting; and with this view they advise that His Excellency the Governor General should at once submit to the Legislature the whole of the propositions then agreed to, and invite the Assembly to appropriate, by an Act, any sum not exceeding £50,000 a year, for seven or ten years, for the purpose of initiating the said line.

8. In the next place, it is also necessary that the co-operation of the Imperial Government should be secured to the scheme; and the Council accordingly recommend that His Excellency should transmit to the Secretary of State, by next Mail, a Despatch fully explaining the views of the Government of this Colony upon the whole subject, and the steps already taken to carry out those views, which Despatch should be accompanied by a copy of the Bill above referred to, either as submitted to, or passed by the Assembly, as the state of the case will allow.

9. Finally, it appears to the Council very desirable that some steps should also be taken to ascertain on what terms contracts for the establishment of the line by Panama would be entered into; and to this end they advise that an advertisement be prepared inviting negotiation, and even calling for tenders for the performance of the service.

This advertisement should be forwarded to the Secretary of State for the Colonies, with a request that if Her Majesty's Government are prepared to co-operate in the matter with the Government of this Colony, that the same may be extensively published in England and America.

EDWARD C. MEREWETHER,

Clerk of the Council.

MINUTE OF THE GOVERNOR GENERAL.

The termination of the contract with the European and Australian Mail Company places the Australian Colonies in a different position altogether from that in which they were last week, when I wrote my former Minute on the subject of Steam Postal Communication. It is now no longer a question of the maintenance, or non-maintenance, of a particular contract, but the whole question of the best mode of communicating with different parts of the world is virtually thrown open, and it will be for the Australian Colonies to consider whether, without sacrificing any of the advantages which they at present possess, or, at all events, any of those advantages for which the whole community should be called upon to pay, they might not secure for themselves a far more frequent communication with England and other parts of the world, at a cost but little greater than that which they have hitherto had to pay for a Monthly Mail.

In order to facilitate the consideration of this important subject, it would be as well to determine at once whether the Government in making a contract for the conveyance of the Mails is bound, or indeed entitled, to mix up this question with that of the conveyance of passengers and goods.

In my opinion, all that the Government is called upon to consider is, how to get the Mails conveyed in the most rapid and effective manner, consistent, of course, with a proper economy. I do not think that it would be wise on the part of the Government to make any stipulations as to the size of the vessels, the amount of accommodation, &c., &c.; these are points for the consideration of the contractors, who will, if they consider the passengers and goods traffic likely to prove remunerative, make the necessary arrangements for its accommodation. I have laid much stress upon the preliminary consideration of this question, for upon the view taken by the Governments of the different Australian Colonies with relation to it must depend very much the amount of expense which will be incurred, and the character of the contract or contracts which will have to be entered into. Should it be thought advisable to consider the comfort and convenience of passengers, then it may be necessary to maintain a distinct and separate line, at all events to Suez if not to England; but should the conveyance of the Mails be the sole matter for consideration, then all that we should have to determine would be, the speediest and best mode of conveying the Mails to and from such points as have, by existing arrangements, the benefit of steam communication directly with England. Upon the latter supposition, it appears to me that there are three courses open for adoption:—

1st. To combine, as at present, with the Imperial Government, leaving the arrangements to be made and the contracts entered into by the Lords Commissioners of the Admiralty, as heretofore, under some distinct stipulations as to the amount of payment to be made by the Colonies, and the facilities to be given to their correspondence.

2nd. That the Colonies should submit to the Imperial Government a proposal that the Mail should be carried between England and Ceylon under existing arrangements with the Peninsular and Oriental Company, or under such agreement as may be made by the Postmaster General in England—while the Australian Colonies, either jointly or by some special arrangement among themselves, should contract for the conveyance of the Mails between Australia and Ceylon.

3rd. That provision should be made for a Monthly Mail *viâ* Panama as well as *viâ* Suez, an interval of fourteen days elapsing between the starting of these Mails.

The third scheme may be considered under two points of view.

It may be carried out by the Australian Colonies jointly, forming a part of one great scheme of Postal Communication with all parts of the world, or it may be a separate undertaking on the part of the Government of New South Wales; in either case the Imperial Government must be a party to the scheme, as the conveyance of the Mails to Suez and Panama, respectively, must be provided for under existing arrangements, or under other contracts entered into by the Postmaster General in England.

Should the whole of the Colonies agree to combine for the purpose of carrying out the scheme of a double communication with England, monthly, the expense will be a joint charge upon the revenue of the different Colonies, towards which each will contribute, according to the aggregate of letters dispatched annually by both routes. Should the Colony of New South Wales undertake to carry out the Panama line separately, on the refusal of

of the other Colonies to engage in the scheme, then it will be for the Government to charge upon the correspondence of the other Colonies a fair amount of postage, to cover the expense to which it would be subjected in maintaining the line. In order to avoid the difficulties which would be certain to arise were the several Governments to be parties to one contract, it would be as well, perhaps, that the Victoria Government should make the contract for the Ceylon line, and that of New South Wales for the Panama line. As the provisional arrangement for the conveyance of the Mails is to cease in six months from the 1st July, no time should be lost in communicating with the Governments of the other Australian Colonies, as soon as the Government of New South Wales has decided upon its course of action ; and the best course to adopt would probably be that of dispatching a special envoy to Melbourne, with instructions to communicate with the Government there ; and should their views coincide with those of the Government of New South Wales, or be such as can be acceded to, the envoy can then proceed to Tasmania, while the Government of Victoria can send one to South Australia, for the purpose of seeking the concurrence of those Colonies, to the Governors of whom I can, in the meantime, address Despatches, embodying the propositions which, after a careful consideration, we may here determine upon.

W. DENISON.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(DESPATCHES RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 21 October, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

No. 12.

Downing-street,

16 July, 1858.

SIR,

With reference to my Circular Despatch of the 16th ultimo, and to yours of the 1st of March last, (No. 58) relative to the conduct of Steam Communication with the Australian Colonies, I transmit herewith for your information the copy of a letter from the Secretary to the Lords Commissioners of the Treasury, which will place you in possession of the measures which have been taken by their Lordships for securing the regular continuance of the Mail Service pending the negotiations which are about to be entered on for effecting a contract with a new Company in place of the European and Australian Mail Company, the affairs of which are about to be wound up.

I have, &c.,

E. B. LYTTON.

GOVERNOR SIR W. DENISON, K. C. B.,

&c., &c., &c.

[Enclosure.]

Treasury Chambers,

23 June, 1858.

Sir,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit herewith copy of their Lordships' Minute of the 23rd instant, and to request that you will move Sir Edward B. Lytton to cause the necessary communication to be made thereon to the Australian Colonies.

I am to state that, looking to the very pressing nature of the case, and to the vast importance of providing for the uninterrupted continuance of the Postal Communication with the Australian Colonies, their Lordships have not hesitated to conclude an arrangement which appeared to them, after the most earnest and careful deliberation, to be the best adapted to meet the peculiar exigency, and to carry out the spirit and intentions of the Treasury Minute of 27th of November, 1855, and their Lordships rely upon the readiness of the different Colonies interested to acquiesce in the arrangement.

I am, &c.,

G. A. HAMILTON.

Herman Merivale, Esq.,

&c., &c., &c.

Copy of Treasury Minute, dated 23 June, 1858.

My Lords have under their consideration a letter from the Colonial Office, of 28th May, transmitting copy of a Despatch from Sir W. Denison, the Governor of New South Wales, reporting another delay in the arrival of the English mail at Sydney, and commenting on the continued failure of the European and Australian Mail Company to perform their contract; also a copy of a resolution recently adopted at a meeting of the shareholders of the Company, appointing a liquidator for winding up the affairs of the Company; and the balance-sheet, signed by the auditor of the Company.

My Lords have also read the report of their solicitor, to whom the foregoing papers have been referred, together with a copy of the contract entered into between the Government and the Company, for the purpose of advising my Lords whether there were grounds for declaring the contract void, in case that course should be considered proper.

My Lords refer to the correspondence which has recently passed, relative to a proposal to modify to some extent the terms of the contract, with a view to enabling the Company to avail themselves of the valuable assistance of Mr. Cunard in carrying on the service.

However desirous my Lords might have been, by any reasonable modification of the terms and conditions of the present contract, to have assisted the Company in their endeavours to provide for the punctual and efficient performance of the service for the future, and thereby to remove the causes of dissatisfaction which exist in the Australian Colonies, yet, considering the present position of the Company, which has so materially changed since the negotiations above referred to were set on foot, my Lords are of opinion that they should not be justified in agreeing to any modification or extension of the contract with the Company.

My Lords have been most reluctant to adopt any course which might aggravate the difficulties of the Company, whose losses appear already to be so large; nevertheless, seeing that the Company is now, by the resolution of its shareholders, actually in course of liquidation and winding up, it appears to my Lords that the only course now open to them is to take immediate steps for determining the existing contract, and to call for public tenders for the establishment of an entirely new service.

As, however, a considerable time must elapse before a new postal service could be entered upon, and it is of the utmost importance that no interruption should take place in the monthly communication with the Australian Colonies, it is absolutely necessary that immediate measures should be adopted for securing the performance of this service provisionally, until permanent arrangements can be concluded.

My Lords have before them a proposal from the Royal Mail Steam Packet Company to work the Australian Mail Service for a period of six months, on the following conditions, viz. :—

The Royal Mail Steam Packet Company undertake to work the service for six months, from 1st July next, or for such longer period as shall be necessary to enable the ships to complete the voyages then actually commenced, on the conditions of the existing contract, subject to the following modifications, viz. :—

- 1st. Her Majesty's Government shall, in addition to the present amount of subsidy, guarantee the Company against loss during the working to an extent not exceeding £6000 per month. The amount of loss to be ascertained from the Company's books and accounts by persons appointed by the Lords Commissioners of the Admiralty.
- 2nd. The amount which the European and Australian Company are liable to have deducted from the subsidy payable on the 30th June, 1858, under the articles of agreement, dated 30th November, 1857, in respect to the six voyages therein mentioned, only shall be retained by Her Majesty's Government.
- 3rd. In addition to the vessels now employed, and which are to be retained as long as required for the said service, the "Tasmanian" shall be sent out to assist on the line between Suez and Sydney.
- 4th. The penalties for over-time shall be at the rate of £100 per day, but shall not be enforced in any case where the delay has arisen from circumstances over which the Company had not and could not have any control.

My Lords are of opinion that no better means are at their disposal for accomplishing the very important object which they have in view, and they are, therefore, prepared to accept the offer of the Royal Mail Steam Company.

Transmit copy of the report of the solicitor, and of this Minute to the Secretary of the Admiralty, and request that he will lay the same before the Lords of the Admiralty, and move their Lordships to cause the necessary steps to be taken for determining forthwith the existing contract with the European and Australian Royal Mail Company, and for completing a proper agreement with the Royal Mail Steam Packet Company on the terms above stated.

State further that my Lords propose that public tenders shall be advertised for, at as early a period as possible, for the performance of a monthly communication with Australia for a period of five years. But before this step be taken my Lords would be glad to be favored with the views of the Board of Admiralty on the subject of the system of penalties which it is desirable should be laid down, and generally upon any points connected with the subject on which their Lordships may feel disposed to offer suggestions.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(Circular.)

Downing-street,
16 August, 1858.

SIR,

With reference to my Despatch No. 12, of the 16th ultimo, relative to the conduct of the Postal Service with the Australian Colonies, I transmit for your information the copy of a further letter from the Lords Commissioners of the Treasury, from which you will perceive that the Royal Mail Steam Packet Company will be unable to continue the present temporary service beyond the six months for which their agreement was made, and stating that their Lordships are in communication with the Peninsular and Oriental Company, and other parties, to continue the temporary service for six months from the 1st of December next.

I have, &c.,

GOVERNOR SIR W. T. DENISON, K. C. B.,
&c., &c., &c.,
New South Wales.

E. B. LYTTON.

[Enclosure.]

Treasury Chambers,
11 August, 1858.

Sir,

With reference to the letter of this Board of the 23rd June last, I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Sir Edward B. Lytton, that their Lordships have received a notification from the Directors of the Royal Mail Steam Packet Company that it will not be in their power to continue the present temporary service for the Australian Mails beyond the six months for which their agreement was made, and that the period will expire, as regards the steam vessel to be sent from Sydney, on the 12th of November.

I am to state that their Lordships, in consequence of this intimation, are already in communication with the Peninsular and Oriental Steam Packet Company, and other parties, to take up the service for six months, from the 1st of December, before the expiration of which time their Lordships hope that the new contract for which they are about to instruct the Admiralty to invite tenders will have commenced.

I am to request that you will move the Secretary of State to cause a communication to the above effect to be made to Sir W. Denison, by the mail which leaves to-morrow, and informing him that by the next mail further particulars will be sent to him.

I am, &c.,

GEO. A. HAMILTON.

H. Merivale, Esq.,
&c., &c., &c.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(DESPATCH RELATIVE TO EXTENSION OF CONTRACT.)

Ordered by the Legislative Assembly to be Printed, 23 November, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

(Circular.)

*Downing-street,**9 September, 1858.*

SIR,

With reference to previous correspondence, I have to acquaint you that the Lords Commissioners of the Treasury have intimated to me that the Royal Mail Steam Packet Company have undertaken to continue the Australian Mail Service for two months beyond the period specified in their first agreement; and that under this arrangement the last vessel will leave Sydney on the 12th of January next.

I have to add that the whole question of the Australian Mail Service is under the consideration of Her Majesty's Government, and that I hope that before long I may be able to announce the settlement of some fresh arrangements to secure an efficient postal communication between Australia and this country.

I have, &c.,

E. B. LYTTON.

GOVERNOR

SIR W. T. DENISON, K.C.B.,

&c., &c., &c.,
New South Wales.

1857.

Legislative Assembly.

NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 25 March, 1858.

GENERAL ABSTRACT of the Sworn RETURNS, rendered pursuant to the ACT of COUNCIL 4th Victoria, No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the COLONY of NEW SOUTH WALES, for the QUARTER ended 31st December, 1857.

BANKS.	LIABILITIES.					ASSETS.							CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks.	Notes and Bills Discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of last Dividend.	Amount of Dividend.	Amount of Reserved Profits after paying Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Bank of New South Wales.	293,036 0 0	3,668 19 10	24,931 11 11	1,057,909 19 11	1,379,546 11 8	310,254 6 0	20,356 18 8	12,688 9 3	16,604 18 4	397,771 18 5	1,348,093 3 5	2,105,769 14 1	500,000 0 0	20 4/8 cent.	50,000 0 0	150,000 0 0
Commercial	190,617 17 8	1,732 5 10	28,398 14 10	753,484 10 9	974,133 9 1	328,320 5 5	2,501 4 1	16,000 0 0	1,428 19 6	95,894 10 9	828,560 2 3	1,272,705 2 0	238,394 0 0	12 7/8 cent.	14,259 0 0	40,952 9 8
Australasia.....	101,872 9 2	8,278 18 3	.....	555,121 1 4	665,272 8 9	132,071 17 0	132 17 8	24,374 18 5	5,853 16 4	.....	638,780 9 3	801,213 18 8	900,000 0 0	30 1/2 cent.	90,000 0 0	401,777 17 5
Union of Australia	125,616 13 2	11,443 17 10	.....	634,500 19 2	771,651 10 2	147,886 14 4	14,796 7 1	12,826 18 7	7,622 0 2	1,132 13 7	668,952 12 1	853,147 0 10	820,000 0 0	19 1/2 cent.	77,900 0 0	279,282 8 5
Australian Joint Stock ...	120,892 2 10	58,537 10 5	11,505 11 3	604,172 11 6	795,107 16 0	182,737 4 3	880 5 0	25,910 9 4	3,939 4 3	51,246 1 4	810,135 5 9	1,074,848 9 11	250,000 0 0	10 1/2 cent.	12,500 0 0	31,860 8 1
London Chartered of Australia	17,648 15 5	4,101 14 10	.....	62,509 0 5	84,259 10 8	35,629 0 7	1,547 0 11	26,064 19 4	399 1 6	.....	147,420 2 4	211,080 4 8	700,000 0 0	5 1/2 cent. on £275,000	16,875 0 0	6,102 6 1
English, Scottish, and Australian Chartered }	40,613 4 7	3,412 14 8	.....	174,486 14 11	218,512 14 2	52,437 7 9	.....	17,358 8 0	378 1 6	.....	446,680 16 6	516,854 13 9	500,000 0 0	6 1/2 cent.	15,000 0 0	7,636 1 1
Oriental Chartered	69,392 0 0	4,092 10 1	165,339 13 4	387,234 4 11	566,638 8 4	149,315 19 9	8,806 17 3	21,401 16 11	624 0 0	103,730 1 1	358,308 19 3	642,187 14 3	1,260,000 0 0	10 1/2 cent.	63,000 0 0	260,062 2 6
TOTALS.....	959,689 2 10	95,268 11 9	170,675 11 4	4,229,509 2 11	5,455,142 8 10	1,338,652 15 1	48,951 10 8	156,645 14 10	36,850 1 7	649,775 5 2	5,246,931 10 10	7,477,806 18 2	5,168,394 0 0		339,534 0 0	1,177,893 13 3

The Treasury, New South Wales,
Sydney, 6 February, 1858.

R. CAMPBELL,
Treasurer.

STATISTICS
OF
NEW SOUTH WALES,

FROM
1848 to 1857.

COMPILED FROM OFFICIAL RETURNS IN THE
COLONIAL SECRETARY'S OFFICE.

PRESENTED TO BOTH HOUSES OF PARLIAMENT, BY COMMAND OF HIS EXCELLENCY
THE GOVERNOR GENERAL.



SYDNEY:
PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

ERRATA.

In page 8 *read*—The Returns received from the “*New England District*” being incomplete, those for the previous year have been substituted.

NEW SOUTH WALES.

STATISTICAL RETURNS,

1848 to 1857.

N.B.—The Export Returns, from pages 57 to 64, include only Articles, &c., the Produce or Manufacture of New South Wales, and the Fisheries.

TABLE OF CONTENTS.

No.		Page.
1.	Population ...	1
2.	Immigration... { Immigrants arrived ...	2
3.	Expenditure on account of ...	3
4.	Account of Moneys borrowed for ...	4
5.	Births ...	5
6.	Marriages ...	
7.	Deaths ...	
8.	Schools ...	6
9.		
10.	Lunatics { Tarban Creek, Sydney ...	7
11.	Parramatta, Free ...	
12.	Parramatta, Convict ...	
13.	Agriculture ...	8
14.	Vineyards ...	9
15.		
16.	Live Stock ...	10
17.	Tallow and Lard made in the Colony ...	11
18.	Mills ...	12
19.	Manufactories, Works, &c....	13
20.		
21.	Woollens... ..	14
22.	Soap ...	
23.	Tobacco ...	
24.	Refined Sugar ...	
25.		
26.		
27.	Imports and Exports—Articles, Quantity, Value ...	15
28.		to
29.		56
30.		
31.		
32.	Import of Grain, &c. ...	57
33.	Export of Grain, &c. ...	
34.	Import of Butter and Cheese ...	58
35.	Export of Butter and Cheese ...	
36.	Import of Live Stock ...	59
37.	Export of Live Stock ...	
38.	Import of Salt Meat ...	60
39.	Export of Salt Meat ...	
40.	Import of Hides and Leather ...	61
41.	Export of Hides and Leather ...	
42.	Export of Wool ...	62
43.	Export of Tallow ...	
44.	Export of Bark ...	63
45.	Import of Timber ...	
46.	Export of Timber ...	64
47.	Export of Oil ...	
48.	Export of Gold ...	
49.		
50.		
51.		
52.	Shipping Inwards and Outwards ...	65
53.		to
54.		70
55.		
56.		
57.	Vessels Registered ...	71
58.	Coal ...	
59.	Land Sales ...	72
60.	Mortgages on Land... ..	
61.	Mortgages on Live Stock—Preferable Liens on Wool ...	
62.	Convictions... ..	73
63.	Criminals Executed ...	
64.	Litigation ...	74
65.	Coin ...	
66.	Gold in the Mint ...	75
67.	Revenue ...	76
68.	Expenditure ...	77
69.	Post Offices—Letters, &c. ...	78
70.	Prices of Provisions and Clothing... ..	79
71.	Rates of Wages ...	80
72.	Lands Sold... ..	81

No. 1.
NEW SOUTH WALES.
(POPULATION—1857.)

RETURN of the INCREASE and DECREASE of the POPULATION of NEW SOUTH WALES, from 1st January to 31st December, 1857; and of the Total Number on the latter date.

	MALE.	FEMALE.	TOTAL.	GENERAL TOTAL.
IMMIGRATION AND BIRTHS.				
* Increase by Immigration	11,135	6,397	17,532	
Births	6,266	6,235	12,501	
Total Increase	17,401	12,632		30,033
EMIGRATION AND DEATHS.				
† Decrease by Departure	4,612	1,961	6,573	
Deaths	2,998	1,848	4,846	
Total Decrease	7,610	3,809		11,419
Net Increase	9,791	8,823		18,614
Population on 31st December, 1856	161,882	124,991		286,873
Population on 31st December, 1857	171,673	133,814		305,487

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

* Including Military.

† No account of Migration to or from Victoria via Albury, &c.

CHARLES COWPER,
Colonial Secretary.

No. 2.
NEW SOUTH WALES.
(IMMIGRATION.)

RETURN of the NUMBER of IMMIGRANTS who arrived in the Colony of NEW SOUTH WALES from 1st January, 1832, to 31st December, 1857.

YEAR.	IMMIGRANTS AT THE PUBLIC EXPENSE.						IMMIGRANTS AT THEIR OWN EXPENSE.						TOTAL NUMBER OF IMMIGRANTS ARRIVED.					RELIGION OF IMMIGRANTS AT THE PUBLIC EXPENSE.			NATIVE COUNTRIES OF IMMIGRANTS AT THE PUBLIC EXPENSE.					
	ADULTS.			CHILDREN.			TOTAL.	ADULTS.			CHILDREN.			TOTAL.	ADULTS.			CHILDREN.	GENERAL TOTAL.	Protestants.	Roman Catholics.	Other Religions.	England and Wales.	Scotland.	Ireland.	Other Countries.
	Male.	Female.	Total.	Male.	Female.	Total.		Male.	Female.	Total.	Male.	Female.	Total.		Male.	Female.	Total.									
1832	140	455	595	....	....	197	792	679	251	930	....	....	284	1,214	819	706	1,525	481	2,006	.....	....	....	....	....	....	....
1833	177	728	905	....	....	348	1,253	661	418	1,079	....	....	353	1,432	838	1,146	1,984	701	2,685	.....	....	....	....	....	....	....
1834	52	299	351	....	....	133	484	519	297	816	....	....	264	1,080	571	596	1,167	397	1,564	.....	....	....	....	....	....	....
1835	33	426	459	....	....	86	545	518	218	736	....	....	147	883	551	644	1,195	233	1,428	.....	....	....	....	....	....	....
1836	73	595	668	....	....	140	808	551	212	763	....	....	150	913	624	807	1,431	290	1,721	.....	....	....	....	....	....	....
1837	688	840	1,528	....	....	1,136	2,664	437	200	637	....	....	176	813	1,125	1,040	2,165	1,312	3,477	.....	....	....	....	....	....	....
1838	1,928	1,673	3,601	....	....	2,501	6,102	764	438	1,202	....	....	126	1,328	2,692	2,111	4,803	2,627	7,430	.....	....	....	....	....	....	....
1839	2,911	2,764	5,675	1,134	1,043	2,177	7,852	1,070	562	1,632	....	....	351	1,983	3,981	3,326	7,307	2,528	9,835	5,215	2,635	2	3,502	1,774	2,575	1
1840	2,029	2,047	4,066	561	589	1,150	5,216	830	313	1,143	....	....	163	1,306	2,859	2,350	5,209	1,313	6,522	3,943	1,273	....	1,575	1,554	2,078	9
1841	4,552	4,800	9,352	1,462	1,374	2,836	12,188	841	403	1,244	....	....	354	1,598	5,393	5,203	10,596	3,190	13,786	5,770	6,383	35	3,060	910	8,218	....
1842	1,931	1,887	3,818	633	620	1,253	5,071	806	359	1,165	....	....	369	1,534	2,737	2,246	4,983	1,622	6,605	2,998	2,071	2	1,519	334	3,218	....
1843	....	....	....	....	....	....	....	559	263	822	....	....	145	967	559	263	822	145	967	.....	....	....	....	....	....	....
1844	891	899	1,790	469	467	936	2,726	295	122	417	....	....	68	485	1,186	1,021	2,207	1,004	3,211	1,962	763	1	1,238	148	1,340	....
1845	173	178	351	69	77	146	497	208	125	333	....	....	128	461	381	303	684	274	958	370	123	4	208	8	281	....
1846	....	....	....	....	....	....	....	210	117	327	33	42	75	402	210	117	327	75	402	.....	....	....	....	....	....	....
1847	....	....	....	....	....	....	....	258	154	412	56	47	103	515	258	154	412	103	515	.....	....	....	....	....	....	....
1848	1,514	1,613	3,127	671	578	1,249	4,376	384	163	547	64	40	104	651	1,898	1,776	3,674	1,953	5,027	3,563	805	8	2,500	659	1,084	133
1849	2,637	3,491	6,128	1,110	1,071	2,181	8,309	679	391	1,070	222	200	422	1,492	3,316	3,882	7,198	2,603	9,801	6,010	2,281	18	4,572	973	2,378	386
1850	1,182	2,223	3,405	331	342	673	4,078	271	180	451	51	57	108	559	1,453	2,403	3,856	781	4,637	1,393	2,685	....	724	91	3,255	8
1851	742	687	1,429	207	210	417	1,846	389	225	614	81	61	142	756	1,131	912	2,043	559	2,602	892	954	....	522	73	1,244	7
1852	1,635	1,910	3,545	763	673	1,436	4,981	2,477	725	3,202	286	293	579	3,781	4,112	2,635	6,747	2,015	8,762	3,118	1,863	....	1,939	616	2,417	9
1853	2,706	4,704	7,410	1,373	1,629	3,002	10,412	1,696	838	2,534	404	417	821	3,355	4,402	5,542	9,944	3,823	13,767	7,474	2,933	5	5,683	1,077	3,618	34
1854	2,816	2,717	5,533	863	913	1,776	7,309	1,309	665	1,974	336	383	719	2,693	4,125	3,382	7,507	2,495	10,002	4,550	2,758	1	3,056	1,006	3,226	21
1855	3,441	5,489	10,930	1,837	1,800	3,637	14,567	1,309	891	2,200	448	468	916	3,116	6,750	6,380	13,130	4,553	17,683	10,326	4,210	1	7,492	1,815	5,218	42
1856	2,884	2,771	5,655	785	770	1,555	7,210	2,807	2,888	5,695	1,660	1,436	3,096	8,791	5,691	5,659	11,350	4,651	16,001	4,933	2,274	3	3,604	601	2,976	29
1857	4,415	3,587	8,002	1,128	1,075	2,203	10,205	4,123	825	4,948	219	206	425	5,373	8,538	4,412	12,950	2,628	15,578	8,366	1,847	2	7,140	969	2,067	29
TOTALS	41,550	46,773	88,323	....	....	31,168	110,491	34,650	12,243	36,893	....	....	10,588	47,481	66,200	59,016	125,216	41,576	166,972	.....	....	....	....	....	....	....

N.B.—The above Return includes only Immigrants from the United Kingdom and Foreign Countries.

H. H. BROWNE,
Agent for Immigration.

(IMMIGRATION.)

RETURN shewing the Total Amount of Money paid out of the Revenues of New South Wales, on Account of IMMIGRATION, from 1st January, 1832, to 31st December, 1857, inclusive.

YEAR.	Bounties for the introduction of Female Immigrants under the direction of the Immigration Board.	Bounties for the introduction of Immigrants by Private Individuals.	Passages of Mechanics and Laborers forwarded by the Government.	Freight, Victualling, and other Expenses of Vessels chartered by the Government.	Gratuities to Surgeons-Superintendents, Masters, Officers, Overseers, and others.	Pay and Allowances of Surgeons-Superintendents of Vessels chartered by the Government.	Lodging, Maintenance, Conveyance, and other Expenses of Immigrants after arrival.	Salaries and Contingent Expenses of Agents for Immigration in the Colony.	Salary and Contingent Expenses of the Agent General for Emigration in England.	Office Expenses of the Land and Emigration Commissioners in England.	Advances from the Colonial Treasury to the Land and Emigration Commissioners, including Premium on Bills of Exchange.	Remittances on Account of Land and Immigration Deposits paid into the Colonial Treasury.	Immigration Remittances under the Regulations, including Commission on Collection, and Refunds to Depositors.	Interest on Land and Immigration Deposits.	Outfit and Passages of Clergymen and Teachers.	Expenses of Quarantine.	TOTAL OUTLAY.	NUMBER OF IMMIGRANTS INTRODUCED* Immigrants, the cost of whose introduction was paid by the Government.	Immigrants for whom Bounties were allowed, including Children under the age of One Year.	Total Number of Immigrants.	Approximate Average Expense per Head.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.				£ s. d.
1832	2,457 6 9	.....	2,619 0 0	.....	35 12 0	.....	181 6 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	5,203 4 11	792	.....	792	6 13 8
1833	9,385 15 0	.....	3,591 0 0	.....	100 0 0	.....	238 13 8	.....	.....	.....	.....	.....	.....	.....	.....	72 15 0	13,688 3 8	1,253	.....	1,253	10 16 10
1834	4,020 5 0	.....	600 0 0	.....	18 0 0	.....	433 6 5	1 18 0	.....	.....	.....	.....	.....	.....	.....	.....	5,073 9 5	484	.....	484	10 9 7
1835	8,043 0 0	.....	1,125 0 0	.....	87 11 0	.....	2,056 10 10	.....	.....	.....	.....	.....	.....	.....	.....	125 8 0	11,437 14 10	634	.....	634	18 0 9
1836	8,879 0 0	.....	2,495 16 0	.....	.....	.....	562 13 3	67 2 4	455 1 10	.....	.....	.....	.....	.....	.....	20 16 4	12,025 7 12	719	.....	719	16 14 6
1837	.....	9,435 0 0	.....	21,785 6 8	250 0 0	3,034 18 1	1,832 19 10	.....	1,388 8 4	.....	.....	.....	.....	.....	4,440 0 0	7,937 15 3	40,171 1 8	2,669	70 40	2,739	17 13 10
1838	.....	22,779 0 0	.....	61,909 11 6	2,961 0 0	3,410 0 9	5,477 7 3	454 6 4	2,042 12 4	.....	.....	.....	.....	.....	2,920 0 0	6,255 1 6	107,455 15 10	6,159	159 23	6,318	16 18 11
1839	.....	44,225 0 0	.....	86,132 4 4	1,046 0 0	6,127 13 0	3,265 9 0	889 1 9	1,541 3 6	1,475 6 3	.....	.....	.....	.....	1,400 0 0	1,399 6 3	146,528 6 9	7,882	81 10	7,963	18 7 6
1840	.....	61,220 0 0	.....	47,738 14 0	1,579 15 6	3,182 2 11	1,395 15 1	901 18 10	723 13 3	1,475 6 3	.....	.....	.....	.....	1,350 0 0	1,152 1 2	121,637 17 4	5,161	202 9	5,362	22 12 5
1841	.....	185,272 17 7	.....	3,357 8 8	10,103 11 9	2,331 1 2	926 1 9	793 0 1	189 19 3	1,475 6 3	.....	.....	.....	.....	150 0 0	2,148 1 10	207,181 2 4	11,353	868 1	12,222	17 0 2
1842	.....	65,759 4 0	.....	895 3 8	4,088 15 2	50 0 0	2,684 3 2	619 2 7	8 8 0	368 17 0	.....	.....	.....	.....	600 0 0	111 6 9	76,473 0 10	4,476	595 4	5,071	16 9 0
1843	.....	7,628 15 3	.....	.....	113 1 6	3 12 0	118 14 5	356 10 0	54 7 0	.....	.....	.....	.....	.....	150 0 0	166 18 11	8,894 17 1	.....	.....	.....	.....
1844	.....	41,818 11 6	.....	.....	2,014 15 0	.....	386 12 2	532 3 0	14 3 6	.....	.....	.....	.....	.....	.....	163 18 2	44,970 6 10	2,562	224 1	2,787	16 9 9
1845	.....	8,494 2 3	.....	.....	381 4 0	.....	20 13 9	506 13 8	.....	.....	.....	.....	.....	.....	.....	131 0 5	9,847 17 7	437	60	497	19 4 2
1846	.....	167 17 6	.....	.....	.....	.....	.....	571 1 0	.....	.....	.....	.....	.....	.....	.....	134 1 6	873 0 0	.....	.....	.....	.....
1847	.....	.....	.....	.....	.....	.....	.....	542 19 0	.....	.....	.....	.....	.....	.....	.....	408 2 3	951 1 3	.....	.....	.....	.....
1848	.....	.....	.....	.....	3,256 3 0	.....	4,157 4 0	1,241 17 10	.....	.....	50,000 0 0	.....	.....	.....	.....	734 9 5	50,389 14 3	4,376	.....	4,376	.....
1849	.....	3,942 0 0	.....	.....	5,313 5 0	.....	3,649 19 9	2,267 16 5	.....	.....	56,000 0 0	.....	352 0 0	.....	.....	1,180 7 3	72,695 8 5	8,309	.....	8,309	.....
1850	.....	162 0 0	.....	.....	3,291 16 7	.....	4,976 11 2	2,667 17 0	.....	.....	74,000 0 0	.....	40 0 0	23 6 4	.....	447 2 1	85,608 13 2	4,078	.....	4,078	.....
1851	.....	774 0 0	.....	.....	1,561 6 0	.....	1,390 4 6	2,043 14 11	.....	.....	86,468 0 0	1,241 12 0	344 0 0	18 19 0	.....	2,173 14 7	95,815 11 0	1,846	.....	1,846	.....
1852	.....	2,358 0 0	.....	.....	2,073 6 0	.....	2,024 11 3	1,709 4 1	.....	.....	136,265 18 6	1,250 0 0	1,411 0 0	14 8 10	.....	1,910 17 7	149,107 6 3	4,981	.....	4,981	.....
1853	.....	6,426 0 0	.....	.....	8,467 17 11	.....	5,423 14 4	3,691 6 3	.....	.....	100,000 0 0	2,342 11 4	8,865 10 0	44 13 10	.....	11,402 2 1	146,573 15 9	10,412	.....	10,412	.....
1854	.....	1,010 0 0	.....	.....	4,193 9 0	.....	3,815 0 6	4,642 17 6	.....	.....	101,352 0 0	19,194 0 0	11,576 3 2	6 18 6	.....	6,865 5 11	242,655 14 6	7,309	.....	7,309	.....
1855	.....	13,365 0 0	.....	.....	12,902 17 6	.....	10,903 15 7	6,554 4 8	.....	.....	88,135 5 3	3,069 0 0	26,424 2 6	15 8 10	.....	3,512 18 2	166,782 12 6	14,567	.....	14,567	.....
1856	.....	8,289 0 0	.....	.....	6,806 17 10	.....	8,727 4 0	4,365 13 2	.....	.....	71,200 0 0	523 3 8	10,359 1 3	1 11 1	.....	1,376 5 7	120,648 16 7	7,210	.....	7,210	.....
1857	.....	.....	.....	.....	8,489 18 0	.....	3,521 1 10	1,317 8 1	.....	.....	110,561 11 3	.....	15,210 1 6	3 8 2	.....	510 1 5	139,603 10 3	.....	.....	.....	.....
£	32,985 6 9	483,126 8 1	10,430 16 0	221,818 8 11	78,936 2 9	18,039 7 11	68,171 18 11	36,727 16 6	6,317 17 0	4,794 15 9	963,972 15	28,520 7 0	83,581 18 5	128 14 7	11,010 0 0	50,320 17 7	2,086,883 11 4	.....	.....	.....	.....

* The particulars given under this head have been compiled from information furnished by the Agent for Immigration, together with that obtained from the Accounts of Expenditure in the Audit Office.

† This Amount consists chiefly of Arrears of the Years 1841 and 1842, which have been taken into account in computing the Average Expense per Head for those Years respectively.

W. C. MAYNE, Auditor General.

No. 4.
NEW SOUTH WALES.
(IMMIGRATION.)

RETURN shewing the state of the Account on 31st December, 1857, of MONEYS BORROWED for the purposes of IMMIGRATION.

YEAR.	Amount of Debentures payable either in London or in the Colony.	Rate of Interest.	ON WHAT TERMS SOLD.		Net Proceeds Realized.	Amount of Debentures paid off.	Amount of Debentures outstanding on 31st December, 1857.	Amount of Interest paid on Land and Immigration Debentures.
			Rate.	Amount of Premium.				
	£ s. d.			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1850.....	500 0 0	3½ per cent. per diem.	At par	500 0 0	500 0 0	3,852 4 8
1851....	6,000 0 0		22s. ½ cent. premium..	66 0 0	6,066 0 0	79,600 0 0	2,905 15 10
	3,300 0 0		21s. do.	34 13 0	3,334 13 0			
	700 0 0		41s. 3d. do.	14 8 9	714 8 9			
	5,500 0 0		32s. do.	88 0 0	5,588 0 0			
	30,000 0 0		25s. 8d. do.	385 0 0	30,385 0 0			
	1,000 0 0		25s. 8d. do.	12 16 8	1,012 16 8			
	3,500 0 0		25s. 1d. do.	43 17 11	3,543 17 11			
	300 0 0		22s. 6d. do.	3 7 6	303 7 6			
	1,000 0 0		21s. do.	10 10 0	1,010 10 0			
	25,000 0 0		27s. 6d. do.	343 15 0	25,343 15 0			
	2,500 0 0		25s. do.	31 5 0	2,531 5 0			
	800 0 0		20s. do.	8 0 0	808 0 0			
1852....	50,000 0 0		Bills on London @ 10½ per cent. discount ..	5,865 18 6	55,865 18 6	130,400 0 0	8,990 0 9
	50,000 0 0		53s. ½ cent. premium, Bills on London @ 6½ per cent. discount ..	5,325 0 0	55,325 0 0			
	30,400 0 0		60s. 1d. ½ cent. premium, Bills on London @ 5½ per cent. discount ..	913 5 4	31,313 5 4			
1853....	6,700 0 0	2½ per cent. per diem.	£5 5s. ½ cent.	351 15 0	7,051 15 0	100,000 0 0	12,710 15 1
	43,300 0 0		£5 2s. 6d. do.	2,219 2 6	45,519 2 6			
	50,000 0 0		£5 10s. do.	2,750 0 0	52,750 0 0			
1854....	3,000 0 0		£5 10s. do.	165 0 0	3,165 0 0	60,000 0 0	14,049 7 4
	3,000 0 0		£1 12s. 6d. do.	48 15 0	3,048 15 0			
	30,000 0 0		£1 7s. 6d. do.	412 10 0	30,412 10 0			
	24,000 0 0		£0 10s. do.	120 0 0	24,120 0 0			
1855....	3,000 0 0	3½ per cent. per diem.	At par	3,000 0 0	53,000 0 0	13,757 13 3
	30,000 0 0		£1 10s. discount .. .. .	.....	29,550 0 0		
	20,900 0 0		£1 2s. 11d. dis., Bills on London @ 1 per cent. prem.	.....	19,575 1 8		
1856.....	25,393 19 11
1857.....	22,792 4 10
TOTALS...£	423,500 0 0		£	19,213 0 2	441,838 1 10	* 210,500 0 0	213,000 0 0	104,452 1 8

* Of these £200,900 were paid off by the issue of new Debentures, bearing Interest at 5 per cent. per annum, for twenty years.

Audit Office, Sydney, New South Wales,
1st May, 1858.

W. C. MAYNE,
Auditor General.

5

No. 5.

NEW SOUTH WALES.

(BIRTHS.)

RETURN of the Number of BIRTHS Registered in the Colony of New South Wales,
from the Year 1848 to 1857, inclusive.

YEAR.	MALES.	FEMALES.	TOTAL.
1848	3,576	3,350	6,926
1849	3,803	3,673	7,476
1850	3,705	3,578	7,283
1851	3,893	3,782	7,675
1852	4,000	3,806	7,806
1853	4,403	4,367	8,860
1854	4,906	4,757	9,663
1855	5,192	5,152	10,344
1856	5,093	5,004	10,097
1857	6,266	6,235	12,501

No. 6.

(MARRIAGES.)

RETURN of the Number of MARRIAGES Registered in the Colony of New South Wales,
from the Year 1848 to 1857, inclusive.

CHURCHES IN WHICH SOLEMNIZED.	1848.	1849.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.
Church of England...	552	656	830	765	800	1,133	1,192	1,119	1,109	1,045
Presbyterian	421	499	434	426	522	503	563	638	595	664
Wesleyan Methodist.	62	72	73	100	97	164	155	135	167	163
Primitive do. ....	.....	.....	.....	.....	.....	.....	.....	.....	9	9
Independent.....	8	14	7	8	25	33	35	46	52	43
Baptist	5	6	3	.....	.....	.....	2	9	15	23
Unitarian .....	.....	.....	.....	4	.....	.....	3	4	3	4
German Lutheran ..	.....	.....	.....	.....	.....	.....	.....	.....	1	4
Roman Catholic	347	353	504	605	664	736	801	805	732	854
Jews' Synagogue	6	8	5	7	7	10	10	9	21	7
Christian Israelite ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Latter Day Saints ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Registrars' Offices ..	.....	.....	.....	.....	.....	.....	.....	.....	74	94
TOTALS.....	1,401	1,603	1,856	1,915	2,175	2,669	2,761	2,765	2,778	2,902

No. 7.

(DEATHS.)

RETURN of the Number of DEATHS Registered in the Colony of New South Wales,
from the Year 1848 to 1857, inclusive.

YEAR.	MALE.		FEMALE.		TOTAL.
	MEN.	CHILDREN.	WOMEN.	CHILDREN.	
1848	812	484	375	432	2,103
1849	994	632	491	586	2,703
1850	984	629	424	548	2,585
1851	1,026	587	476	511	2,600
1852	1,440	775	710	680	3,605
1853	1,446	865	927	938	4,176
1854	1,281	1,308	782	1,140	4,511
1855	1,341	1,029	720	932	4,022
1856	1,533	991	781	898	4,203
1857	1,807	1,191	807	1,041	4,846

1853. } Some of the Ministers of the Presbyterian Free Church have not rendered Returns of Births,
1854. } Marriages, and Deaths. No Baptist Minister in 1853.
1855. }

1856. Several Ministers of different Denominations have not rendered Returns of do. do. do.

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858. }

CHARLES COWPER,
Colonial Secretary.

No. 8.
NEW SOUTH WALES.
(SCHOOLS.)

RETURN of the Number of SCHOOLS, and SCHOLARS attending the same, in the Colony
of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER OF SCHOOLS.	NUMBER OF SCHOLARS.		
		Male.	Female.	Total.
1848	382	10,267	8,722	18,989
1849	444	10,721	9,250	19,971
1850	493	11,214	10,170	21,384
1851	423	11,118	10,002	21,120
1852	351	12,428	11,240	23,668
1853	420	13,575	12,085	25,660
1854	413	13,557	12,396	25,953
1855	476	14,365	12,878	27,243
1856	565	15,760	13,066	29,426
1857	550	15,470	13,766	29,236

No. 9.
(SCHOOLS.)

RETURN of the Number of SCHOOLS, &c., for the Year 1857.

	Number of Schools.	Number of Scholars.			Amounts paid by Government from the Colo- nial Treasury, in 1857.	Amounts received from Voluntary Contributions in 1857.	TOTALS.
		Male.	Female.	Total.			
ORPHAN SCHOOLS.							
Protestant	1	100	74	174	£ s. d. 4,240 6 3	£ s. d.	£ s. d. 4,240 6 3
Roman Catholic	1	79	101	180	3,366 16 0	.....	3,366 16 0
Totals of Orphan Schools ..	2	179	175	354	7,607 2 3	.....	7,607 2 3
ASYLUM FOR DESTITUTE CHILDREN ..	1	73	63	136	1,750 0 0	1,922 12 1	3,672 12 1
DENOMINATIONAL SCHOOLS.							
Church of England { Sydney	69	3,069	2,124	5,193	9,537 6 5	6,872 4 9	16,409 11 2
Newcastle	31	1,146	997	2,143			
Presbyterian	18	740	626	1,266	1,872 19 6	1,181 9 4	3,054 8 10
Wesleyan	10	481	322	803	970 0 10	955 2 8	1,925 3 6
Roman Catholic	72	2,911	2,830	5,741	5,995 17 5	3,817 4 2	9,813 1 7
Denominational School Board .....	..	....	....	....	1,042 7 9	.....	1,042 7 9
Totals of Denominational Schools	200	8,347	6,799	15,146	19,418 11 11	12,826 0 11	32,244 12 10
NATIONAL SCHOOLS.							
Schools	62	3,181	2,795	5,976	15,659 10 10	5,390 13 3	21,050 4 1
General Management .....	..	....	....	....	2,827 14 11	.....	2,827 14 11
Totals of National Schools.	62	3,181	2,795	5,976	18,487 5 9	5,390 13 3	23,877 19 0
Totals of Orphan, De-nomina- tional, and National Schools.}	265	11,780	9,832	21,612	47,262 19 11	20,139 6 3	67,402 6 2
UNIVERSITY OF SYDNEY	1	38	....	38	5,000 0 0	+514 10 0	5,514 10 0
ST. PAUL'S COLLEGE	1	9	....	9	+6,825 0 0	+90 0 0	6,715 0 0
SYDNEY GRAMMAR SCHOOL	1	120	....	120	2,250 0 0	+667 0 0	2,917 0 0
PRIVATE SCHOOLS.							
King's School, Parramatta	1	119	....	119	.....	.....	.....
All other Schools	281	3,404	3,934	7,338	.....	.....	.....
Totals of Private Schools ..	282	3,523	3,934	7,457	.....	.....	.....
GENERAL TOTAL	550	15,470	13,766	29,236	61,137 19 11	21,410 16 3	82,548 16 2

* Building Fund £6,000; Endowment Fund £625.
† Fees from Students.

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary

No. 10.

NEW SOUTH WALES.

(LUNATICS—TARBAN CREEK, SYDNEY.)

RETURN of the Number of PATIENTS in the LUNATIC ASYLUM, TARBAN CREEK, during the Year 1857.

In the Asylum on 31 December, 1856.			Admitted during the Year 1857.		Discharged during the Year 1857.				Absconded during the Year 1857.				Died during the Year 1857.		Remaining in the Asylum on 31 December, 1857.					
Male.	Female.	Total.	Male.	Female.	Cured.		Improved.		Retaken.		Not Retaken.		Male.	Female.	Supposed Curable.		Supposed Incurable.		Total.	
					Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			Male.	Female.	Male.	Female.	Male.	Female.
107	83	190	93	64	19	33	6	2	2	..	1	..	6	3	42	28	84	55	126	83

Transferred to the Asylum at Parramatta { 39 Males.
29 Females.F. CAMPBELL, M. D.,
Superintendent.

No. 11.

(FREE LUNATICS—PARRAMATTA.)

RETURN of the Number of PATIENTS in the LUNATIC ASYLUM, PARRAMATTA, during the Year 1857.

In the Asylum on 31 December 1856.			Admitted during the Year 1857.		Discharged during the Year 1857.				Absconded during the Year 1857.				Died during the Year 1857.		Remaining in the Asylum on 31 December, 1857.					
Male.	Female.	Total.	Male.	Female.	Cured.		Improved.		Retaken.		Not Retaken.		Male.	Female.	Supposed Curable.		Supposed Incurable.		Total.	
					Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			Male.	Female.	Male.	Female.	Male.	Female.
166	138	304	53	33	3	3	1	4	..	..	2	..	19	5	3	3	191	156	194	159
Invalids	..	3	..	1	..	..	..	..	..	..	..	..	1	..	..	..	2	1	2	1

R. GREENUP, M. D.,
Medical Superintendent.

No. 12.

(CONVICT LUNATICS AND INVALIDS—PARRAMATTA.)

RETURN of the Number of PATIENTS in the CONVICT LUNATIC AND INVALID ESTABLISHMENT, PARRAMATTA, during the Year 1857.

In the Establishment on 31 December, 1856.			Admitted during the Year 1857.		Discharged during the Year 1857.				Absconded during the Year 1857.				Died during the Year 1857.		Remaining in the Establishment on 31 December, 1857.					
Male.	Female.	Total.	Male.	Female.	Cured.		Improved.		Retaken.		Not Retaken.		Male.	Female.	Supposed Curable.		Supposed Incurable.		Total.	
					Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			Male.	Female.	Male.	Female.	Male.	Female.
Lunatics.	16	93	1	..	1	..	..	..	1	..	..	..	4	3	..	..	72	13	72	13
Invalids.	7	60	9	..	2	1	2	..	1	..	..	..	9	..	1	..	47	6	48	6
130	23	153	10	..	3	1	2	..	2	..	..	..	13	3	1	..	119	19	120	19

R. GREENUP, M. D.,
Medical Superintendent.

No. 13.
NEW SOUTH WALES.
(AGRICULTURE.)

RETURN showing the Quantity of LAND IN CULTIVATION, and the PRODUCE of the same, (exclusive of Gardens and Orchards) in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	CROPS.										PRODUCE.								
	Wheat.	Maize.	Barley.	Oats.	Rye.	Millet.	Potatoes.	Tobacco.	Sown Grasses, Oats, Wheat, and Barley, for Hay.	Total Number of Acres in Crop.	Wheat.	Maize.	Barley.	Oats.	Rye.	Millet.	Potatoes.	Tobacco.	Hay.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Tons.	Cwt.	Tons.
1848	67,801	20,220	5,954	4,252	167	14	3,197	21	21,093	123,499	1,118,654	258,412	108,816	37,866	2,786	158	7,614	3,059	27,172
1849	66,459	23,316	7,741	2,809	203	18	3,138	458	31,664	135,806	1,401,063	276,406	115,379	49,656	2,959	134	8,300	4,238	31,914
1850	70,720	23,170	7,576	2,717	293	42	4,236	510	35,383	144,647	921,582	457,102	124,625	53,313	5,529	848	9,400	4,923	44,762
1851	82,110	25,017	6,725	2,470	245	54	4,079	731	30,626	152,057	1,407,465	717,053	133,944	49,069	4,891	731	13,644	12,530	36,605
1852	75,942	18,609	5,084	1,629	163	9	3,690	58	25,450	130,643	1,194,480	554,631	84,476	22,833	2,226	92	12,772	1,978	20,733
1853	74,537	24,234	3,937	2,398	97	44	5,059	32	27,723	138,052	1,384,541	684,253	69,128	36,866	1,869	536	20,308	342	34,595
1854	63,092	28,093	3,568	1,626	75	79	5,079	8	29,324	130,944	786,278	843,310	36,812	27,441	816	637	15,163	260	25,343
1855	86,369	34,407	4,476	2,614	235	29	9,178	116	32,666	170,070	1,335,446	1,016,494	64,887	49,865	3,272	553	38,296	1,512	43,067
1856	106,124	32,003	4,340	3,430	97	99	8,881	218	29,823	187,015	1,756,964	1,085,279	67,847	48,471	1,349	677	27,932	2,813	43,633
1857	89,195	42,813	4,483	4,665	125½	147½	8,006	176	33,774	183,385	1,289,044	1,118,006	58,088	61,253	1,396	1,468	21,491	1,301	53,064

1857.....2,298 Acres.—Gardens, Orchards, &c.

" The Returns received being incomplete, those for the previous Year have been substituted.

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 14.
NEW SOUTH WALES.
(VINEYARDS.)

RETURN of the Number of ACRES OF LAND planted with the GRAPE VINE, and of the Quantity of WINE AND BRANDY made from the Produce thereof, in the Colony of New South Wales, during the Year ended 31st March, 1858.

COUNTIES OR DISTRICTS.	CROP.	PRODUCE.	
	Acres.	WINE. Gallons.	BRANDY. Gallons.
WITHIN THE SETTLED DISTRICTS.			
Argyle	7½	150	.....
Bathurst	9	.....	.....
Bligh	½	.....	.....
Brisbane	62½	5,289	5
Camden	72½	12,068	184
Cook	3	50	.....
Cumberland	373½	17,060	495
Durham	197½	32,035	140
Gloucester	107½	7,750	70
Hunter	24	3,450	.....
King	13	1,660	230
Macquarie	30	2,400	50
Murray	2	.....	.....
Northumberland	108½	17,842	240
Phillip	1	60	.....
Roxburgh	31	3,400	.....
Stanley	24	.....	.....
Wellington	3½	42	.....
TOTAL	1,070	103,256	1,414
COMMISSIONERS' DISTRICTS, BEYOND THE SETTLED DISTRICTS.			
Burnett and Wide Bay	¾	18	.....
Clarence	6	800	.....
Gwydir	5	120	.....
M'Leay	2¾	1,400	.....
Maneroo	6	.....	.....
Murrumbidgee	32	2,500	.....
Wellington... ..	6	80	.....
TOTAL	58½	4,918	.....
GENERAL TOTAL	1,128½	108,174	1,414

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

NEW SOUTH WALES.
(VINEYARDS.)

RETURN of the Number of ACRES OF LAND planted with the GRAPE VINE, and of the Quantity of WINE AND BRANDY made from the Produce thereof, from the Year 1848 to 1857, inclusive.

YEAR.	ACRES.	PRODUCE.	
		WINE.	BRANDY.
		Gallons.	Gallons.
1848	887	97,300	1,163
1849	963	95,843	1,266
1850	1,069 $\frac{3}{4}$	111,085	1,958
1851	1,060 $\frac{1}{4}$	84,843	1,641
1852	1,096 $\frac{1}{4}$	92,744	1,581
1853	962 $\frac{1}{2}$	57,491	1,587
1854	913	57,959	674
1855	1,030 $\frac{1}{4}$	115,614	1,426
1856	1,018 $\frac{1}{2}$	95,645	1,547
1857	1,128 $\frac{1}{2}$	108,174	1,414

(LIVE STOCK.)

RETURN of LIVE STOCK in the Colony, from the Year 1848 to 1857, inclusive.

YEAR.	HORSES.	HORNED CATTLE.	PIGS.	SHEEP.
1848	97,400	1,366,164	65,216	6,530,542
1849	105,126	1,463,651	52,902	6,784,494
1850*	111,458	1,374,968	52,371	7,092,209
1851	116,397	1,375,257	65,510	7,396,895
1852	123,404	1,495,984	78,559	7,707,917
1853	139,765	1,552,285	71,395	7,929,708
1854	148,851	1,576,750	63,255	8,144,119
1855	158,159	1,858,407	68,091	8,602,499
1856	168,929	2,023,418	105,998	7,736,323
1857	180,053	2,148,664	109,166	8,139,162

*1850.—To this Year has been added information from the Lower Darling District, not received when the General Return of Live Stock was published in 1851.

1857—See Note at p. 11.

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

NEW SOUTH WALES.

(LIVE STOCK.)

RETURN of LIVE STOCK in the Colony of New South Wales, on the 1st January, 1858.

COUNTIES OR DISTRICTS.	DESCRIPTION OF STOCK.			
	HORSES.	HORNED CATTLE.	PIGS.	SHEEP.
	Number.	Number.	Number.	Number.
WITHIN THE SETTLED DISTRICTS.*				
Argyle	6,538	23,150	3,416	125,942
Bathurst	5,872	36,466	1,735	230,974
Bligh	1,394	12,979	473	93,523
Brisbane	4,232	22,095	734	173,982
Camden	11,187	60,119	19,729	5,244
Cook	4,179	10,276	4,026	2,371
Cumberland	17,981	31,639	17,367	5,582
Durham	10,580	52,541	8,666	62,715
Georgiana	5,386	21,046	1,567	54,481
Gloucester	5,130	28,145	4,413	10,810
Hunter	2,570	10,196	2,112	14,414
King	3,763	17,088	1,320	39,525
Macquarie	3,971	24,744	2,333	.....
Murray	5,805	24,776	2,046	205,142
Northumberland	11,418	48,325	13,425	28,647
Phillip	1,824	7,962	445	107,707
Roxburgh	1,790	6,091	888	97,860
St. Vincent	5,724	35,616	3,344	33,884
Stanley	2,584	40,607	2,981	42,998
Wellington	2,889	14,493	994	110,801
Westmoreland... ..	3,742	19,224	2,242	17,675
TOTALS	118,559	547,578	94,256	1,464,277
COMMISSIONERS' DISTRICTS, BEYOND THE SETTLED DISTRICTS†				
Albert... ..	564	12,115	.....	84,309
Bligh	3,400	132,022	1,000	192,000
Burnett and Wide Bay	2,926	51,429	431	721,971
Clarence	3,170	160,041	1,617	53,986
Darling Downs	2,500	70,000	500	1,500,000
Gwydir	3,400	176,200	200	290,953
Lachlan	6,795	141,547	621	361,583
Leichhardt	337	2,428	.....	215,399
Liverpool Plains	6,171	134,065	249	622,568
Lower Darling	715	38,065	.....	123,740
M'Leay	1,319	18,327	1,603	93
Maneroo	6,709	77,983	3,519	425,000
Maranoa	566	26,905	.....	59,170
Moreton	500	32,000	300	120,000
Murrumbidgee	12,532	269,000	3,000	530,000
New England†	5,917	137,598	1,000	1,048,826
Port Curtis	748	4,309	20	93,436
Wellington	3,225	117,052	850	231,851
TOTALS	61,494	1,601,086	14,910	6,674,885
GENERAL TOTAL	180,053	2,148,664	109,166	8,139,162

* Exclusive of the portions of Country brought within the Settled Districts by the operation of the Order in Council of 9th March, 1847.

† Inclusive of Ditto Ditto.

‡ The Returns received being incomplete, those for the previous Year have been substituted.

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 18.

NEW SOUTH WALES.

(TALLOW AND LARD.)

RETURN of LIVE STOCK SLAUGHTERED, and the Quantity of TALLOW and LARD produced from the same, from the Year 1848 to 1857, inclusive.

YEAR.	Number of Boiling-down Establishments.	SHEEP SLAUGHTERED.	HORNED CATTLE SLAUGHTERED.	TALLOW PRODUCED.	PIGS SLAUGHTERED.	LARD PRODUCED.
		Number.	Number.	Cwt.	Number.	lbs.
1848	55	165,701	33,097	60,842	56	1,865
1849	80	393,071	35,744	85,675	252	29,659
1850	94	292,416	60,385	128,330	45	2,916
1851	75	269,845	42,231	88,145	25	2,000
1852	72	292,000	74,194	147,947	24	1,200
1853	39	96,895	29,959	61,485	.....	.....
1854	36	69,229	21,120	48,268	.....	.....
1855	31	223,134	23,459	61,839	.....	.....
1856	36	266,726	45,239	84,798	788	31,716
1857	23	48,341	25,111	40,597	.....	.....

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858. }

CHARLES COWPER,
Colonial Secretary.

No. 19.

NEW SOUTH WALES.

(MILLS.)

RETURN of the Number of MILLS for Grinding and Dressing Grain, in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	STEAM.	WATER.	WIND.	HORSE.
1848	57	36	25	38
1849	64	35	27	27
1850	75	45	28	22
1851	68	33	25	25
1852	78	28	20	19
1853	72	28	23	20
1854	74	27	22	17
1855	82	29	19	17
1856	92	26	21	15
1857	101	19	19	18

No. 20.

(MANUFACTORIES, WORKS, &c.)

RETURN of the Number of MANUFACTORIES, WORKS, &c., in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

MANUFACTORIES, &c.	1848.	1849.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.
Distilleries	2	2	2	2	2	2	2	2	2	2
Rectifying and Compounding ..	2	1	1	1	1	2	2	1	1	2
Breweries	12	21	19	17	11	12	13	14	9	10
Sugar Refining	2	2	2	2	2	3	2	1	1	1
Soap, &c.	15	16	16	12	16	14	18	18	23	24
Tobacco	4	15	14	6	9	11	9	8	9	5
Woollen Cloth	6	6	7	5	7	7	7	5	5	5
Hat	4	5	5	2	1	1	1	1	5	1
Rope	4	4	6	6	4	3	5	5	5	8
Tanneries, &c.	33	65	65	55	64	66	59	60	54	49
Salt	2	1	1	1	1	1	1	1	1	1
Salting and Meat Preserving Establishments	4	6	7	9	5	3	6	6	12	7
Potteries	7	4	5	4	4	3	6	5	6	5
Gas Works	1	1	1	1	1	1	1	1	1	1
Smelting Works (Copper) ..	1	..	..	2	1	1	..	..	..	..
Iron & Brass Foundries, &c. ..	11	13	15	15	12	10	13	14	16	10
Vitriol .. .. .	..	..	..	..	..	1	1	1	1	1
Steam Biscuit .. .. .	..	..	..	..	..	..	..	2	2	2
Dye .. .. .	..	..	..	..	..	..	..	1	1	1
Steam Machinery for making Bricks ..	..	..	..	..	..	..	..	1	2	2
Quartz Crushing Machines .. ..	..	..	..	..	..	..	..	1	1	4
Reaping and Thrashing Machines ..	..	..	..	..	..	..	..	11	*23	30
Type Foundry .. .. .	..	..	..	..	..	..	..	1	1	..
Steam Saw Mills .. .. .	..	..	..	..	..	..	..	12	19	26
Ship and Anchor .. .. .	..	..	..	..	..	..	..	3	4	4
Steam Vessels .. .. .	..	..	..	..	..	..	..	39	60	46
Patent Slips for Repairing Vessels ..	..	..	..	..	..	..	..	2	2	2
Dry Docks .. .. .	..	..	..	..	..	..	..	2	2	2
Fire Engines .. .. .	..	..	..	..	..	..	..	5	8	8
Railways .. .. .	..	..	..	..	..	..	..	1	2	2

* The No. returned from 2 Districts only.

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary

No. 21.

NEW SOUTH WALES.

(WOOLLENS MANUFACTURED.)

RETURN of the Number of Establishments and Quantity of WOOLLENS Manufactured in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER OF ESTABLISHMENTS.	CLOTH AND TWEEDS.	BLANKETS.
		Yards.	No.
1848	6	164,749	248
1849	6	180,197	48
1850	7	190,791	326
1851	5	114,394	....
1852	*7	234,378	....
1853	*7	146,000	....
1854	7	184,555	....
1855	†5	35,760	....
1856	‡5	26,534	....
1857	5	81,360	....

* Two not worked.

† One not worked.

‡ Two not worked.

No. 22.

(SOAP MANUFACTURED.)

RETURN of the Number of Establishments and Quantity of SOAP Manufactured in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER OF ESTABLISHMENTS.	QUANTITY.
		Cwt.
1848	12	18,900
1849	15	24,623
1850	16	25,986
1851	12	33,065
1852	16	36,042
1853	11	41,678
1854	18	74,878
1855	17	47,435
1856	23	57,781
1857	24	37,228

No. 23.

(TOBACCO MANUFACTURED.)

RETURN of the Number of Establishments and Quantity of TOBACCO Manufactured in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER OF ESTABLISHMENTS.	QUANTITY.
		Cwt.
1848	1	714
1849	15	2,758
1850	14	3,833
1851	6	4,841
1852	9	6,564
1853	*14	3,524
1854	9	1,963
1855	8	1,376
1856	9	3,428
1857	5	1,346

* One no Return of Manufacture.

No. 24.

(REFINED SUGAR MANUFACTURED.)

RETURN of the Number of Establishments and Quantity of REFINED SUGAR Manufactured in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER OF ESTABLISHMENTS.	QUANTITY.
		Cwt.
1848	*2	26,000
1849	2	35,000
1850	2	51,000
1851	2	74,000
1852	2	83,100
1853	3	81,200
1854	2	68,000
1855	*2	110,000
1856	*2	122,000
1857	1	166,000

* One not worked.

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858. }

CHARLES COWPER,
Colonial Secretary.

No. 25.

NEW SOUTH WALES.

(IMPORTS AND EXPORTS.)

No. 1.—TOTAL VALUE in Sterling of the IMPORTS and EXPORTS of the COLONY of NEW SOUTH WALES, from and to each Country, in the Year 1857.

COUNTRIES.	IMPORTS THEREFROM.	EXPORTS THERE TO.
	£	£
UNITED KINGDOM	3,864,901	1,987,703
BRITISH COLONIES:—		
Australia	1,331,782	1,585,560
India and China	120,405	80,865
Mauritius	193,919	21,749
West Indies ... ..	.....	536
	1,646,106	1,688,710
FOREIGN COUNTRIES:—		
France	9,682	.....
Germany	53,949	.....
Holland... ..	52,552	28,234
Spain and Portugal	17,187	.....
Norway and Sweden	2,510	.....
United States	274,645	7,204
Chili	65,071	3,367
South Sea Islands... ..	41,804	42,436
Fisheries	31,434	15
Manila	463,151	3,000
Peru	4,810	.....
Batavia... ..	32,268	1,999
Penang... ..	3,334	.....
China	137,195	1,782
Guam ... ..	.....	2,430
Suez	28,809	244,372
Aden ... ..	.....	700
	1,218,401	335,539
TOTAL £	6,729,408	4,011,952

No. 2—GENERAL IMPORTS into the COLONY

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Agricultural Implements	Great Britain	2,870	890	3,760 pkgs.
	Australian Colonies	1,653	.....	1,653 "
	South Sea Islands	216	.....	216 "
	United States	591	613	1,204 "
	Great Britain	981	290	1,271 tons
Alkali and Soda	Australian Colonies	1,302	.....	1,302 "
Anchors	Great Britain	122	530	652 No.
	Australian Colonies	4	.....	4 "
	Great Britain	4,947	427	5,374 pkgs.
	Australian Colonies	330	.....	330 "
	South Sea Islands	12	.....	12 "
Apparel and Slops	British Possessions in India & China	7	.....	7 "
	Germany .....	.....	30	30 "
	France .....	.....	1	1 "
	United States .....	.....	21	21 "
	Holland and Belgium	9	.....	9 "
	China	4	.....	4 "
	Suez and Aden	36	.....	36 "
	Ceylon	8	.....	8 "
	Great Britain	176	17	193 cases
	France .....	.....	1	1 "
Arms and Ammunition.	Guns	41	19	60 "
	Suez and Aden	1	.....	1 "
	Great Britain	86,346	.....	86,346 cwt.
	Australian Colonies	600	.....	600 "
	South Sea Islands	268½	.....	268½ "
	Penang	1,000	.....	1,000 "
	Great Britain	557	187½	744½ "
	Australian Colonies	32	.....	32 "
	Great Britain	29	.....	29 pkgs.
	Great Britain	207	56	263 cwt.
	South Sea Islands	290	.....	290 "
	Australian Colonies	999	167	1,166 "
Arrowroot and Sago	British Possessions in India & China	335	.....	335 "
	Manila	341	.....	341 "
	Ceylon	4	.....	4 "
	Great Britain	1,225	396	1,621 bales
	Australian Colonies	683	32	715 "
Bags and Sacks	British Possessions in India & China	155	.....	155 "
	Manila	344	.....	344 "
Bark	Australian Colonies	291½	.....	291½ tons
	Great Britain	18	27	45 pkgs.
Baskets	Australian Colonies	30	.....	30 "
	United States	269	370	639 "
Beche-le-Mer	China	20	.....	20 "
	South Sea Islands	13	.....	13 bags
Beer { in bottle	Great Britain	333,188	147,219	480,407 gallons
	Australian Colonies	23	.....	23 "
	Great Britain	1,059,859	287,708	1,347,567 "
	Australian Colonies	21,804	.....	21,804 "
	United States .....	.....	65,654	65,654 "
Bees Wax	Great Britain	8	.....	8 pkgs.
Bellows, Smiths'	Great Britain	28	31	59 No.
	Great Britain	508	186	694 barrels
Blacking	Australian Colonies	24	.....	24 "
	United States .....	.....	30	30 "
	Great Britain .....	.....	420	420 gallons
Bitters	Germany .....	.....	21	21 "
	United States .....	.....	200	200 "
Blankets and Counterpanes	Great Britain	119	.....	119 bales
	United States	3	.....	3 "
Boats	Great Britain	4	1	5 No.
	Australian Colonies	17,003	.....	17,003 bushels
Bran	United States	6,100	.....	6,100 "
	Chili	5,300	8,755	14,055 "
	Great Britain	161	109	270 pkgs.
Bricks { Bath	Great Britain	130,916	.....	130,916 No.
	Germany	28,734	3,339	32,073 "
	France .....	.....	27,500	27,500 "
	United States .....	.....	1,000	1,000 "
	Holland and Belgium	39,000	19,826	58,826 "
Brushware	Great Britain	433	217	650 pkgs.
	United States .....	.....	216	216 "
	Great Britain	6,826	1,394½	8,220½ cwt.
	Australian Colonies	1,247½	.....	1,247½ "
Butter and Cheese	South Sea Islands	4	.....	4 "
	Germany	52	558	610 "
	France .....	.....	114	114 "
	United States .....	.....	44½	44½ "
	Holland and Belgium	110	127	237 "

No. 26.

of NEW SOUTH WALES, in the Year 1857.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially).	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
*	£		£ s. d.		
.....	23,723	Value declared by Importer.	.....	.....	Agricultural Implements.
.....	13,356		.....	.....	Alkali and Soda.
.....	1,503		.....	.....	Anchors.
.....	27,026		.....	.....	Apparel and Slops.
.....	4,834		.....	.....	Arms and Ammunition { Guns. Gunpowder. Shot. Percussion Caps.
.....	11,251		.....	.....
.....	1,446		.....	.....
.....	271		.....	.....
.....	7,833		.....	.....	Arrowroot and Sago.
.....	33,968		.....	.....	Bags and Sacks.
.....	2,320		.....	.....	Bark.
.....	1,796		.....	.....	Baskets.
.....	174		.....	.....	Beche-le-Mer.
.....	128,088		3,967 3 10	2d. 7 ¹ / ₂ gall., 1855	Beer.
.....	184,077		4,453 0 9	1d. 7 ¹ / ₂ gall., 1855	
.....	35		.....	.....	Bees Wax.
.....	1,043		.....	.....	Bellows, Smiths'.
.....	2,779		.....	.....	Blacking.
.....	764		.....	.....	Bitters.
.....	5,709		.....	.....	Blankets and Counterpanes.
.....	707		.....	.....	Boats.
.....	4,216		.....	.....	Bran.
.....	941		.....	.....	Bricks.
.....	1,838		.....	.....
.....	8,230		.....	.....	Brushware.
.....	50,025		.....	.....	Butter and Cheese.

• No account given by the Customs.

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Candles, Sperm	Great Britain	9,047½	1,302	10,349½ cwt.
	Australian Colonies	335		335 "
	Germany	33½	2,733½	2,767 "
	France	13½		13½ "
	Holland and Belgium		463	463 "
Candlewick	Great Britain	71	3	74 bales
	United States		203	203 "
Canvas	Great Britain	378	23	406 "
	Australian Colonies	161		161 "
Carpeting	United States		1	1 "
	Great Britain	86	28	114 pkgs.
Clay	Australian Colonies	2		2 "
	Great Britain	127	200	327 tons
Coals	Holland and Belgium	91		91 "
	Great Britain	10,742	826	11,568 "
Carriages	Great Britain	120	17	137 No.
	United States		3	3 "
Carriage materials	Great Britain	736	18	754 pkgs.
	Great Britain	182	1	183 No.
Carts, Drays, and Waggons	Australian Colonies	39		39 "
	South Sea Islands	1		1 "
	Great Britain	1,710	1,898	3,608 barrels
	Australian Colonies	3,306		3,306 "
Cement	Germany	36	50	86 "
	United States	100	200	300 "
	Great Britain	19		19 cwt.
	Australian Colonies	16		16 "
Chocolate and Cocoa	Germany		1	1 "
	Great Britain	1: 6:3:24	0: 2:2:11	1: 9:2: 7 tons, &c.
	Australian Colonies	181:11:0:10		181:11:0:10 "
	South Sea Islands		0: 5:0: 0	0: 5:0: 0 "
	Manila	87:14:0: 0	52:11:1: 0	140: 5:1: 0 "
Coffee	British Possessions in India & China	48: 1:2: 9		48: 1:2: 9 "
	Suez and Aden	28:16:1:24		28:16:1:24 "
	Ceylon	107: 3:2:15		107: 3:2:15 "
	Batavia	9:17:3: 2	55:16:1: 3	65:14:0: 5 "
	Great Britain	168,188	40,717	208,905 lbs.
	Australian Colonies	59,257		59,257 "
	Holland and Belgium		7,486	7,486 "
Chicory	Manila		300	300 "
	Great Britain	4,253	805	5,060 gals.
Cider	Australian Colonies	100		100 "
	South Sea Islands	10,500		10,500 No.
Cocoanuts	Ceylon	2,000		2,000 "
	Great Britain	1,527		1,527 cases
Confections and Preserves	Australian Colonies	84	106	190 "
	British Possessions in India & China	2		2 "
	France		108	108 "
	United States		1	1 "
	China	185		185 "
Chain Cables	Great Britain	88	38	126 No.
Copper	Great Britain	9	9	18 tons
	Australian Colonies	71½		71½ "
Copper Ore	Great Britain	60		60 "
	Australian Colonies	1,406		1,406 "
	South Sea Islands	5		5 "
	Great Britain	1,666	595	2,261 coils
Cordage and Rope	Australian Colonies	456		456 "
	British Possessions in India & China	1,357		1,357 "
	United States	59		59 "
	Manila	4,100	2,052	6,152 "
	Suez and Aden	130		130 "
Corks and Bungs	Ceylon	510		510 "
	Great Britain	472	82	554 bags
	Holland and Belgium		14	14 "
Cottons	Great Britain	1,617	211	1,828 pkgs.
	Australian Colonies	8		8 "
	British Possessions in India & China	26		26 "
	Holland and Belgium	4	12	16 "
Cutlery	Great Britain	84	24	108 "
	Germany		7	7 "
	Great Britain	2		2 "
Curiosities	South Sea Islands	16		16 "
	British Possessions in India & China	1		1 "
	Manila	1		1 "
	Suez and Aden	1		1 "
	Great Britain	2,614	426	3,040 "
Drugs and Medicines	Australian Colonies	202		202 "
	British Possessions in India & China	392		392 "
	Germany		3	3 "
	United States	3	200	203 "
	Holland and Belgium		9	9 "
	China	4		4 "
	Suez and Aden	1		1 "

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (If calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE AND WHEN IMPOSED.	
	£		£ s. d.		
.....	72,556	Value declared by Importer.	.....	.....	Candles, Sperm.
.....	1,865		.....	.....	Candlewick.
.....	7,219		.....	.....	Canvas.
.....	3,863		.....	.....	Carpeting.
.....	174		.....	.....	Clay.
.....	16,031		.....	.....	Coals.
.....	26,546		.....	.....	Carriages.
.....	4,326		.....	.....	Carriage materials.
.....	3,447		.....	.....	Carts, Drays, and Waggon.
.....	10,887		.....	.....	Cement.
.....	296		.....	.....	Chocolate and Cocoa.
.....	40,972		701 6 0	2d. per lb., 1855	Coffee.
.....	16,036		3,145 14 8	2d. per lb., 1855	Chicory.
.....	2,192		.....	.....	Cider.
.....	53		.....	.....	Cocanuts.
.....	9,263		.....	.....	Confections and Preserves.
.....	1,402		.....	.....	Chain Cables.
.....	1,531		.....	.....	Copper.
.....	26,570		.....	.....	Copper Ore.
.....	44,813		.....	.....	Cordage and Rope.
.....	3,127		.....	.....	Corks and Bungs.
.....	67,358		.....	.....	Cottons.
.....	5,822		.....	.....	Cutlery.
.....	190		.....	.....	Curiosities.
.....	50,005		.....	.....	Drugs and Medicines.

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Dyes	Great Britain	20	.....	20 cases
Dyewood	Great Britain	2	.....	2 bales
	Great Britain	4,254	1,110	5,364 crates
	Australian Colonies	87	.....	87 "
	Germany	13	52	65 "
Earthenware and China.....	France .....	.....	37	37 "
	United States .....	.....	45	45 "
	Holland and Belgium.....	3	.....	3 "
Earthenware Pipes.....	Great Britain	175	6,295	6,470 No.
	Great Britain	17	.....	17 cases.
Fireworks	Australian Colonies	3	.....	3 "
	United States .....	.....	320	320 "
	China	300	.....	300 "
	Great Britain	4,475	43	4,518 pkgs.
Fish, Dried	Australian Colonies	416	.....	416 "
	United States	300	306	606 "
	Holland and Belgium.....	200	.....	200 "
Flax and Hemp	Great Britain	1,234	.....	1,234 bales.
	Australian Colonies	115	.....	115 "
	United States	520	2,009	2,529 tons.
	Chili	962	1,026	1,988 "
Flour and Bread.....	Holland and Belgium.....	5	.....	5 "
	Great Britain	55	10	65 "
	Australian Colonies	5,993½	.....	5,993½ "
	Great Britain	11,206	1,184	12,390 cwt.
	Australian Colonies	2,728	.....	2,728 "
	Mauritius	386	.....	386 "
	British Possessions in India & China	605	.....	605 "
	Germany .....	.....	12	12 "
	United States .....	.....	600	600 "
	Chili	174	.....	174 "
	Batavia	40	.....	40 "
	Holland and Belgium .....	.....	78½	78½ "
	Ceylon	100	.....	100 "
Fruit { Dried	Great Britain	1,381	.....	1,381 cases.
	Australian Colonies	932	.....	932 pkgs.
	South Sea Islands	85	.....	85 "
	Great Britain	2,142	376	2,518 "
	Australian Colonies	307	.....	307 "
	South Sea Islands	11	.....	11 "
	Germany	40	250	290 "
	France .....	.....	42	42 "
	United States .....	.....	980	980 "
	Holland and Belgium.....	33	56	89 "
	China	75	.....	75 "
	Suez and Aden	27	.....	27 "
	Great Britain	11	.....	11 cases.
Furs	Great Britain	4,154	536	4,690 "
	Australian Colonies	175	.....	175 "
	Holland and Belgium	500	803	1,303 "
	Great Britain	3,178	694	3,872 pkgs.
	Australian Colonies	888	.....	888 "
	Holland and Belgium .....	.....	6	6 "
	United States .....	.....	9	9 "
	Great Britain	267	.....	267 cases.
	Holland and Belgium.....	.....	9	9 "
	Great Britain	48	19	67 casks.
Glue	Great Britain .....	.....	.....	.....
Gold	Australian Colonies	93,318 9 10	.....	93,318 9 10
	Great Britain	2,258	.....	2,258 bushels.
	Australian Colonies	243,433	.....	243,433 "
	United States .....	.....	1,300	1,300 "
	Chili .....	.....	13,373	13,373 "
	Great Britain	6,215	1,728	7,943 "
	Australian Colonies	1,260	.....	1,260 "
	United States	1,522	.....	1,522 "
	Great Britain	21,117	5,144	26,261 "
	Australian Colonies	5,585	.....	5,585 "
	British Possessions in India & China	3,950	.....	3,950 "
	Germany .....	.....	8,929	8,929 "
	United States	1,007	23,295	24,302 "
	Great Britain	24	.....	24 cwt.
	Australian Colonies	928	.....	928 "
	British Possessions in India & China	19,714	.....	19,714 "
	Manila	40	.....	40 "
	Holland and Belgium	290	.....	290 "
	China	1,560	.....	1,560 "
	Penang	520	.....	520 "
	Australian Colonies	2,335	.....	2,335 bushels.
	Great Britain .....	.....	40	40 "
	Great Britain	831	16	847 pkgs.
	Australian Colonies	5	.....	5 "
	United States .....	.....	2	2 "
Grindery	United States .....	.....	.....	.....

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
	£		£ s. d.		
.....	27	Value declared by Importer.	.....	.....	Dyes.
.....	50		.....	.....	Dyewood.
.....	39,921		.....	.....	Earthenware and China.
.....	1,120		.....	.....	Earthenware Pipes.
.....	803		.....	.....	Fireworks.
.....	12,799		.....	.....	Fish, Dried.
.....	359		.....	.....	Flax and Hemp.
.....	228,925		.....	.....	Flour and Bread.
.....	54,435		.....	.....	Fruit { Dried.
.....	1,885		.....	.....
.....	1,174		.....	.....
.....	53,857		.....	.....	Furniture.
.....	214		.....	.....	Furs.
.....	11,590		.....	.....	Glass { Window.
.....	32,832		.....	.....
.....	5,479		.....	.....
.....	695		.....	.....	Glue.
.....	392,274		.....	.....
.....	102,652		.....	.....	Grain { Wheat.
.....	3,351		.....	.....
.....	23,400		.....	.....
.....	5,843		.....	.....	Maize.
.....	916		.....	.....
.....	60		.....	.....
.....	5,247		.....	.....	Grindery.

ARTICLES.	COUNTRIES, WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Gum	Australian Colonies	11,868		11,868 bags.
	South Sea Islands	8½		8½ tons
	Suez and Aden	1		1 "
Guano	Peru	710		710 tons
	Great Britain	613	57	730 pkgs.
Haberdashery	Australian Colonies	43		43 "
	Suez and Aden	7		7 "
	Great Britain	30,768	6,258	37,025 "
	Australian Colonies	1,793		1,793 "
	South Sea Islands	19		19 "
Hardware and Ironmongery....	Germany		26	26 "
	France		7	7 "
	United States	2,356	9,477	11,833 "
	Holland and Belgium....		3	3 "
	Suez and Aden	5		5 "
	Great Britain	1,397	227	1,624 cases
	Australian Colonies	65		65 "
Hats, Caps, and Bonnets	British Possessions in India & China	36		36 "
	France	9		9 "
	United States	61		61 "
	Chili	4		4 "
Hatters' Materials	Great Britain	51	17	68 pkgs.
Hay and Straw	Australian Colonies	903		903 tons
Honey	Great Britain	7		7 pkgs.
	Great Britain	1,394	408	1,802 pockets
Hops	Australian Colonies	178		178 "
	Germany		10	10 "
	United States		237	237 "
Horse Hair	Great Britain	118	12	223 cwt.
	Great Britain	323	45	373 pkgs.
Hosiery and Gloves	Australian Colonies	33		33 "
	Germany		12	12 "
	Suez and Aden	22		22 "
Hoofs, Horns, and Bones	South Sea Islands	47		47 No.
Ice	Australian Colonies	38		38 cases
	Great Britain	251	72	323 pkgs.
	Australian Colonies	12		12 "
Instruments {	Musical		12	12 "
	France		1	1 "
	Holland and Belgium....	3	7	10 "
	Great Britain	70	1	71 "
	Australian Colonies	15		15 "
	Germany		5	5 "
	Suez and Aden	1		1 "
	Great Britain	38	1	39 "
	Australian Colonies	1		1 "
	Great Britain	9,073	1,101	10,174 tons
Iron and Steel.....	Australian Colonies	123		123 "
	South Sea Islands	4		4 "
	Great Britain	72	5	77 cases
	Australian Colonies	7		7 "
Jewellery.....	Germany		4	4 "
	Holland and Belgium....	1		1 "
	Suez and Aden		17	17 "
	Ceylon	6		6 "
Lackeredware	China	5		5 "
Lard	Great Britain	41		41 cwt.
	South Sea Islands	92		92 "
Lead	Great Britain	1,199	308	1,507 rolls.
	Great Britain	59	4	63 pkgs.
	Australian Colonies	3		3 "
Leather {	Great Britain	13,091	2,394	15,485 "
	Australian Colonies	637		637 "
	Germany		10	10 "
	France		6	6 "
	Holland and Belgium....		1	1 "
	Great Britain	12		12 barrels.
Lime	Australian Colonies	273		273 "
	South Sea Islands	100		100 "
Lime Juice	South Sea Islands	300		300 gallons
	Great Britain	17,079	1,535	18,614 pkgs.
	Australian Colonies	1,437		1,437 "
	South Sea Islands	20		20 "
Linens	Germany	6	32	38 "
	United States	1	21	22 "
	Suez and Aden	51		51 "
	Ceylon	3		3 "
	Great Britain	9	1	10 No.
	Australian Colonies	19		19 "
	Ceylon	1		1 "
	Great Britain	46	1	47 "
Live Stock {	Australian Colonies	2		2 "
	Mauritius	3		3 "
	Great Britain	48	10	58 "
	Australian Colonies	17		17 "

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
	£		£ s. d.		
.....	10,049	Value declared by Importer.	.....	.....	Gum.
.....	4,810		.....	.....	Guano.
.....	50,315		.....	.....	Haberdashery.
.....	307,130		.....	.....	Hardware and Ironmongery.
.....	71,600		.....	.....	Hats, Caps, and Bonnets.
.....	1,836		.....	.....	Hatters' Materials.
.....	10,102		.....	.....	Hay and Straw.
.....	40		.....	.....	Honey.
.....	15,311		.....	.....	Hops.
.....	3,398		.....	.....	Horse Hair.
.....	3,975		.....	.....	Hosiery and Gloves.
.....	1		.....	.....	Hoofs, Horns, and Bones.
.....	178		.....	.....	Ice.
.....	17,724		.....	.....	Instruments { Musical. Scientific. Surgical.
.....	6,486		.....	.....
.....	1,564		.....	.....
.....	156,532		.....	.....	Iron and Steel.
.....	43,048		.....	.....	Jewellery.
.....	200		.....	.....	Lackeredware.
.....	238		.....	.....	Lard.
.....	13,201		.....	.....	Lead.
.....	4,444		.....	.....	Leather { Unmanufactured. Manufactured.
.....	398,802		.....	.....
.....	826		.....	.....	Lime.
.....	50		.....	.....	Lime Juice.
.....	834,331		.....	.....	Linens.
.....	2,229		.....	.....	Live Stock { Horses. Horned Cattle. Sheep.
.....	5,325		.....	.....
.....	1,540		.....	.....

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Lucifer Matches	Great Britain	642	155	797 cases
	Australian Colonies	85	.....	85 "
	South Sea Islands	3	.....	3 "
	Germany	89	182	271 "
	United States .....	.....	10	10 "
	Holland and Belgium .....	.....	28	28 "
Machinery .. { Various	Great Britain	3,680	302	3,982 pkgs.
	Australian Colonies	142	.....	142 "
	United States	88	131	219 "
	South Sea Islands	20	.....	20 "
	Great Britain	1,328	.....	1,328 "
	Great Britain	171	59	230 "
Malt	Australian Colonies	1	.....	1 "
	Great Britain	25,655	11,145	36,800 bushels
Marble	Great Britain	177	15	192 cases
	Germany .....	.....	16	16 "
	France .....	.....	19	19 "
	Holland and Belgium .....	.....	8,015	8,015 "
	Great Britain	84	36	120 bales.
	Australian Colonies	50	.....	50 "
Mats and Rugs	South Sea Islands	8	.....	8 "
	British Possessions in India & China	70	.....	70 "
	Manila	80	.....	80 "
	United States .....	.....	38	38 "
	China	608	.....	608 "
	Ceylon	14	.....	14 "
Millinery	Great Britain	345	56	401 pkgs.
	Australian Colonies	19	.....	19 "
	France .....	.....	1	1 "
	Suez and Aden	7	.....	7 "
Molasses	Great Britain	3:17:1:18	16:1:4	4:13:2:22 tons, &c.
	Australian Colonies	10: 0:0: 0	.....	10: 0:0: 0 "
	South Sea Islands .....	.....	4:0: 0	4:0: 0 "
	Manila	955: 9:2:24	7: 6:2:20	962:16:1:16 "
	Mauritius	209:14:1: 8	49:11:3: 1	259: 6:0: 9 "
	British Possessions in India & China	68: 0:3:10	.....	69: 0:3:10 "
Nails .. { Iron	Great Britain	12,134	2,164	14,298 kgs.
	Australian Colonies	829	.....	829 "
	Germany	1	.....	1 "
	Holland and Belgium .....	.....	10	10 "
	Great Britain	9	.....	9 "
	Great Britain	140	.....	140 bales.
Oakum	Australian Colonies	407	.....	407 "
	British Possessions in India & China	34	.....	34 "
Oars	Great Britain	722	.....	722 No.
	Australian Colonies	200	.....	200 "
	United States .....	.....	2,075	2,075 "
Oatmeal and Pearl Barley	Great Britain	3,099	524	3,623 barrels.
	Australian Colonies	637	.....	637 "
	Holland and Belgium .....	.....	703	703 "
Oatmeal and Groats	Great Britain	384	524	908 "
	Australian Colonies	40	.....	40 "
	Great Britain	1,566	.....	1,566 gallons.
Oil .. { Sperm	South Sea Islands	69	.....	69 tuns.
	Fisheries	366	.....	366 "
	Australian Colonies	105	.....	105 "
	South Sea Islands	120	.....	120 "
	Fisheries	59	.....	59 "
	Great Britain	29,498	4,697	34,195 gallons.
Oil .. { Linseed	Australian Colonies	1,580	.....	1,580 "
	South Sea Islands	10	.....	10 "
	Holland and Belgium .....	.....	2,065	2,065 "
	Spain and Portugal	294	.....	294 cases.
	Great Britain	3,390	.....	3,390 gallons.
	Australian Colonies	59	.....	59 tuns.
Oil .. { Rape	South Sea Islands	4734	.....	4734 "
	Fisheries	314	.....	314 "
	British Possessions in India & China	30	.....	30 "
	Great Britain	245	99	344 pkgs.
	Australian Colonies	4	.....	4 "
	Great Britain	32,763	7,710	40,473 "
Oilmen's Stores	Australian Colonies	2,303	.....	2,303 "
	British Possessions in India & China	159	.....	159 "
	Germany .....	.....	563	563 "
	France .....	.....	422	422 "
	Spain and Portugal .....	.....	12	12 "
	Holland and Belgium	81	318	399 "
Onions	Penang	10	.....	10 "
	Australian Colonies	213	.....	213 tons.
Opium	Great Britain	1774	151	3284 lbs.
	Australian Colonies	2,032	.....	2,032 "
Paints	Great Britain	579	177	756 kegs.
	Australian Colonies	764	.....	764 "
	Holland and Belgium	12	.....	12 "

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (If calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
	£		£ s. d.		
.....	14,729	Value declared by Importer.	.....	.....	Lucifer Matches.
.....	62,921		.....	.....	Machinery { Various for Mills. for Weighing.
.....	5,050		.....	.....
.....	2,044		.....	.....
.....	19,021		.....	.....	Malt.
.....	2,162		.....	.....	Marble.
.....	2,979		.....	.....	Mats and Rugs.
.....	27,750		.....	.....	Millinery.
.....	5,934		865 7 3	3/4 ³ cwt., 1855.	Molasses.
.....	26,016		.....	.....	Nails { Iron. Copper.
.....	193		.....	.....
.....	1,060		.....	.....	Oakum.
.....	1,482		.....	.....	Oars.
.....	8,226		.....	.....	Oatmeal and Pearl Barley.
.....	1,380		.....	.....	Oatmeal and Groats.
.....	34,722		.....	.....	Oil { Sperm. Black. Linseed. Olive. Rape. Cocoanut.
.....	13,169		.....	.....
.....	10,536		.....	.....
.....	120		.....	.....
.....	670		.....	.....
.....	15,390		.....	.....	Oil Cloth.
.....	6,295		.....	.....
.....	100,429		.....	.....	Oilmen's Stores.
.....	1,882		.....	.....	Onions.
.....	1,405		164 5 0	10s. 4 ³ lb., 1857.	Opium.
.....	4,314		.....	.....	Paints.

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Painters' Colors.....	Great Britain	781	247	1,028 kegs.
	Great Britain	213	38	251 cases.
Paper Hangings	Australian Colonies	55	.....	55 "
	Holland and Belgium.....	14	.....	14 "
	Great Britain	542	128	670 barrels.
Peas, Split	Australian Colonies	407	.....	407 "
	Germany .....	.....	20	20 "
	Great Britain	213	57	270 pkgs.
	Australian Colonies	107	.....	107 "
Pepper and Spices	Mauritius	2	.....	2 "
	British Possessions in India & China	815	.....	815 "
	Batavia	60	.....	60 "
	Holland and Belgium.....	30	.....	30 "
	Great Britain	229	244	473 cases.
	Australian Colonies	3	.....	3 "
	Germany	15	.....	15 "
Perfumery.....	United States .....	.....	2	2 "
	Holland and Belgium.....	.....	13	13 "
	Suez and Aden	6	.....	6 "
	Ceylon	9	.....	9 "
	Great Britain	678	140	818 "
Pickles and Sauces	Australian Colonies	104	.....	104 "
	Penang	1	.....	1 "
	Great Britain	6,292	2,382	8,674 "
Pipes, Tobacco	Australian Colonies	171	.....	171 "
	Holland and Belgium.....	.....	571	571 "
	Great Britain	114	22	136 cases
	Australian Colonies	11	.....	11 "
Pictures and Paintings.....	Germany .....	.....	6	6 "
	France .....	.....	1	1 "
	Suez and Aden	4	.....	4 "
	Great Britain	1,148	110	1,258 barrels
	Australian Colonies	1,805	.....	1,805 "
Pitch, Tar, and Resin	Germany .....	.....	301	301 "
	United States .....	.....	212	212 "
	Holland and Belgium.....	250	380	630 "
	Norway and Sweden	140	.....	140 "
	Great Britain	198	30	228 pkgs.
	Australian Colonies	68	.....	68 "
Plants and Seeds	British Possessions in India & China	25	.....	25 "
	Germany .....	.....	106	106 "
	Suez and Aden	1	.....	1 "
	Great Britain	26	.....	26 cases
Plate, Silver	Australian Colonies	7	.....	7 "
	Suez and Aden	6	.....	6 "
	Ceylon	1	.....	1 "
	Great Britain	102	71	173 "
Plated Ware	Australian Colonies	2	.....	2 "
	Suez and Aden	4	.....	4 "
Potatoes and Yams	Australian Colonies	3,651½	.....	3,651½ tons.
	United States .....	.....	190	190 "
Printing Materials	Great Britain	1,168	69	1,237 pkgs
Printing Presses	Great Britain	11	.....	11 No.
	Great Britain	267	100	367 cwt.
Provisions ..	Beef, Salt	792	.....	792 "
	Great Britain	256	780	1,036 "
	Australian Colonies	1,516½	.....	1,516½ "
	Pork .....	.....	120	120 "
	Holland and Belgium.....	.....	90	90 "
	Bacon	1,229	575	1,804 "
	Great Britain	1,885	393	2,278 "
	Australian Colonies	38½	.....	38½ "
	South Sea Islands	4	.....	4 "
	Hams .....	.....	27	27 "
	Germany .....	.....	237	237 "
	United States	12	74½	86½ "
	Holland and Belgium.....	.....	12	12 "
	Tongues	12	.....	12 "
Preserved Meats	Great Britain	876	36	912 cases
Preserved Vegetables	France .....	.....	31	31 "
Quicksilver	Australian Colonies	25	.....	25 bottles
	Australian Colonies	1,000	.....	1,000 No.
	British Possessions in India & China	1,222	.....	1,222 "
Rattans and Canes.....	Batavia	3,175	.....	3,175 "
	Penang	100	.....	100 "
	Great Britain	1,042	173	1,215 pkgs.
	Australian Colonies	15	.....	15 "
Saddlery and Harness	British Possessions in India & China	1	.....	1 "
	Great Britain	6,301½	1,526½	7,828 tons
	Australian Colonies	1,763	.....	1,763 "
Salt	Germany .....	.....	183	183 "
	Holland and Belgium.....	.....	950	950 "
	Great Britain	45	5	50 "
Saltpetre	Great Britain	1,020	118	1,138 pkgs.
Ship Chandlery	Australian Colonies	165	.....	165 "
	Holland and Belgium.....	.....	3	3 "

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.	
	Of TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE AND WHEN IMPOSED.		
.....	£ 3,916	Value declared by Importer.	.....	.....	Painters' Colors.
.....	6,517		.....	.....	Paper Hangings.
.....	1,479		.....	.....	Peas, Split.
.....	3,323		.....	.....	Pepper and Spices.
.....	7,351		.....	.....	Perfumery.
.....	1,359		.....	.....	Pickles and Sauces.
.....	6,312		.....	.....	Pipes, Tobacco.
.....	5,315		.....	.....	Pictures and Paintings.
.....	5,052		.....	.....	Pitch, Tar, and Resin.
.....	2,709		.....	.....	Plants and Seeds.
.....	4,132		.....	.....	Plate, Silver.
.....	10,124		.....	.....	Plated Ware.
.....	26,984		.....	.....	Potatoes and Yams.
.....	4,076		.....	.....	Printing Materials.
.....	140		.....	.....	Printing Presses.
.....	1,817		Provisions ..	Beef, Salt.
.....	6,068			Pork.
.....	8,387			Bacon.
.....	13,386			Hams.
.....	30			Tongues.
.....	4,178		Preserved Meats.	
.....	110		Preserved Vegetables.	
.....	875		Quicksilver.	
.....	419		Rattans and Canes.	
.....	47,026		Saddlery and Harness.	
.....	38,809		Salt.	
.....	189		Saltpetre.	
.....	9,183		Ship Chandlery.	

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Shooks and Staves.....	Great Britain	499	30	529 No.
	Australian Colonies	33,319	.....	33,319 "
	United States .....	.....	7,243	7,243 "
	Great Britain	92	5	97 pkgs.
Silks	Australian Colonies	42	.....	42 "
	South Sea Islands	2	.....	2 "
	British Possessions in India & China	1	.....	1 "
	Germany .....	.....	3	3 "
Skins	France .....	.....	8	8 "
	Holland and Belgium.....	.....	1	1 "
	Suez and Aden	21	.....	21 "
	Australian Colonies	2,741	.....	2,741 No.
Skins {	South Sea Islands	180	.....	180 "
	Kangaroo	8	.....	8 cases
	Australian Colonies	7,337	.....	7,337 No.
	South Sea Islands	100	.....	100 "
Skins {	Great Britain	5	6	11 cases
	Great Britain	1,186,374	263,700	1,450,074 No.
	Australian Colonies	46,830	.....	46,830 "
	Germany .....	.....	60,720	60,720 "
Slates	Holland and Belgium.....	.....	59,456	59,456 "
	Great Britain	2,836½	423	3,259½ cwt.
	Australian Colonies	196½	.....	196½ "
	Germany .....	.....	42½	42½ "
Soap	United States .....	.....	364½	364½ "
	Manila	50	.....	50 "
	Great Britain	223	62	285 cases
	Holland and Belgium.....	.....	158	158 "
Specimens of Natural History..	Great Britain	9	.....	9 "
	Australian Colonies	3	.....	3 "
	Great Britain	176,100½	55,779½	231,880½ galls.
	Australian Colonies	34,731	3,402½	38,133½ "
Spirits {	Mauritius	2,622½	.....	2,622½ "
	Brandy	94½	.....	94½ "
	Suez and Aden	214	11,874½	12,088½ "
	Germany .....	.....	13,013½	13,013½ "
Spirits {	Holland and Belgium.....	.....	6,610½	6,610½ "
	France	283,738½	72,429	356,167½ "
	Great Britain	15,822½	.....	15,822½ "
	Australian Colonies	2,520	.....	2,520 "
Spirits {	Mauritius	14,677	7,265	21,942 "
	British Possessions in India & China	5,809	749	6,558 "
	Batavia	108,994½	64,374	173,368½ "
	Great Britain	412½	.....	412½ "
Spirits {	Australian Colonies	4,394½	.....	4,394½ "
	Holland and Belgium.....	.....	68½	68½ "
	Germany	34,233½	8,292	42,525½ "
	Great Britain	6,095½	.....	6,095½ "
Spirits {	Australian Colonies .....	.....	3,333	3,333 "
	Holland and Belgium.....	38,904½	12,346½	51,250½ "
	Great Britain	2,705½	.....	2,705½ "
	Australian Colonies .....	.....	390	390 "
Spirits {	Holland and Belgium.....	721½	101½	823½ "
	Great Britain	2½	.....	2½ "
	Australian Colonies	92½	.....	92½ "
	Holland and Belgium.....	9½	.....	9½ "
Spirits {	Germany	535½	.....	535½ "
	Great Britain	305	.....	305 "
	Australian Colonies .....	.....	95½	102½ "
	United States	6½	486½	499½ "
Spirits {	Holland and Belgium.....	13	128½	128½ "
	France	10	.....	10 pkgs.
	South Sea Islands	2,253	987	3,240 "
	Great Britain	446	.....	446 "
Spirits {	Australian Colonies	1,011	158	1,169 "
	Great Britain	137	.....	137 "
	Australian Colonies .....	.....	2	2 "
	Germany .....	.....	7	7 "
Spirits {	United States	208	.....	208 "
	Suez and Aden	50	.....	50 "
	Ceylon	2,521	682	3,203 "
	Great Britain	200	.....	200 "
Spirits {	Australian Colonies .....	.....	22	22 "
	Germany .....	.....	4	4 "
	United States .....	.....	38	38 "
	Holland and Belgium.....	63	.....	63 "
Spirits {	Suez and Aden	16	.....	16 "
	Great Britain	7	.....	7 "
	Australian Colonies	102	4	106 No.
	Great Britain	2	.....	2 "
Spirits {	United States	549	468	1,017 "
	Great Britain	4,471	.....	4,471 "
	Great Britain	175	.....	175 "
	Australian Colonies .....	.....	.....	.....

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially).	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
	£		£ s. d.		
.....	1,084	Value declared by Importer.	.....	.....	Shooks and Staves.
.....	25,794		.....	.....	Silks.
.....	3,040		.....	.....	Skins { Horned Cattle. Kangaroo. Sheep and Goat. Pig and Calf.
.....	490		.....	.....
.....	1,668		.....	.....
.....	840		.....	.....
.....	18,251		.....	.....	Slates.
.....	6,903		.....	.....	Soap.
.....	879		.....	.....	Soda and Seltzer Waters.
.....	515		.....	.....	Specimens of Natural History.
.....	207,963		773 19 5	10s. 7 ¹ / ₂ gall., 1855	Spirits.... { Brandy. Rum. Geneva. Whiskey. Gin. Perfumed. Liqueurs & Cordials.
.....	127,095		98 0 0	7s. " "	
.....	50,842		1,342 3 11	10s. " "	
.....	13,412		184 18 7	7s. " "	
.....	21,884		325 0 0	10s. " "	
.....	2,036		185 7 11	7s. " "	
.....	1,265		51 13 7	10s. " "	
.....	6,415		.....	.....	Starch and Blue.
.....	41,951		.....	.....	Stationery. { Books. Paper.
.....	53,138		.....	.....
.....	781		.....	.....	Maps.
.....	1,646		.....	.....	Stones.. { Mill. Grind. Flag.
.....	610		.....	.....
.....	2,164		.....	.....

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLES.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
	£		£ s. d.		
.....	688,831	Value declared by Importer.	13,272 1 6	5s. 7½ cwt., 1855	Sugar .. { Unrefined.
.....	25,110		412 3 10	6s. 8d. , "	
.....	7,547		Sundries.
.....	452		Tallow.
.....	1,494		Tarpawlings.
.....	173,406		4,701 13 9	3d. ¾ lb., 1855	Tea.
.....	560		Timber { Cedar. Deals. Battens. Spars. Pine. Shingles. Laths. Palings. Sandalwood. All other.
.....	50,200		.....	.....
.....	1,892		.....	.....
.....	1,685		.....	.....
.....	5,793		.....	.....
.....	7,068		.....	.....
.....	1,739		.....	.....
.....	3,584		.....	.....
.....	5,970		.....	.....
.....	330,651		.....	.....
.....	10,756		Tin.
.....	2,054		Tinware.
.....	41,579		153 6 0	2s. ¾ lb., 1855	Tobacco { Fig and Cavendish. Leaf. Cigars. Snuff.
.....	50		.....	"
.....	29,603		189 11 10	3s. ¾ lb., 1855	
.....	996		12 6 0	2s. ¾ lb., 1855	
.....	2,967		Tortoise Shell.

ARTICLES.	COUNTRIES WHENCE IMPORTED.	QUANTITIES IMPORTED.		
		IN BRITISH VESSELS.	IN FOREIGN VESSELS.	TOTAL.
Toys	Great Britain	305	88	393 pkgs.
	Australian Colonies	55	.....	55 "
	British Possessions in India & China	1	.....	1 "
	Germany .....	.....	22	22 "
	Holland and Belgium .....	.....	32	32 "
	Suez and Aden	3	.....	3 "
Turpentine and Varnish	Great Britain	8,830	5,350	14,180 gallons
	British Possessions in India & China	1,500	.....	1,500 "
	Germany .....	.....	100	100 "
	United States .....	.....	304	304 "
	Holland and Belgium .....	.....	132	132 "
	Great Britain	977	68	1,045 pkgs.
Turnery and Woodware	Australian Colonies	2,512	.....	2,512 "
	British Possessions in India & China	50	.....	50 "
	Germany .....	.....	29	29 "
	United States	3,924	.....	3,924 "
	Great Britain	378	68	446 bales
	Australian Colonies	2	.....	2 "
Twine and Thread	British Possessions in India & China	60	.....	60 "
	France .....	.....	2	2 "
	Great Britain	41	2	43 pkgs.
Umbrellas and Parasols	China	4	.....	4 "
	Great Britain	33,528	11,161	44,689 "
	Australian Colonies	228	.....	228 "
Vinegar	Germany	4,400	.....	4,400 "
	United States .....	.....	28	28 "
	Holland and Belgium .....	.....	400	400 "
Watches and Clocks	Great Britain	96	77	173 cases
	Australian Colonies	7	.....	7 "
	Germany .....	.....	7	7 "
	France .....	.....	3	3 "
	United States .....	.....	134	134 "
	Suez and Aden	6	.....	6 "
Whalebone	Australian Colonies	36	.....	36 cwt.
	Fisheries	8	.....	8 "
Whiting and Chalk	Great Britain	378	355	733 pkgs.
	Australian Colonies	522	.....	522 "
Wire	Great Britain	1,090	.....	1,090 "
	Great Britain	214,644	48,647	263,291 gallons
	Australian Colonies	32,031	1,564	33,595 "
Wine	Mauritius	246	51	297 "
	Spain and Portugal	7,578	36,233	43,811 "
	Germany .....	.....	6,242 ¹ / ₂	6,242 ¹ / ₂ "
	France .....	.....	1,587 ¹ / ₂	1,587 ¹ / ₂ "
	United States	2,003	20	2,023 "
	Holland and Belgium .....	.....	516	516 "
	South Sea Islands	6	.....	6 "
	Suez and Aden	837	.....	837 "
	Great Britain .....	.....	2	2 pkgs.
	Australian Colonies	659,443	.....	659,443 lbs.
Wool	South Sea Islands	2,128	.....	2,128 "
	Great Britain	296	.....	296 bales
Woolpacks and Bagging	Australian Colonies	5	.....	5 "
	Great Britain	444	.....	444 "
Wool-lashing	Australian Colonies	695	43	738 "
	Great Britain	8	.....	8 "
Woollens	Australian Colonies .....	.....	1	1 "
	Germany .....	.....	128	128 "
Yellow { Metal	Great Britain	326	.....	454 pkgs.
	Great Britain	55	34	89 kegs
Zinc	Great Britain	988	.....	988 cwt.
	Holland and Belgium .....	.....	35	35 "

—Continued.

QUANTITIES ENTERED FOR HOME CONSUMPTION.	VALUE IN STERLING.		DUTY.		ARTICLE.
	OF TOTAL IMPORTS.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	GROSS AMOUNT RECEIVED IN STERLING.	RATE, AND WHEN IMPOSED.	
	£		£ s. d.		
.....	12,964	Value declared by Importer.	.....	.....	Toys.
.....	5,663		.....	.....	Turpentine and Varnish.
.....	12,285		.....	.....	Turnery and Woodware.
.....	7,995		.....	.....	Twine and Thread.
.....	3,108		.....	.....	Umbrellas and Parasols.
.....	5,324		.....	.....	Vinegar.
.....	7,934		.....	.....	Watches and Clocks.
.....	276		.....	.....	Whalebone.
.....	1,490		.....	.....	Whiting and Chalk.
.....	2,919		.....	.....	Wire.
.....	146,581		6,369 5 8	2s. $\frac{3}{4}$ gal .1855	Wine.
.....	55,091		.....	.....	Wool.
.....	6,365		.....	.....	Woolpacks and Bagging.
.....	1,200		.....	.....	Wool-lashing.
.....	52,540		.....	.....	Woollens.
.....	17,734		.....	.....	} Yellow { Metal. { Nails.
.....	808		.....	.....
.....	5,633		.....	.....	Zinc.
	6,729,408		*41,368 9 6		

• Duty paid at Landing on Goods Imported during the Year 1857.....£41,368 9 6
Ditto on Warehoused Goods Imported during the } 491,848 8 1
Year 1857 and previous Years }
Total.....£533,216 17 7

J. GIBBES,
Collector of Customs.

EXPORTS

No. 3.—GENERAL EXPORTS from the COLONY

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Apparel	Tasmania			
	Great Britain	2		2 cases
	Victoria	3		3 "
	South Sea Islands			
	New Zealand			
	South Australia	2		
Arrowroot and Sago	Calcutta			
	Batavia			
	Tasmania			
	South Sea Islands			
	New Zealand			
	South Australia			
Arms and Ammunition	Western Australia			
	Victoria			
	Tasmania			
	Great Britain			
	Victoria			
	South Sea Islands			
	New Zealand			
	South Australia			
	Hong Kong			
	Batavia			
	Singapore			
	Victoria			
	South Sea Islands			
	New Zealand			
	Guam			
Guns	Victoria			
	South Sea Islands			
	New Zealand			
Powder	South Australia			
	New Zealand			
	Guam			
Shot	Victoria			
	South Sea Islands			
	New Zealand			
Percussion Caps	New Zealand			
	Tasmania			
	Victoria			
Alkali	South Sea Islands			
	New Zealand			
	South Australia			
Ale and Beer	Tasmania			
	Mauritius			
	Victoria			
Agricultural Implements	South Sea Islands			
	New Zealand			
	Hong Kong			
Asphalte	Tasmania	1		1 case
	Victoria	1		1 "
	New Zealand	42		42 cases
Butter and Cheese	Victoria			
	Singapore			
	Tasmania	54,638		54,638 lbs.
	Mauritius			
	Victoria	225,542		225,542 lbs.
	South Sea Islands			
Bags	New Zealand	728		728 lbs.
	South Australia			
	Western Australia			
	Hong Kong			
	Singapore			
	Tasmania			
Bran	Great Britain			
	Victoria			
	New Zealand	8		8 bales
Brushware	South Australia			
	Mauritius	600	690	1,290 bushels
	Victoria	14,759		14,759 "
Boats	South Sea Islands	72		72 "
	United States		450	450 "
	Great Britain			
Bark	Victoria	42		42 cases
	New Zealand	2		2 "
	Victoria	2		2 No.
Blankets	Great Britain	22		22 tons
	Great Britain			
	Victoria			
Blacking	New Zealand			
	Victoria	6		6 cases
	New Zealand	3		3 "
Brassware	Great Britain			
	Victoria	5		5 cases
	New Zealand	1		1 case

No. 27.

of NEW SOUTH WALES, in the Year 1857.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.			
BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANUFAC- TURES of the Colony.	BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially).				
43	43 bales	1,369	£	*	Apparel.			
136	138 "	4	2,129	13,888				
315	318 cases	105	2,911						
27	27 "	.....	320					
224	224 bales	.....	6,673					
21	23 cases	14	218						
1	1 "	.....	25					
3	3 "	.....	120					
6,020	6,020 lbs.	.....	301					
2,260	2,260 "	.....	51					
15,890	15,890 "	603			1,175	Arrowroot and Sago.	
2,036	2,036 "	.....	90					
700	700 "	.....	20					
3,086	3,086 "	.....	110					
3	3 cases	.....	50					
5	5 "	.....	748					
22	22 "	.....	439					
14	14 "	.....	272					
31	31 "	.....	764					
1	1 "	60	2,617				Guns.
9	9 "	.....	48					
4	4 "	.....	218					
1	1 "	.....	18					
3,431	3,431 pkgs.	2,690			4,315	Arms and Ammunition	
108	108 "	.....	741					
316	316 "	.....	734					
150	150 "	.....	150					
55	55 "	.....	250					
16	16 "	.....	127					
85	85 "	.....	553					
1	1 case	.....	15					
13	13 casks	.....	67					
64	64 "	243	930				Powder.
2	2 "	.....	3					
126	126 "	.....	413					
2	2 "	.....	2					
506	506 gallons	.....	62					
6,114	6,114 "	.....	675					
105,820	105,820 "	.....	30,250					
2,324	2,324 "	.....	464					
20,946	20,946 "	.....	4,538					
95	95 "	23			15	Shot.	
1	2 cases	10	15						
56	57 pkgs.	5	566						
121	163 "	173	483						
147	147 tons	.....	660					
35	35 "	.....	175					
3,822	58,460 lbs.	2,628	170						
2,933	29,330 "	.....	1,198					
542,434	767,976 "	9,899	24,753						
6,234	6,234 "	252	728				Alkali.
19,580	20,308 "	20	794						
4,480	4,480 "	.....	250					
448	448 "	.....	30					
1,275	1,275 "	.....	51					
2,016	2,016 "	.....	100					
88	88 bales	.....	1,699					
55	55 "	.....	825					
179	179 "	.....	2,056					
421	429 "	120	5,201			835	Agricultural Implements.	
76	76 "	.....	1,569					
.....	1,290 bushels	115	.....					
6,526	21,285 "	1,796	1,000						
.....	72 "	9	.....					
.....	450 "	22	.....					
2	2 cases	.....	30					
1	43 "	42	11						
60	62 "	5	386	40,145				Butter and Cheese.
.....	2 No.	42	.....					
.....	22 tons	180	.....					
3	3 bales	.....	50					
4	4 "	.....	150					
53	53 "	.....	1,913					
4	10 cases	23	12						
11	14 "	9	38						
15	15 "	.....	1,102					
28	33 "	60	2,000			11,470	Bags.	
4	5 "	30	48						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....						
.....</						

* Value declared by the Exporter.

ARTICLES.	COUNTRIES TO WHICH IMPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Bellows.....	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Bricks { Bath	New Zealand .....	.....	.....	.....
Air	Victoria.....	5,000	.....	5,000 No.
All other.....	New Zealand	8	.....	8 pkgs.
Basketware	Victoria.....	12,037	844	12,881 tons
	Tasmania	329	102	431 "
	Mauritius	64,983	1,090	66,073 "
	Victoria.....	100	.....	100 "
	South Sea Islands	1,572	.....	1,572 "
	New Zealand	310	567	877 "
	United States	9,846	.....	9,846 "
	South Australia	50	.....	50 "
	Ceylon	1,420	.....	1,420 "
Coals.....	Calcutta	621	.....	621 "
	Guam	536	.....	536 "
	Bombay	730	.....	730 "
	Shanghai	655	.....	655 "
	Batavia	400	.....	400 "
	Chili	65	.....	65 "
	East Indies .....	.....	200	200 "
	Hong Kong	1	.....	1 case
	Tasmania	3	.....	3 cases
	Great Britain	90	.....	90 "
	Victoria.....	9	.....	9 "
Confection	New Zealand .....	.....	.....	.....
	South Sea Islands .....	.....	2	2 cases
	United States .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
Candlewick	Victoria.....	.....	.....	.....
	New Zealand	100	.....	100 boxes
	Tasmania .....	.....	.....	.....
	Mauritius .....	.....	.....	.....
	Great Britain	2,826	.....	2,826 boxes
	Victoria.....	.....	.....	.....
	South Sea Islands	1,280	.....	1,280 boxes
	New Zealand .....	.....	.....	.....
	United States	162	.....	162 boxes
	South Australia .....	.....	.....	.....
	Hong Kong .....	.....	.....	.....
	Shanghai .....	.....	290	290 boxes
	Chili .....	.....	.....	.....
	Mauritius .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	Western Australia .....	.....	.....	.....
Cocoanuts	Tasmania .....	.....	.....	.....
	Tasmania	3	.....	3 coils
	Great Britain .....	.....	.....	.....
	Victoria.....	.....	.....	.....
	New Zealand	17	.....	17 coils
	South Australia .....	.....	.....	.....
	Great Britain	26	3	29 cases
	Victoria.....	4	.....	4 "
	New Zealand	2	.....	2 "
	Holland	1	.....	1 case
	Tasmania	1	.....	1 No.
	Victoria.....	652	.....	652 "
	New Zealand	80	.....	80 "
	South Australia	12	.....	12 "
	Great Britain .....	.....	.....	.....
	Victoria.....	3	.....	3 No.
Carriages and Gigs	New Zealand .....	.....	.....	.....
	Tasmania	1,030	.....	1,030 gallons
	New Zealand	262	.....	262 "
	South Australia	450	.....	450 "
	Mauritius	1	.....	1 box
	Great Britain	66	1	67 boxes
	Victoria.....	83	.....	83 "
	New Zealand	1	.....	1 box
	South Australia .....	.....	.....	.....
	Ceylon	45	.....	45 boxes
	Suez .....	.....	.....	.....
	Manila .....	.....	.....	.....
	Aden .....	.....	.....	.....
	Bombay.....	1	.....	1 box
	New Zealand .....	.....	.....	.....
	Suez .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Cordials	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	Ceylon .....	.....	.....	.....
	Suez .....	.....	.....	.....
	Manila .....	.....	.....	.....
	Aden .....	.....	.....	.....
	Bombay.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Suez .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Copper	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
do. Ore	Victoria.....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANUFACTURES of the Colony.	BRITISH, FOREIGN AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	
				£		
21	21 cases	151	162	Bellows.
6	6 "	11		Bricks { Bath. Air. All other.
88	88 casks	.....	70		.....
4	4 "	.....	27		.....
.....	5,000 No.	10	10	Basketware.
.....	8 pkgs.	15	.....	15	.....
.....	12,881 tons	13,317	46,120	Coals.
.....	431 "	610	.....		.....
.....	66,073 "	16,716	.....		.....
.....	100 "	80	.....		.....
108	1,680 "	1,738	160		.....
.....	877 "	1,017	.....		.....
.....	9,846 "	7,827	.....		.....
.....	50 "	75	.....		.....
.....	1,420 "	1,460	.....		.....
.....	621 "	620	.....		.....
.....	536 "	600	.....		.....
.....	730 "	730	.....		.....
.....	655 "	570	.....		.....
.....	400 "	300	.....		.....
.....	65 "	100	.....		.....
.....	200 "	200	.....		.....
.....	1 case	2	3,168	Confection.
5	8 cases	7	15		.....
2,109	2,199 "	229	2,494		.....
153	162 "	12	379		.....
23	23 "	20	1,156	Candlewick.
.....	2 "	10	.....		.....
41	41 pkgs.	.....	226		.....
28	28 "	.....	405		.....
62	62 "	525	12,286	Candles { Tallow. Sperm.
1	101 "	833	2		.....
300	300 boxes	.....	312		.....
47	47 "	.....	80		.....
1,928	4,754 "	2,856	2,824	20	Cocoanuts.
81	81 "	.....	25		.....
1,524	2,804 "	1,980	2,224		.....
10	10 "	.....	15		.....
.....	162 "	215	1,435	Cordage and Rope.
125	125 boxes	.....	213		.....
100	100 "	.....	187		.....
.....	290 "	520	.....		.....
400	400 boxes	640	7,483	Curiosities.
192	192 "	.....	310		.....
250	250 "	.....	450		.....
24	24 "	.....	35		.....
2,800	2,800 No.	20	8,201	Carts and Drays.
67	67 coils	.....	190		.....
3	3 "	20	.....		.....
1,590	1,591 "	.....	6,197		.....
156	173 "	60	666	815	Carriages and Gigs.
143	143 "	.....	350		.....
.....	29 cases	230	.....		.....
.....	4 "	18	.....		.....
.....	2 "	15	3,201	Cordials.
.....	1 case	20	.....		.....
.....	1 No.	8	.....		.....
3	635 "	6,808	45		.....
1	81 "	1,180	5	711	Coin { Gold. Silver. Copper.
.....	12 "	155	.....		.....
2	2 "	.....	200		.....
16	16 "	47	468		.....
3	3 "	100	914,199	Copper.
.....	1,030 gallons	470	.....		.....
.....	262 "	121	.....		.....
.....	450 "	120	.....		.....
.....	1 box	2,000	712	do. Ore.
16	83 boxes	274,226	65,748		.....
5	88 "	349,631	25,000		.....
1	2 "	15,000	5,000		.....
1	1 box	5,000	2,714	Copper.
1	1 "	.....	10,000		.....
3	48 boxes	153,244	3,150		.....
1	1 box	.....	3,000		.....
1	1 "	700	20,000	do. Ore.
.....	1 "	2,500	.....		.....
1	1 "	.....	200		.....
3	3 boxes	.....	512		.....
2	2 "	15	2,714	Copper.
1,177	1,177 cwt.	.....	2,210		.....
125	125 "	.....	450		.....
4	4 "	.....	54		.....
1,605	1,605 tons	20,000	20,000	do. Ore.

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Cabbage Tree	Tasmania	1		1 bale
	Victoria	54		54 "
	South Australia	4		4 "
Cement.....	Victoria			
	South Sea Islands			
Cutlery	New Zealand			
	Victoria			
Canvas	New Zealand			
	United States			
Corks and Bungs	Victoria			
	South Sea Islands			
Cider	New Zealand			
	New Zealand	15		15 cwt.
Chocolate	New Zealand			
Coffee	Tasmania			
	Great Britain			
	Victoria			
	South Sea Islands			
	New Zealand			
	United States			
	South Australia			
	Chili			
	Tasmania			
	Great Britain		2	2 cases
Drapery	Victoria			
	South Sea Islands			
	New Zealand			
	South Australia			
	Hong Kong			
	West Indies			
	Shanghai			
	Calcutta			
	Singapore			
	Tasmania			
Drugs and Medicines.....	Great Britain			
	Victoria			
	South Sea Islands			
	New Zealand			
Earthenware	Tasmania			
	Victoria			
	South Sea Islands			
Eggs.....	New Zealand	4		4 crates
	United States			
	Victoria	449		449 crates
Fruits, Dried, &c.	Tasmania			
	Great Britain			
	Victoria			
	South Sea Islands			
	New Zealand			
	United States			
	South Australia			
Furniture.....	Tasmania	1		1 case
	Great Britain			
	Victoria	81		81 cases
	South Sea Islands			
	New Zealand	5		5 cases
	United States		5	5 "
	South Australia			
Fruits, Green	Tasmania	719		719 "
	Victoria	20,648		20,648 "
	New Zealand	636		636 "
	South Australia	124		124 "
	Tasmania	719		719 cwt.
	Mauritius	1,580		1,580 "
	Great Britain	2		2 "
	Victoria	42		42 "
	South Sea Islands	1,284	162	1,446 "
	New Zealand	2,761		2,761 "
Flour and Bread.....	South Australia	20		20 "
	Western Australia	260		260 "
	Hong Kong	340		340 "
	Guam	610		610 "
	Calcutta	1,200		1,200 "
	Singapore	2,000		2,000 "
	Batavia	220		220 "
	Mauritius			
	Great Britain			
	Victoria			
Fancy Goods	New Zealand			
	United States			
	Batavia			

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANUFACTURES OF THE Colony.	BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (If calculated officially.)	
.....	1 bale	5	.....	£	
.....	4 "	411	.....	426	.....	Cabbage Tree.
.....	4 "	10	.....		
1,130	1,130 casks	.....	858			
33	33 "	.....	40	918	.....	Cement.
20	20 "	.....	20			
5	5 cases	.....	71	393	.....	Cutlery.
10	10 "	.....	322			
9	9 bales	.....	452			
80	80 "	.....	350	2,074	.....	Canvas.
67	67 "	.....	502			
386	386 "	.....	770			
4	4 pkgs.	.....	70			
3	3 "	.....	6	135	.....	Corks and Bungs.
15	15 "	.....	59			
24	24 gallons	.....	17	17	.....	Cider.
.....	15 cwt.	3	.....	3	.....	Charcoal.
2	2 "	.....	14	14	.....	Chocolate.
19,901	19,901 lbs.	.....	750			
350	350 "	.....	18			
70,376	70,376 "	.....	2,675			
532	532 "	.....	13	10,145	.....	Coffee.
135,493	135,493 "	.....	4,532			
439	439 "	.....	22			
57,640	57,640 "	.....	1,925			
11,200	11,200 "	.....	210			
75	75 cases	.....	1,284			
152	152 "	24	9,493			
2,530	2,530 "	.....	118,804			
674	674 "	.....	12,196			
2,010	2,010 "	.....	79,492			
42	42 "	.....	1,890	223,918	.....	Drapery.
5	5 "	.....	100			
9	9 "	.....	200			
1	1 "	.....	5			
2	2 "	.....	400			
1	1 "	.....	30			
35	35 "	.....	511			
151	151 "	.....	553	12,461	.....	Drugs and Medicines.
521	521 "	.....	7,899			
17	17 "	.....	209			
218	218 "	.....	3,289			
6	6 crates	.....	192			
30	30 "	.....	316			
10	10 "	.....	204	1,165	.....	Earthenware.
21	21 "	35	288			
22	22 "	.....	130			
.....	449 "	.....	1,294	1,294	.....	Eggs.
6,259	6,259 lbs.	.....	339			
160	160 "	.....	8			
74,967	74,967 "	.....	3,345			
404	404 "	.....	16	7,392	.....	Fruits, Dried, &c.
158,419	158,419 "	.....	3,627			
1,120	1,120 "	.....	20			
1,480	1,480 "	.....	37			
18	19 cases	10	363			
1	1 case	.....	50			
435	516 cases	498	1,810			
55	55 "	.....	569	5,475	.....	Furniture.
226	231 "	15	1,810			
.....	5 "	300	.....		
5	5 "	.....	50			
.....	719 "	843	.....		
.....	20,648 "	34,182	.....	36,453	.....	Fruits, Green.
.....	636 "	1,163	.....		
.....	124 "	265	.....		
.....	719 cwt.	843	.....		
1,800	2,380 "	1,470	2,250			
292	294 "	2	170			
56	98 "	38	56			
505	1,951 "	1,623	493			
5,287	8,049 "	2,607	4,403			
.....	20 "	22	.....	29,783	.....	Flour and Bread.
100	360 "	300	125			
420	760 "	430	616			
.....	610 "	670	.....		
1,000	2,200 "	900	2,500			
5,322	5,322 "	2,500	7,540			
.....	220 "	220	.....		
1	1 case	.....	50			
10	10 "	.....	683			
34	34 "	.....	899	1,992	.....	Fancy Goods.
4	4 "	.....	170			
1	1 "	.....	120			
5	5 "	.....	70			

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Grindery	Tasmania .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria	2	.....	2 cases
	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Glass	South Australia .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Glassware	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
Glass { Bottles	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Looking	New Zealand .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Guano	Mauritius .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Gram	New Zealand .....	.....	.....	.....
Gum, Cowrie	Victoria .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Grain { Maize	Tasmania	4,615	.....	4,615 bushels
	Mauritius .....	.....	32	32 "
	Victoria	146,022	300	146,322 "
	South Sea Islands	80	8	88 "
	New Zealand	80	.....	80 "
	Batavia .....	.....	60	60 "
	Mauritius .....	.....	60	60 "
	Victoria	26,664	.....	26,664 "
	South Sea Islands	172	.....	172 "
	Tasmania .....	.....	.....	.....
	Victoria	4,460	.....	4,460 "
	New Zealand .....	.....	.....	.....
Oats	Mauritius .....	.....	27	27 "
	Victoria	3,680	.....	3,680 "
Barley	Or. dwts.	.....	.....	.....
	Victoria	16,288 7	.....	16,288 7
Wheat	Victoria	146 5	.....	146 5
	New Zealand	2 0	.....	2 0
Gold, in Dust and Bar	Suez	23,268 0	.....	23,268 0
	Hong Kong	898 16	.....	898 16
	Ceylon	3,287 17	.....	3,287 17
	Bombay	1,516 11	.....	1,516 11
	Calcutta	2,289 7	.....	2,289 7
	Madras	586 9	.....	586 9
	Singapore	698 14	.....	698 14
	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Glue	Mauritius .....	.....	17	17 tons
	Victoria	413	.....	413 "
Hay and Straw	New Zealand	2	.....	2 "
	Calcutta	21	.....	21 "
	Tasmania	3	.....	3 pkgs.
	Great Britain .....	.....	.....	.....
Hardwarde	Victoria	1,165	.....	1,165 pkgs.
	South Sea Islands	2	.....	2 "
	New Zealand	137	.....	137 "
	South Australia	3	.....	3 "
	Western Australia	20	.....	20 "
	West Indies .....	.....	.....	.....
Hops	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	S. Australia .....	.....	.....	.....
Hemp and Flax	Tasmania .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Hats and Caps	Mauritius .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria	41	.....	41 cases
	South Sea Islands .....	.....	.....	.....
Hosiery	New Zealand	3	.....	3 cases
	South Australia .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Hair	New Zealand .....	.....	.....	.....
	Great Britain	1,140	.....	1,140 lbs.
	New Zealand	64	.....	64 "
Haberdashery	Great Britain .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Hatter's Materials	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Victoria .....	.....	.....	.....

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANU- FACTURES of the Colony.	BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	
				£		
1	1 case	20	2,063	Grindery.
2	2 cases	.....	56		
50	52 "	35	1,054			
7	7 "	.....	70		
88	88 "	.....	758		
3	3 "	70	2,068	Glass.
1	1 case	.....	15		
10	10 "	.....	108		
85	85 "	.....	298		
3	3 "	.....	7		
544	544 "	1,635	362	Glassware.
1	1 case	.....	5		
26	26 cases	.....	134		
24	24 "	.....	213		
2	2 "	.....	15		
3	3 "	4	264	} Glass { Bottles. Looking.
3	3 "	.....	264		
150	150 tons	.....	1,500		
473	473 "	.....	4,190		
84	84 "	.....	72		
848	848 bushels	378	9,988	Guano.
869	869 tons	.....	9,988		
.....	4,615 bushels	1,111	.....		
.....	32 "	13	.....		
.....	146,322 "	56,958	.....		
.....	88 "	32	58,164	} Grain { Maize.
.....	80 "	30	.....		
.....	60 "	20	.....		
4,730	4,760 "	20	1,350			
5,329	31,993 "	9,851	1,688			
.....	172 "	40	18,036	} Oats.
400	400 "	.....	87		
.....	4,460 "	646	.....		
70	70 "	.....	30		
.....	27 "	7	.....		
.....	3,680	1,346	1,346	} Barley. Wheat.
.....	16,288 7	63,623	.....		
.....	146 5	564	.....		
.....	2 0	8	.....		
.....	23,268 0	86,462	.....		
.....	898 16	3,374	187,249	Gold, in Dust and Bar.
.....	3,287 17	13,030	.....		
.....	1,516 11	5,950	.....		
.....	2,289 7	9,130	.....		
.....	586 9	2,340	.....		
.....	698 14	2,768	63	Glue.
13	13 casks	.....	45		
1	1 "	.....	18		
.....	17 tons	104	.....		
.....	413 "	2,277	.....		
.....	2 "	20	3,701	Hay and Straw.
.....	21 "	1,900	.....		
102	105 pkgs.	2	291			
351	351 "	.....	226		
2,820	3,985 "	4,501	14,475			
732	734 "	13	4,423	44,851	Hardware.
2,321	2,458 "	374	18,509			
3	6 "	45	75			
.....	20 "	1,750	.....		
90	90 "	167	.....		
1	1 pkg.	6	2,380	Hops.
296	296 pkgs.	2,011	.....		
29	29 "	.....	164		
44	44 "	.....	200		
8	8 "	.....	5		
1	1 "	2	140	Hemp and Flax.
6	6 "	.....	133		
2	2 "	.....	20		
11	11 cases	.....	72		
31	72 "	2,995	2,274			
9	9 "	363	6,466	Hats and Caps.
23	26 "	37	660			
1	1 "	.....	45		
17	17 "	.....	690		
13	13 "	.....	325		
3	3 "	77	1,092	Hosiery.
800	1,940 lbs.	114	100			
1,100	1,164 "	8	105			
3	3 cases	.....	185		
9	9 "	.....	410		
2	2 "	145	1,675	Haberdashery.
21	21 "	.....	935		
3	3 bales	.....	39		
.....	39	Hatter's Materials.

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Hides	Tasmania	67		67 No.
	Great Britain	98,007	8,346	106,353 "
	New Zealand	20		20 "
	Holland	774		774 "
	South Australia	254		254 "
Hoofs, and Bones	Great Britain	7,782	489	8,271 cwt.
	Victoria	20		20 "
Horns	Great Britain	173,447	8,858	182,305 No.
	Holland		2,914	2,914 "
	Victoria	17,360		17,360 lbs.
Honey	New Zealand	400		400 "
	United States	2,240		2,240 "
	South Australia	336		336 "
	Tasmania			
Iron	Great Britain			
	Victoria			
	South Sea Islands			
	New Zealand			
	Holland			
	Tasmania			
Instruments { Musical	Great Britain			
	Victoria			
	South Sea Islands			
	New Zealand			
	Great Britain			
	Victoria			
Scientific	New Zealand			
	Great Britain			
Ivory	Victoria			
Jewellery	South Sea Islands			
	New Zealand			
	Tasmania	1		1 bale.
Leather { Unmanufactured	Great Britain	251	8	259 bales.
	Victoria	66		66 "
	New Zealand	148		148 "
	Tasmania			
	Great Britain			
	Victoria	17		17 boxes.
Manufactured,— Boots, &c.	South Sea Islands			
	New Zealand			
Lead	Tasmania			
	Great Britain			
	Victoria			
	New Zealand			
Lucifers	South Australia			
	Tasmania	5		5 cases.
	Great Britain			
	Victoria	2		2 "
Lime	South Sea Islands			
	New Zealand	1		1 case.
	Batavia			
Lime Juice	Victoria			
	Tasmania	100		100 gallons.
Live Stock { Horses	Victoria			
	New Zealand	2,350		2,350 "
	Victoria	393		393 No.
	New Zealand	121		121 "
	Calcutta	449		449 "
	Madras	4	70	74 "
Sheep	Shanghai	2		2 "
	Tasmania	5,086		5,086 "
	South Sea Islands	1,137		1,137 "
	New Zealand	6,137		6,137 "
	United States	1,525	462	1,987 "
	Chili		14	14 "
Cattle	Tasmania	86		86 "
	Victoria	1		1 "
	South Sea Islands	295		295 "
	New Zealand	156		156 "
	South Australia	20		20 "
	Victoria	20		20 "
Pigs	Batavia		4	4 "
	Tasmania	65		65 cwt.
Molasses	Victoria	1,020		1,020 "
	South Sea Islands			
	New Zealand	250		250 "
	South Australia	578		578 "
Machinery	Tasmania			
	Great Britain			
	Victoria	459		459 cases.
	South Sea Islands			
South Australia	New Zealand	36		36 cases.
	South Australia			

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colonial PRODUCE AND MANUFACTURES.	TOTAL.	PRODUCE AND MANUFACTURES of the Colony.	BRITISH, FOREIGN, AND other Colonial PRODUCE AND MANUFACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	
..... 67 No.		70	.....	£	
..... 106,353 "		112,014	.....		
..... 20 "		15	.....	112,803	.....	Hides.
..... 774 "		499	.....		
..... 254 "		205	.....		
..... 8,271 cwt.		2,324	.....		
..... 20 "		5	.....		
..... 182,305 No.		3,146	.....	5,532	.....	Hoofs and Bones.
..... 2,914 "		57	.....		
..... 17,360 lbs.		217	.....		
..... 400 "		5	.....		
..... 2,240 "		56	.....	285	.....	Honey.
..... 336 "		7	.....		
..... 56 "					
..... 1,252 "			54			
..... 9,524 "			15			
..... 296 "			13,975	18,902	.....	Iron.
..... 3,744 "			281			
..... 800 "			4,547			
..... 1 "			30			
..... 4 "			50			
..... 8 "			130			
..... 1 "			350	1,157	.....
..... 21 "			40			
..... 4 "			587			
..... 15 "			130			
..... 2 "			465	605	.....	Instruments { Musical: Scientific.
..... 120 "			10			
..... 9 "			10			
..... 23 "			1,570	10	.....	Ivory.
..... 7 "			2,568			
..... 5 "			179	5,412	.....	Jewellery.
..... 1 bale.		20	1,095			
..... 259 bales.		3,888	.....		
..... 109 "		557	2,037	10,387	.....
..... 148 "		3,781	104			
..... 20 "			541			
..... 54 "			604			
..... 362 "		218	7,124	27,196	.....	Leather { Unmanufactured. Manufactured—Boots, &c.
..... 104 "			2,079			
..... 787 "			16,630			
..... 4 "			140			
..... 104 "			325			
..... 109 "			3,832	4,409	.....	Lead.
..... 3 "			107			
..... 2 "			5			
..... 10 "		90	130			
..... 2 "			251			
..... 264 "		3	1,305			
..... 12 "			125	3,639	.....	Lucifers.
..... 120 "		20	1,674			
..... 1 "			41			
..... 30 "			100	100	.....	Lime.
..... 100 gallons.		18	.....		
..... 650 "			155	860	.....	Lime Juice.
..... 988 "		470	217			
..... 393 No.		9,870	.....		
..... 121 "		2,715	.....		
..... 449 "		1,880	.....	16,055	.....
..... 74 "		1,530	.....		
..... 2 "		60	.....		
..... 5,086 "		4,436	.....		
..... 1,137 "		510	.....		
..... 6,137 "		3,723	.....	10,146	.....
..... 1,987 "		1,460	.....		
..... 14 "		17	.....		
..... 86 "		602	.....		
..... 1 "		5	.....		
..... 295 "		622	.....	1,964	.....
..... 156 "		585	.....		
..... 20 "		150	.....		
..... 20 "		20	.....		
..... 4 "		30	.....	20	.....
..... 6 "		81	10	30	.....
..... 37 "		1,275	49			
..... 6 "			49			
..... 225 "		312	273	2,842	.....	Molasses.
..... 57 "		723	70			
..... 5 cases.			200			
..... 2 "			300			
..... 782 "		6,928	7,222			
..... 1 "			20	18,620	.....	Machinery.
..... 166 "		1,438	1,802			
..... 31 "			710			

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Matting	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Mauritius .....	.....	.....	.....
Metal, Yellow	Great Britain .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Metal	New Zealand .....	.....	.....	.....
	United States .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Nails	Victoria	1	.....	1 bag
	South Sea Islands .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Nails, Copper	South Sea Islands .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Millinery	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Marble	New Zealand .....	.....	.....	.....
	Tasmania	5½	.....	5½ tons
	Great Britain	239	103	342 "
	Victoria	16½	.....	16½ "
Sperm	Tasmania .....	.....	.....	.....
	Tasmania	4	.....	4 tons
	Great Britain .....	.....	.....	.....
	Victoria	29	.....	29 tons
Black	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Linseed	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Olive	New Zealand .....	.....	.....	.....
	Singapore .....	.....	.....	.....
	Mauritius .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Cocoanut	Holland .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Oilmen's Stores	New Zealand .....	.....	.....	.....
	United States .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	Singapore .....	.....	.....	.....
Oatmeal	Hong Kong .....	.....	.....	.....
	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Oil Cloth	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Oars	Great Britain .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Oakum	New Zealand .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
Pictures	Great Britain	2	.....	2 cases
	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Batavia .....	.....	.....	.....
Pipes, Tobacco	Tasmania .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	Tasmania	51	.....	51 barrels
Pork	Mauritius	16	.....	16 "
	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
	New Zealand	54	.....	54 barrels
Beef	Hong Kong .....	.....	.....	.....
	United States .....	.....	.....	.....
	Singapore .....	.....	.....	.....
	Tasmania	950	.....	950 barrels
Bacon	Guam	230	.....	230 "
	Mauritius	741	.....	741 "
	Victoria .....	.....	.....	.....
	South Sea Islands	146	.....	146 casks
Preserved	New Zealand	493	.....	493 "
	United States	156	.....	156 "
	South Australia	59	.....	59 "
	Hong Kong	201	110	311 "
Provisions	Singapore	100	.....	100 "
	Tasmania	120	.....	120 "
	Mauritius .....	.....	.....	.....
	Victoria	50	.....	50 casks
Bacon	New Zealand	15	.....	15 "
	United States .....	.....	.....	.....
	Tasmania	34	.....	34 casks
	New Zealand	12	.....	12 "

—Continued.

QUANTITIES.		VALUE IN STERLING.			ARTICLES.
BRITISH, FOREIGN, AND other Colo- nial Produce AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANUFACTURES OF THE Colony.	BRITISH, FOREIGN, AND other Colo- nial Produce AND MANU- FACTURES.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially).	
1	1 roll	.....	2	£	
79	1 "	.....	182	374	Matting.
118	118 "	.....	190		
90	90 cwt.	.....	500		Metal, Yellow.
2,821	2,821 "	.....	4,996	6,076	
100	100 "	.....	580		
12	12 cases	.....	300	479	Metal.
35	35 "	.....	179		
7	7 kegs	.....	11		
36	36 "	.....	178		
794	795 "	5	1,065	1,377	Nails.
42	42 "	.....	112		
4	4 "	.....	6		
13	13 cases	.....	520	524	Nails, Copper.
1	1 case	.....	4		
1	1 "	.....	50		
12	12 cases	.....	698	763	Millinery.
1	1 case	.....	15		
2	2 cases	.....	112	112	Marble.
1	64 tuns	440	70		
404	3824 "	28,380	3,137	33,607	Sperm.
.....	164 "	1,680	.....		Castor.
72	72 cases	.....	66	66	Black.
8	12 tuns	226	450		
234	234 "	.....	1,420	6,276	Oil..
55	84 "	1,280	2,900		Linseed.
800	800 gallons	.....	200		
9,197	9,197 "	.....	2,962	4,090	
603	603 "	.....	165		
3,815	3,815 "	.....	763		
457	457 cases	.....	499		
4	4 "	.....	9		
33	33 "	.....	41		
1	1 "	.....	15	26,949	Olive.
1	1 "	.....	10		
727	727 tuns	.....	26,075		
27	27 "	.....	300		
8	8 cases	.....	9		
5,483	5,483 "	.....	7,585		
776	776 "	.....	1,202		
1,714	1,714 "	.....	4,775	14,340	Oilmen's Stores.
100	100 "	.....	75		
127	127 "	.....	280		
10	10 "	.....	19		
425	425 "	.....	395		
705	705 casks	.....	1,637		
74	74 "	.....	150	2,015	Oatmeal.
134	134 "	.....	328		
30	30 cases	.....	166	696	Oil Cloth.
62	62 "	.....	530		
700	700 No.	.....	300	390	Oars.
181	181 "	.....	90		Oakum.
1	1 ton	.....	20	20	
1	1 case	.....	15		
9	11 cases	45	160		
10	10 "	.....	455	1,153	Pictures.
20	20 "	.....	393		
2	2 "	.....	100		
13	13 "	.....	30		
154	154 "	.....	166	806	Pipes, Tobacco.
926	926 "	.....	620		
15	66 barrels	157	41		
317	333 "	80	1,310		
32	32 "	.....	126		
32	32 "	.....	113		
10	64 "	223	30	4,546	Pork.
21	21 "	.....	100		
479	479 "	.....	1,766		
120	120 "	.....	600		
181	1,131 "	3,969	415		
.....	230 "	920	.....	
90	831 "	2,887	410		
2	2 "	.....	8		
20	166 casks	610	96	13,563	Beef.
.....	493 "	2,096	.....	
.....	156 "	510	.....	
.....	59 "	239	.....	
40	351 "	843	130		Provisions.
6	106 "	400	30		
11	131 "	455	44		
15	15 "	.....	100		
.....	50 cases	190	.....	1,071	Bacon.
35	50 "	107	145		
5	5 "	.....	30		
2	36 casks	160	10	230	Preserved.
.....	12 "	60	.....	

ARTICLES.		COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
			PRODUCE AND MANUFACTURES OF THE COLONY.		
			In British Vessels.	In Foreign Vessels.	TOTAL.
Provisions, <i>Continued</i>	Tongues	Tasmania	1		1 cask
		Great Britain	2		2 "
		Victoria	1		1 "
		New Zealand	6		6 kegs
		Hong Kong	10		10 "
	Hams	Mauritius			
		Victoria			
		South Sea Islands			
		New Zealand	1		1 case
		Chili			
	Mutton	Hong Kong		50	50 cases
		Hong Kong		1	1 cask
		New Zealand	6		6 kegs
		United States			
		Tasmania	15		15 cases
Plants and Seeds		Great Britain	4		4 "
		Victoria	274		274 "
		South Sea Islands			
		New Zealand	25		25 cases
		South Australia	11		11 "
		Calcutta	1		1 case
		Hong Kong		1	1 "
		Tasmania	21		21 casks
		Victoria			
		South Sea Islands	1		1 cask
Pitch, Tar, and Resin		New Zealand	47		47 casks
		South Australia	20		20 "
		Hong Kong	20		20 "
		Great Britain			
		Victoria			
Plated Ware		Victoria			
Plate, Silver		New Zealand			
		Great Britain			
		Victoria			
Pepper and Spices		South Sea Islands			
		New Zealand			
		South Australia			
		Victoria			
Peas, Split		South Sea Islands			
		New Zealand			
		Victoria			
Paint		South Sea Islands			
		Mauritius			
		New Zealand			
		Hong Kong			
Plumbago		Victoria			
Perfumery		Victoria			
		South Sea Islands			
		New Zealand			
Paper-hangings		Victoria			
		New Zealand			
Potatoes		Victoria	13,046		13,046 cwt.
		South Sea Islands	30	120	150 "
		New Zealand	40		40 "
Poultry		Victoria	182		182 cases
Quicksilver		New Zealand	2		2 "
		Victoria			
Rags		Great Britain	29		29 bales
		Victoria	12		12 "
		Victoria			
Rice		South Sea Islands			
		Chili			
		New Zealand			
Rattans		Great Britain			
		New Zealand			
		Tasmania	1		1 case
Saddlery and Harness		Great Britain			
		Victoria	3		3 cases
		New Zealand	10		10 "
		Tasmania	20		20 cwt.
		Great Britain			
		Victoria	640		640 cwt.
Sugar	Raw	South Sea Islands			
		New Zealand	10,800		10,800 cwt.
		South Australia	1,203		1,203 cwt.
		Singapore			
		Tasmania	10		10 cwt.
	Refined	Victoria	10,861		10,861 "
		South Sea Islands	17	40	57 "
		New Zealand	7,826		7,826 "
		South Australia	1,100		1,100 "
		Tasmania			
Sundries		Great Britain	1		1 case
		Victoria	24		24 cases
		South Sea Islands			
		New Zealand	2		2 cases
		South Australia			

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colo- nial Produce AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANUFAC- TURES of the Colony.	BRITISH, FOREIGN, AND other Colo- nial Produce AND MANU- FACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially).	
.....	1 keg	3	87	Provisions, Continued
.....	2 kegs	20	.....		.....
3	4 "	7	15		.....
.....	6 "	27	.....		.....
.....	10 "	15	2,058	Hams.
40	40 pkgs.	.....	552		.....
25	25 "	.....	397		.....
5	5 cases	.....	67		.....
51	52 "	20	472	428	Mutton
9	9 "	.....	150		.....
.....	50 "	400	.....		.....
.....	1 cask	8	.....		.....
.....	6 "	20	2,040	Plants and Seeds.
50	50 tierces	.....	400		.....
.....	15 cases	18	.....		.....
.....	4 "	50	.....		.....
25	299 "	918	505	871	Pitch, Tar, and Rosin.
2	2 "	.....	200		.....
91	116 "	102	135		.....
.....	11 "	62	.....		.....
.....	1 case	40	585	Plated Ware.
.....	1 "	10	.....		.....
.....	21 casks	30	.....		.....
100	100 barrels	.....	30		.....
6	7 "	2	12	928	Plate Silver.
60	107 "	73	124		.....
90	110 "	20	100		.....
.....	20 "	80	.....		.....
2	2 cases	100	925	Pepper and Spices
5	5 "	.....	485		.....
1	1 case	.....	260		.....
5	5 cases	.....	668		.....
1,120	1,120 lbs.	210	2,918	Peas, Split.
4,376	4,376 "	.....	94		.....
427	427 "	.....	11		.....
21,483	21,483 "	.....	510		.....
4,480	4,480 "	190	624	Paint.
1,307	1,307 casks	.....	2,897		.....
10	10 "	.....	16		.....
1	1 cask	.....	5		.....
10	10 kegs	36	10	Plumbago.
66	66 "	.....	37		.....
2	2 "	.....	6		.....
659	659 "	.....	515		.....
30	30 "	30	366	Perfumery.
1	1 cask	.....	10		.....
11	11 pkgs.	.....	106		.....
6	6 "	.....	108		.....
7	7 "	152	957	Paper Hangings.
13	13 "	.....	815		.....
7	7 "	.....	142		.....
.....	13,046 cwt.	4,735	.....		.....
.....	150 "	42	4,802	Potatoes.
.....	40 "	25	.....		.....
.....	182 cases	439	.....		.....
.....	2 "	6	.....		.....
29	29 "	608	282	Rags.
.....	29 bales	160	.....		.....
.....	12 "	122	.....		.....
2,276	2,276 cwt.	.....	1,272		.....
993	993 "	621	4,754	Rice.
1,600	1,600 "	.....	1,200		.....
2,146	2,146 "	.....	1,661		.....
1,004	1,004 bundles	.....	140		.....
200	200 "	17	157	Rattans.
7	8 cases	8	190		.....
2	2 "	.....	38		.....
37	40 "	9	1,451		.....
38	48 "	149	1,212	3,057	Saddlery and Harness.
1,410	1,430 cwt.	50	2,620		.....
44	44 "	.....	71		.....
2,470	3,110 "	3,540	4,266		.....
420	420 "	770	60,319	Sugar
1,106	21,866 "	20,326	19,198		.....
2,632	3,835 "	3,609	5,864		.....
2	2 "	.....	5		.....
.....	10 "	220	56,049	Sugar
222	11,083 "	30,220	480		.....
113	160 "	190	232		.....
1,086	8,912 "	20,019	2,538		.....
.....	11 "	2,100	2,502	Sundries.
1	1 case	.....	2		.....
19	20 cases	1	644		.....
66	80 "	76	805		.....
39	39 "	551	Sundries.
90	92 "	3	355		.....
3	3 "	.....	65	.....	.....

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Starch and Blue	Tasmania .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
Stones {	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
	South Australia .....	.....	.....	.....
	New Zealand	20	.....	20 cases
	Victoria .....	.....	.....	.....
Mill	New Zealand .....	.....	.....	.....
	New Zealand	12	.....	12 No.
Grind	New Zealand .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Tomb	Tasmania	190	.....	190 cases.
	Mauritius	100	.....	100 "
Great Britain	Great Britain	1	.....	1 box
	Victoria	654	.....	654 boxes
Soap	South Sea Islands	140	240	380 "
	New Zealand	3,213	.....	3,213 "
South Australia	South Australia	490	.....	490 "
	Western Australia	40	.....	40 "
Chili	Chili	66	.....	66 "
	Singapore .....	.....	.....	.....
Tasmania	Tasmania .....	.....	.....	.....
	Great Britain	8	3	11 cases
Victoria	Victoria	9	.....	9 "
	South Sea Islands	6	.....	6 "
Stationery	New Zealand	2	.....	2 "
	South Australia .....	.....	.....	.....
Suez	Suez	21	.....	21 cases
	Batavia .....	.....	.....	.....
Mauritius	Mauritius .....	.....	.....	.....
	South Sea Islands	173	.....	173 pkgs.
Shooks and Staves	Guam .....	.....	.....	.....
	Fisheries .....	.....	.....	.....
Ship Chandlery	Mauritius .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Victoria	Victoria	2	.....	2 cases
	New Zealand	1	.....	1 case
Great Britain	Great Britain	23	.....	23 cases
	Victoria	1	.....	1 case
Specimens of Natural History ..	New Zealand	2	.....	2 cases
	Great Britain	128	.....	128 bales
Skins, Sheep	Great Britain	3	.....	3 tons.
	Great Britain .....	.....	.....	.....
Spermaciti	Great Britain .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Shell {	Great Britain .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Pearl	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Silks	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Slates and Tiles	New Zealand .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Salt	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Saltpetre	New Zealand .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Sago and Pearl Barley	Tasmania .....	.....	.....	.....
	Mauritius .....	.....	.....	.....
Victoria	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
New Zealand	New Zealand .....	.....	.....	.....
	United States .....	.....	.....	.....
Liqueurs	South Australia .....	.....	.....	.....
	Hong Kong .....	.....	.....	.....
West Indies	West Indies .....	.....	.....	.....
	Batavia .....	.....	.....	.....
Singapore	Singapore .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
Victoria	Victoria .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Whiskey	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
Tasmania	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
South Sea Islands	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Spirits {	South Australia .....	.....	.....	.....
	West Indies .....	.....	.....	.....
Brandy	Calcutta .....	.....	.....	.....
	Bombay .....	.....	.....	.....
Chili	Chili .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
Gin	Great Britain .....	.....	.....	.....
	Victoria .....	.....	.....	.....
South Sea Islands	South Sea Islands .....	.....	.....	.....

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	PRODUCE AND MANUFAC- TURES of the Colony.	BRITISH, FOREIGN, AND other Colo- nial PRODUCE AND MANU- FACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	
25	25 cases	20	£		Starch and Blue.
5	5 "	.....	20		
208	208 "	677	718	Stones { Mill. Grind. Tomb.
1	1 case	.....	1		
1	1 "	.....	15		
40	40 cases	.....	152		
40	40 "	.....	20	215	.....
3	3 "	.....	3		
.....	20 "	25	.....		
2	2 No.	.....	60		
8	8 "	.....	84	144	.....
219	231 "	4	184	188	.....
1	1 "	.....	40	40	.....
.....	190 "	353			Soap.
.....	100 "	200	.....		
.....	1 box	3	.....		
92	746 boxes	848	256			
561	941 "	652	718	10,772	.....
1,140	4,353 "	4,517	1,492			
640	1,130 "	765	345			
.....	40 "	75	.....		
308	374 "	100	400			
32	32 "	.....	48		
8	8 cases	184			Stationery.
29	40 "	125	411			
201	.....	52	5,651		
42	48 cases	2	161	13,316	.....
343	345 "	2	5,672			
47	47 "	.....	775		
22	43 "	37	34			
10	10 "	.....	210		
310	310 pkgs.	.....	120		
536	536 "	207	345	727	.....
100	100 "	40			Shooks and Staves.
10	10 "	.....	15		
8	8 "	50			Ship Chandlery.
1	1 package	.....	40	918	.....
63	65 pkgs.	18	737			Specimens of Natural History.
3	4 "	10	63			
1	24 cases	248	10			
.....	1 case	25	.....	285	.....
.....	2 cases	2	.....		
.....	128 bales	1,386	.....	1,386	.....
.....	3 tons	385	.....	385	.....
2,664	2,664 lbs.	.....	2,624	2,624	.....
1524	1524 tons	.....	2,150	2,150	.....
18	18 cases	2,021			Shell { Tortoise. Pearl.
24	24 "	.....	2,758	5,111	.....
2	2 "	332			Silks.
1,000	1,000 "	.....	10		
4,000	4,000 "	60	120	Slates and Tiles.
6,000	6,000 "	.....	50		
10	10 tons	40			Salt.
7	7 "	.....	42	609	.....
113	113 "	527			Saltpetre. Sago and Pearl Barley.
7	7 bags	.....	10	10	.....
752	752 lbs.	29	29	Liqueurs.
230	230 gallons	.....	127		
160	160 "	.....	84		
744	744 "	.....	561		
242	242 "	.....	143		
739	739 "	.....	439		
70	70 "	.....	40	2,095	.....
22	22 "	.....	15		
66	66 "	.....	40		
26	26 "	26			Whiskey.
300	300 "	.....	400		
506	506 "	.....	220		
9	9 "	.....	4		
2,185	2,185 "	.....	665	2,494	.....
54	54 "	.....	13		
4,285	4,285 "	.....	1,462		
1,255	1,255 "	.....	350		
4,258	4,258 "	.....	4,643		
27,567	27,567 "	20,039			Spirits. { Brandy. Gin.
542	542 "	.....	337		
16,724	16,724 "	.....	12,127	41,415	.....
4,976	4,976 "	.....	3,578		
37	37 "	.....	20		
899	899 "	.....	451		
443	443 "	.....	180		
27	27 "	.....	20		
848	848 "	.....	593		
529	529 "	.....	101		
6,854	6,854 "	2,999			Gin.
296	296 "	.....	167		

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Spirits,— Contd.	Gin (continued).....	New Zealand .....	.....	.....
		South Australia .....	.....	.....
		Hong Kong .....	.....	.....
		Singapore .....	.....	.....
		Tasmania .....	.....	.....
	Geneva	Victoria .....	.....	.....
		South Sea Islands .....	.....	.....
		New Zealand .....	.....	.....
		South Australia .....	.....	.....
		West Indies .....	.....	.....
	Perfumed	Singapore .....	.....	.....
		Calcutta .....	.....	.....
		Victoria .....	.....	.....
		South Australia .....	.....	.....
		Calcutta .....	.....	.....
Timber	Rum	Tasmania .....	.....	.....
		New Zealand	54	54 gallons.
		South Australia .....	.....	.....
		West Indies .....	.....	.....
		Calcutta .....	.....	.....
	Cedar	Tasmania	235,150	235,150 feet.
		Great Britain	3,400	3,400 "
		Victoria	2,028,264	2,028,264 "
		South Sea Islands	3,139	3,139 "
		New Zealand	6,347	6,347 "
	Trenails	South Australia	771,356	771,356 "
		Great Britain	52,057	55,118 No.
		Victoria	5,000	5,000 "
		Great Britain	112,271	122,271 "
		Victoria	10,080	122,271 "
	Spokes	New Zealand	3,803	3,803 "
		South Australia	53,259	53,259 "
		Tasmania	500	500 "
		Great Britain	15,000	15,000 feet.
		Victoria	179,000	179,000 "
	Posts and Rails.....	New Zealand	4,188	4,188 "
		Mauritius .....	.....	.....
		Victoria .....	.....	.....
		South Sea Islands .....	.....	.....
		South Australia .....	.....	.....
	Hardwood	Hong Kong .....	.....	.....
		China .....	.....	.....
		Great Britain .....	.....	.....
		Great Britain	3	3 pieces.
		Victoria	15,239	15,357 "
Tea	Pine	New Zealand	3,712	3,712 "
		South Australia	5,783	5,783 "
		New Zealand	30,000	30,000 "
		New Zealand	3,630	3,630 "
		Tasmania .....	.....	.....
	Sandalwood	Great Britain .....	.....	.....
		Victoria .....	.....	.....
		South Sea Islands .....	.....	.....
		New Zealand .....	.....	.....
		South Australia .....	.....	.....
	All other	Tasmania .....	.....	.....
		Mauritius .....	.....	.....
		Victoria	2,796	2,796 lbs.
		South Sea Islands .....	.....	.....
		New Zealand	1,472	1,472 lbs.
Tobacco	Shingles	South Australia .....	.....	.....
		Ceylon .....	.....	.....
		Singapore .....	.....	.....
		Hong Kong .....	.....	.....
		Tasmania .....	.....	.....
	Palings	Mauritius .....	.....	.....
		Great Britain .....	.....	.....
		Victoria .....	.....	.....
		South Sea Islands .....	.....	.....
		New Zealand .....	.....	.....
	Tea	United States .....	.....	.....
		South Australia .....	.....	.....
		West Indies .....	.....	.....
		Calcutta .....	.....	.....
		Ceylon .....	.....	.....
Tobacco	Cigars	Bombay .....	.....	.....
		Chili .....	.....	.....
		Singapore .....	.....	.....
		Hong Kong .....	.....	.....
		Tasmania .....	.....	.....
	Snuff	Mauritius .....	.....	.....
		Victoria .....	.....	.....
		South Sea Islands .....	.....	.....
		New Zealand .....	.....	.....
		South Australia .....	.....	.....

Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colonial Produce AND MANUFACTURES.	TOTAL.	PRODUCE AND MANUFACTURES of the Colony.	BRITISH, FOREIGN, AND other Colonial Produce AND MANUFACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	
8,071	8,071 gallons.	3,483	£ 8,903	Gin (continued.)
5,069	5,069 "	.....	1,325		
206	206 "	.....	165		
60	60 "	.....	70		
306	306 "	.....	120		
28,566	28,566 "	.....	7,786		
2,281	2,281 "	.....	802		
8,767	8,767 "	.....	3,498	12,633	.....
469	469 "	.....	250		
60	60 "	.....	15		
88	88 "	89			Spirits,— Contd.
128	128 "	.....	73		
282	282 "	.....	436		
154	154 "	.....	110	561	.....
31	31 "	.....	15		
613	613 "	.....	150		
25,894	25,894 "	.....	6,624		
2,219	2,219 "	.....	703		
12,167	12,251 "	12	4,235	12,284	.....
1,983	1,983 "	.....	480		
50	50 "	20			Rum.
329	329 "	.....	60		
.....	235,150 feet	2,962	.....		
.....	3,400 "	60	.....		
.....	2,028,264 "	29,533	.....	40,985	.....
.....	3,139 "	30	.....		
.....	6,347 "	90	.....		
.....	771,356 "	8,310	.....		
.....	55,113 No.	653	.....	653	.....
.....	5,000 "	25			Trenails.
.....	122,271 "	1,515	.....	2,074	.....
.....	3,803 "	38	.....		
.....	53,259 "	496	.....		
.....	500 "	10	.....	10	.....
.....	15,000 feet	150	.....		
.....	179,000 "	1,794	.....	1,991	.....
.....	4,188 "	47	.....		
.....	20,000 "	.....	300		
.....	139,160 "	1,531	1,995	Timber
.....	1,000 "	.....	14		
.....	10,000 "	.....	150		
.....	139 tons	.....	2,300		
.....	20 "	.....	800	3,125	.....
.....	15 cwt.	.....	25		
.....	3 pieces	100	.....		
.....	15,357 "	2,029	.....	2,944	.....
.....	3,712 "	333	.....		
.....	5,783 "	482			All other.
.....	30,000 No.	45	.....	45	.....
.....	3,630 "	32	.....	32	.....
.....	130,906 lbs.	.....	10,256		
.....	688 "	.....	51		
.....	377,073 "	.....	23,236	52,804	.....
.....	2,633 "	.....	184		
.....	213,460 "	.....	15,772		
.....	56,910 "	.....	3,305		
.....	9,730 "	665			Tea.
.....	212 "	.....	15		
.....	22,377 "	38	3,966			
.....	55,714 "	.....	3,038		
.....	124,744 "	20	7,862	15,872	.....
.....	2,381 "	.....	120		
.....	373 "	.....	28		
.....	225 "	.....	70		
.....	202 "	.....	50		
.....	12,176 "	3,341			Tobacco
.....	6,542 "	.....	1,731		
.....	2,488½ "	.....	713		
.....	93,485 "	.....	28,955		
.....	3,325 "	.....	809		
.....	16,155 "	.....	3,040		
.....	5,396 "	.....	200	44,337	.....
.....	10,408 "	.....	3,575		
.....	277 "	.....	58		
.....	7,196 "	834			Cigars.
.....	190 "	.....	16		
.....	1,560 "	.....	100		
.....	3,614 "	.....	450		
.....	504 "	.....	45		
.....	1,075 "	.....	470		
.....	240 "	.....	45		
.....	100 "	.....	20		
.....	1,843 "	.....	220	438	.....
.....	114 "	13			Snuff.
.....	485 "	.....	105		
.....	605 "	35			

ARTICLES.	COUNTRIES TO WHICH EXPORTED.	QUANTITIES.		
		PRODUCE AND MANUFACTURES OF THE COLONY.		
		In British Vessels.	In Foreign Vessels.	TOTAL.
Tallow	Tasmania	372	.....	372 cwt.
	Mauritius .....	.....	520	520 "
	Great Britain	33,651	2,718	36,369 "
	Victoria	20	.....	20 "
	South Sea Islands	1	.....	1 "
	New Zealand	217	.....	217 "
	South Australia	70	.....	70 "
	Holland .....	.....	5	5 "
Tinware	Tasmania .....	.....	.....	.....
	Victoria	9	.....	9 cases
	Great Britain .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Tin	New Zealand	1	.....	1 cask
	South Australia	1	.....	1 "
Toys	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Type	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Twine and Thread	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Tarpaulins	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Turps and Varnish	South Australia .....	.....	.....	.....
	South Sea Islands .....	.....	.....	.....
Trunks	New Zealand .....	.....	.....	.....
	Great Britain .....	.....	.....	.....
Umbrellas	Victoria .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Vinegar	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Watches and Clocks	Tasmania .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Woolpacks	New Zealand .....	.....	.....	.....
	Tasmania .....	.....	.....	.....
Whale bone	Victoria .....	.....	.....	.....
Whale-fin	New Zealand .....	.....	.....	.....
	South Australia .....	.....	.....	.....
Woollens { Cloth	Great Britain	9	.....	9 cwt.
	Tasmania	5	.....	5 pkgs.
Woollens { Carpets	Victoria	6	.....	6 bales
	New Zealand	7	.....	7 "
Woollens { Flannel	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Woodenware	Great Britain .....	.....	.....	.....
	New Zealand	157	.....	157 pkgs.
Whiting	South Sea Islands	140	.....	140 "
	South Australia	12	.....	12 cases
Wine	Victoria .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Wine	Tasmania	102	.....	102 gallons
	Great Britain	764	281	1,045 "
Wine	Victoria	3,278	.....	3,278 "
	South Sea Islands	20	.....	20 "
Wine	New Zealand	157	.....	157 "
	United States .....	.....	.....	.....
Wine	South Australia	2	.....	2 "
	Holland .....	.....	50	50 "
Wine	Suez .....	.....	.....	.....
	Hong Kong .....	.....	.....	.....
Wine	Calcutta .....	.....	.....	.....
	Bombay .....	.....	.....	.....
Wine	Guam .....	.....	.....	.....
	West Indies .....	.....	.....	.....
Wool	Great Britain	16,175,120	504,381	16,679,501 lbs.
	Victoria	2,100	.....	2,100 "
Wool	Holland .....	.....	362,600	362,600 "
	Tasmania .....	.....	.....	.....
Zinc	Great Britain .....	.....	.....	.....
	Victoria .....	.....	.....	.....
Zinc	South Sea Islands .....	.....	.....	.....
	New Zealand .....	.....	.....	.....
Zinc	South Australia .....	.....	.....	.....
	South Australia .....	.....	.....	.....

—Continued.

QUANTITIES.		VALUE IN STERLING.				ARTICLES.
BRITISH, FOREIGN, AND other Colonial PRODUCE AND MANUFACTURES.	TOTAL.	PRODUCE AND MANUFACTURES of the Colony.	BRITISH, FOREIGN, AND other Colonial PRODUCE AND MANUFACTURES.	TOTAL.	AVERAGE PRICE FIXED FOR THE VALUE (if calculated officially.)	
.....	372 cwt.	752	.....	£	
.....	520 "	1,040	.....		
.....	36,369 "	79,604	.....		
.....	20 "	40	.....		
.....	1 "	3	.....	82,134	.....	Tallow.
.....	217 "	526	.....		
.....	70 "	161	.....		
.....	5 "	8	.....		
4	4 cases	.....	5			
170	179 "	15	250			
7	7 "	.....	100			
4	4 "	.....	42	783	.....	Tinware.
145	146 "	18	338			
26	26 "	5	10			
164	164 "	.....	311	331	.....	Tin.
6	6 "	.....	20			
1	1 "	.....	10			
21	21 "	.....	375	431	.....	Toys.
2	2 "	.....	16			
4	4 "	.....	30			
4	4 "	.....	55			
45	45 "	.....	616	1,032	.....	Type
71	71 "	.....	361			
2	2 "	.....	100			
69	69 "	.....	914	1,149	.....	Twine and Thread.
1	1 "	.....	12			
29	29 "	.....	123			
11	11 No.	.....	220	323	.....	Tarpaulins.
12	12 "	.....	103			
548	548 gallons	.....	211			
240	240 "	.....	66	337	.....	Turps and Varnish.
200	200 "	.....	60			
17	17 No.	.....	62	62	.....	Trunks.
4	4 cases	.....	200			
10	10 "	.....	300	500	.....	Umbrellas.
500	500 gallons	.....	59			
70	70 "	.....	12	285	.....	Vinegar.
1,179	1,179 "	.....	214			
4	4 cases	.....	12			
14	14 "	.....	295	588	.....	Watches and Clocks.
19	19 "	.....	281			
1	1 bale	.....	25			
88	88 bales	.....	1,686	2,779	.....	Woolpacks.
51	51 "	.....	948			
8	8 "	.....	120			
68	77 cwt.	400	1,230	1,630	.....	Whale bone.
.....	9 pkgs	150	.....	150	.....	Whale-fin.
.....	5 bales	160	.....		
23	29 "	411	1,213	4,095	.....	Woollens { Cloth. Carpets. Flannel.
40	47 "	462	1,849			
3	2 "	.....	60	210	.....
6	6 "	.....	150			
17	17 "	.....	880	880	.....
3	3 "	.....	127	127	.....
3	3 cases	.....	14			
258	415 "	395	738			
719	859 "	179	1,520	3,011	.....	Woodenware.
5	5 "	.....	44			
31	43 "	48	73			
88	88 pkgs.	.....	80	103	.....	Whiting.
9	9 "	.....	23			
1,654	1,756 gallons	39	921			
715	1,760 "	645	398			
21,974	25,252 "	1,741	9,858			
5,804	5,824 "	12	2,185			
14,410	14,567 "	50	6,240			
120	120 "	.....	62			
54	56 "	.....	27	23,703	.....	Wine.
.....	50 "	15	.....		
1,712	1,712 "	.....	933			
794	794 "	.....	439			
81	81 "	.....	62			
28	28 "	.....	14			
60	60 "	.....	30			
47	47 "	.....	30			
.....	16,679,501 lbs.	1,247,582	.....		
.....	2,100 "	180	.....	1,275,067	.....	Wool.
.....	362,600 "	27,305	.....		
1	1 case	.....	10			
4	4 cases	.....	50			
103	103 "	.....	330	704	.....	Zinc.
5	5 "	.....	61			
25	25 "	.....	233			
1	1 "	.....	20			
		2,915,411	1,096,541	4,011,952		

J. GIBBES, Collector.

No. 28.
NEW SOUTH WALES.

(WHALE FISHERIES—PORT OF SYDNEY.)

RETURN of the SHIPS and VESSELS engaged in the FISHERIES that have visited Port Jackson during the last Ten Years; distinguishing those that are Colonial, British, or Foreign, with the Tonnage of each description, and Estimated Value of the Cargoes disposed of by the last mentioned class for payment for Repairs, Refitting, and Refreshment.

YEARS.	DESCRIPTION OF VESSELS.						DESCRIPTION AND VALUE OF CARGO DISPOSED OF BY FOREIGN SHIPS.			
	COLONIAL.		BRITISH.		FOREIGN.		Sperm Oil.	Black Oil.	Whalebone.	VALUE.
	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.				
							Tuns.	Tuns.	Cwt.	£
1848	26	6,103	1	267	37	11,203	158	8 $\frac{3}{4}$	5	4,340
1849	17	4,023	1	430	24	7,417	257	170	40	10,417
1850	14	3,313	3	952	25	7,434	57	63 $\frac{1}{2}$	.....	2,208
1851	20	4,556	1	164	12	3,710	439	3	268	17,923
1852	23	5,676	4	1,169	2	689	32 $\frac{1}{2}$	.....	.....	780
1853	7	1,338	...	.....	...	.....	.....	.....	.....	.....
1854	5	958	...	.....	1	280	10	.....	.....	480
1855	13	2,504	...	.....	2	702	18	10	.....	1,760
1856	25	4,883	...	.....	6	1,789	.....	.....	.....	.....
1857	20	4,417	...	.....	10	3,191	59	$\frac{1}{2}$	.....	4,320

J. GIBBES,
Collector of Customs.

No. 29.

NEW SOUTH WALES.

(IMPORTS.)

RETURN of the Value of IMPORTS into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	FROM GREAT	FROM BRITISH COLONIES.		FROM	FROM	FROM	FROM	TOTALS.
	BRITAIN.	New Zealand.	Elsewhere.	SOUTH SEA ISLANDS.	FISHERIES.	UNITED STATES OF AMERICA.	FOREIGN STATES.	
	£	£	£	£	£	£	£	£
1848	840,743	8,982	139,988	2,642	73,715	2,065	114,739	1,182,874
1849	1,014,387	25,244	107,095	3,202	44,516	3,961	115,384	1,313,589
1850	1,070,511	12,385	61,210	31,827	11,052	8,143	138,285	1,333,413
1851	1,152,421	15,609	174,250	6,771	23,033	14,127	177,720	1,563,931
1852	1,395,091	40,124	134,862	4,501	25,770	29,690	270,398	1,900,436
1853	4,679,435	90,065	539,114	29,702	15,600	218,795	769,686	6,342,397
1854	4,354,268	60,650	484,840	47,065	14,611	146,337	873,292	5,981,063
1855	2,710,267	178,131	301,441	59,334	30,780	290,048	1,098,518	4,668,519
1856	3,475,359	177,698	477,271	59,029	39,020	348,550	884,044	5,460,971
1857	3,864,901	131,906	1,514,200	41,804	31,434	274,645	870,518	6,729,408

No. 30.

(EXPORTS.)

RETURN of the Value of EXPORTS from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	TO GREAT	TO BRITISH COLONIES.		TO	TO	TO	TO	TOTALS.
	BRITAIN.	New Zealand.	Elsewhere.	SOUTH SEA ISLANDS.	FISHERIES.	UNITED STATES OF AMERICA.	FOREIGN STATES.	
	£	£	£	£	£	£	£	£
1848	901,869	163,933	78,210	6,944	.....	.....	4,048	1,155,009
1849	898,854	91,255	76,075	10,160	.....	55,611	3,989	1,135,944
1850	1,038,340	96,003	97,359	17,537	.....	95,473	13,072	1,357,784
1851	1,477,452	94,046	146,805	15,334	....	33,784	29,491	1,796,912
1852	3,607,269	74,759	904,271	6,271	.....	5,081	6,383	4,604,034
1853	2,980,763	236,713	1,245,947	10,928	.....	3,028	45,967	4,523,346
1854	2,307,609	370,629	1,254,088	61,025	.....	3,408	53,367	4,050,126
1855	1,499,792	292,546	997,491	26,373	1,499	8,758	57,671	2,884,130
1856	1,660,187	320,963	1,269,277	53,624	47	3,628	123,154	3,430,880
1857	1,987,703	377,165	1,311,545	42,436	15	7,204	285,884	4,011,952

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 31.

NEW SOUTH WALES.

(IMPORTS AND EXPORTS.)

RETURN of the Value of IMPORTS into, and EXPORTS from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

IMPORTS.					EXPORTS.				
YEAR.	Articles the Produce or Manufacture of the United Kingdom.	Articles the Produce or Manufacture of other British Dominions.	Articles the Produce or Manufacture of Foreign States.	TOTALS.	Articles the Produce or Manufacture of New South Wales.	Articles the Produce or Manufacture of the United Kingdom.	Articles the Produce or Manufacture of other British Dominions.	Articles the Produce or Manufacture of Foreign States.	TOTALS.
	£	£	£	£	£	£	£	£	£
1848	790,720	52,229	339,925	1,182,874	963,590	114,158	20,054	57,207	1,155,009
1849	900,759	87,892	324,938	1,313,589	964,018	95,789	17,926	58,211	1,135,944
1850	961,364	30,316	341,733	1,333,413	1,158,858	121,099	15,400	62,427	1,357,784
1851	1,109,480	77,013	377,438	1,563,931	1,572,654	124,452	20,550	79,256	1,796,912
1852	1,235,664	97,776	566,996	1,900,436	4,380,272	112,034	34,490	77,238	4,604,034
1853	3,993,670	287,488	2,061,239	6,342,397	3,500,782	739,927	33,328	249,309	4,523,346
1854	3,699,623	266,539	2,014,901	5,981,063	2,965,552	762,988	61,187	260,399	4,050,126
1855	2,569,790	318,836	1,779,893	4,668,519	2,009,850	600,180	47,020	227,080	2,884,130
1856	3,140,873	333,434	1,986,664	5,460,971	2,132,837	754,649	55,587	487,807	3,430,880
1857	3,797,350	1,640,520	1,291,538	6,729,408	2,915,411	1,096,541			4,011,952

COLONIAL SECRETARY'S OFFICE, }
 Sydney, 1st May, 1858.

CHARLES COWPER,
 Colonial Secretary.

No. 32.

NEW SOUTH WALES.

(IMPORT OF GRAIN, &c.)

RETURN of the Quantity and Value of GRAIN, &c., Imported into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	WHEAT.	MAIZE.	BARLEY, OATS, &c.	FLOUR AND BREAD.	RICE.	POTATOES AND YAMS.	VALUE.
	Bushels.	Bushels.	Bushels.	Pounds.	Pounds.	Tons.	
1848	115,691	.....	33,044	1,283,520	680,960	840	£ 25,577
1849	130,599	4,814	48,309	1,831,200	1,525,776	1,104	31,767
1850	54,070	100	47,635	943,522	640,192	657	16,939
1851	140,278	560	10,056	8,320,816	5,073,376	1,869½	66,882
1852	108,229	755	18,444	4,686,080	1,619,520	1,056	61,259
1853	24,881	5,585	72,979	25,081,086	2,559,068	2,498	306,319
1854	53,788	158	100,637	6,855,520	3,351,040	980	232,144
1855	836,363	5,483	183,985	17,976,000	3,709,440	5,612	717,779
1856	333,244	534	77,448	36,937,040	4,664,800	2,542	595,019
1857	260,364	2,335	79,792	23,700,320	2,584,512	3,841½	392,131

No. 33.

(EXPORT OF GRAIN, &c.)

RETURN of the Quantity and Value of GRAIN, &c., Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	WHEAT.	MAIZE.	BARLEY, OATS, &c.	FLOUR AND BREAD.	POTATOES.	VALUE.
	Bushels.	Bushels.	Bushels.	Pounds.	Tons.	
1848	154	27,058	1,300	490,672	1	£ 5,873
1849	.....	1,240	1,111	1,184,960	12	6,162
1850	2,693	1,712	19,831	4,715,200	27	21,454
1851	.....	54,232	30,340	2,155,636	21	22,856
1852	600	69,214	50,219	7,037,520	24½	57,094
1853	.....	81,106	19,445	2,500,960	928	71,303
1854	45,493	90,670	20,457	10,008,320	2,768	297,419
1855	15,310	37,015	34,852	2,171,008	869	91,644
1856	3,093	258,880	55,790	1,430,016	293½	84,517
1857	3,680	151,197	31,383	1,254,400	661¼	86,506

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 34.

NEW SOUTH WALES.

(IMPORT OF BUTTER AND CHEESE.)

RETURN of the Quantity and Value of BUTTER and CHEESE Imported into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	QUANTITY.	VALUE.
	lbs.	£
1848	6,496	124
1849	38,332	1,058
1850	147,952	4,088
1851	70,140	1,302
1852	112,000	2,992
1853	1,300,300	45,796
1854	902,720	* 43,879
1855	800,864	65,072
1856	14,656 pkgs.	56,995
1857	1,173,480 lbs.	50,025

No. 35.

(EXPORT OF BUTTER AND CHEESE.)

RETURN of the Quantity and Value of BUTTER and CHEESE Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	QUANTITY.	VALUE.
	lbs.	£
1848	182,530	2,836
1849	89,824	1,760
1850	13,212	1,109
1851	200,789	3,494
1852	573,328	16,048
1853	898,688	25,725
1854	299,640	24,970
1855	79,990	6,636
1856	242,032	9,824
1857	280,908	12,547

COLONIAL SECRETARY'S OFFICE, }
 Sydney, 1st May, 1858.

CHARLES COWPER,
 Colonial Secretary.

59

No. 36.

NEW SOUTH WALES.

(IMPORT OF LIVE STOCK.)

RETURN of LIVE STOCK Imported into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	DESCRIPTION OF STOCK.					VALUE.
	HORSES.	HORNED CATTLE.	SHEEP.	GOATS.	HOGS.	
	Number.	Number.	Number.	Number.	Number.	
1848	5	.....	11	.....	.....	£ 240
1849	.....	.....	65	.....	.....	123
1850	6	.....	10	.....	.....	380
1851	4	5	184	.....	.....	510
1852	6	.....	169	.....	.....	377
1853	.....	.....	68	.....	.....	68
1854	8	11	158	.....	550	3,061
1855	14	4	29	.....	183	4,557
1856	19	31	74	7	654	5,568
1857	30	52	75	.....	.....	9,094

No. 37.

(EXPORT OF LIVE STOCK.)

RETURN of LIVE STOCK Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	DESCRIPTION OF STOCK.					VALUE.
	HORSES.	HORNED CATTLE.	SHEEP.	GOATS.	HOGS.	
	Number.	Number.	Number.	Number.	Number.	
1848	1,181	10,208	25,331	.....	.....	£ 39,511
1849	1,135	763	13,271	.....	.....	17,292
1850	830	1,498	6,814	52	51	15,304
1851	1,941	971	18,186	.....	.....	23,645
1852	770	1,178	31,357	.....	9	16,605
1853	907	6,425	41,151	.....	418	36,779
1854	1,179	7,491	28,140	.....	422	78,440
1855	1,282	4,125	28,052	.....	3	75,107
1856	1,948	2,677	23,103	.....	225	54,744
1857	1,039	558	14,361	.....	20	28,185

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 38.

NEW SOUTH WALES.

(IMPORT OF SALT MEAT.)

RETURN of the Quantity and Value of SALT MEAT Imported into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	BEEF, PORK, BACON, HAMS, &c.	PRESERVED MEATS.	VALUE.
	Quantity.	Quantity.	
			£
1848	878 casks	361 casks.	2,660
1849	57½ tons.	65 cases.	1,061
1850	471 casks.	405 cwt.	1,649
1851	267 tons 7 cwt.	97 packages.	3,951
1852	218 tons.	164 cases.	8,617
1853	832 tons 13½ cwt.	1,324½ cwt.	49,895
1854	{ 295 tons. 386 barrels. }	1,782 cwt.	26,077
1855	{ 149 tons 8 cwt. 11,895 packages. }	240 packages.	28,800
1856	10,322 packages.	821 packages.	50,833
1857	8,408½ cwt.	912 packages.	33,866

No. 39.

(EXPORT OF SALT MEAT.)

RETURN of the Quantity and Value of SALT MEAT Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	BEEF, PORK, AND MUTTON.	BACON AND HAMS.	TONGUES.	PRESERVED MEATS.	VALUE.
	Quantity.	Quantity.	Quantity.	Quantity.	
					£
1848	2,308 casks.	145 cwt.	84 casks.	90 casks.	9,060
1849	192 tons 3 cwt.	284 cwt.	151 casks.	370 cases.	5,446
1850	308 tons.	141 cwt.	218 tons.	4,990 cases.	15,344
1851	221 tons 17 cwt.	246 cwt.	4¾ tons.	765 cwt.	9,099
1852	1,121 tons 11 cwt.	3,638 cwt.	2¾ tons 3 cwt.	1,086 cwt.	17,638
1853	913 tons 16 cwt.	2,792 cwt.	4 tons 19 cwt.	1,694 cwt.	29,646
1854	797 tons 17 cwt.	1,594 cwt.	.....	382 cwt.	32,220
1855	2,433 casks.	77 packages.	.....	1,151 tins.	22,686
1856	2,002 casks.	146 packages.	252 packages.	1,350 tins.	9,999
1857	3,314 casks.	236 packages.	20 kegs.	46 packages.	14,426

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

NEW SOUTH WALES.

(IMPORT OF HIDES AND LEATHER.)

RETURN of the Quantity and Value of HIDES and LEATHER Imported into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	HIDES.				LEATHER.		VALUE.
	HORNED CATTLE.	SHEEP AND GOAT.	KANGAROO AND OPOSSUM.	ALL OTHER.	MANU-FACTURED. (Boots & Shoes.)	UNMANU-FACTURED.	
	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Packages.	
					Packages and Trunks.		£
1848	.....	49 pkgs.	112 bales.	.....	624	32	17,440
1849	.....	29 "	89 "	.....	907	35	22,043
1850	311 No.	170 bundles.	1,140 No.	.....	1,090	34	22,756
1851	1,221 No., & 7 cases.	109 bales.	{ 2,653 No. } { and 8 cases }	.....	1,057	92	22,807
1852	500 No.	229 bundles.	23,736 No.	500 No.	2,630	175	59,271
1853	639 "	303 "	172 pkgs.	20 pkgs.	8,977	556	232,398
1854	1,862 "	2,243 No.	1,050 No.	1,056 No.	3,476	107	182,059
1855	1,201 "	3,109 "	5,219 "	500 "	6,737	68	171,971
1856	3,259 "	255 pkgs.	20 "	8 "	9,789	107	215,732
1857	2,921 "	7,437 No.	8 cases.	11 cases.	16,139	66	409,284

(EXPORT OF HIDES AND LEATHER.)

RETURN of the Quantity and Value of HIDES and LEATHER Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	HIDES.				LEATHER.		VALUE.
	HORNED CATTLE.	KANGAROO.	SHEEP AND GOAT.	ALL OTHER.	MANU-FACTURED. (Boots & Shoes.)	UNMANU-FACTURED.	
	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	
					Packages and Trunks.		£
1848	1,308 tons 1 cwt.	.....	.....	1 cask.	22	109 tons.	23,668
1849	{ 1,293 tons 11 cwt. } { and 10 pkgs. }	3 pkgs.	14,760 No.	.. .. .	30	152½ "	21,353
1850	1,531 tons.	1 case.	1 pkg.	.....	25	35 tons 6 cwt.	33,114
1851	1,748 tons.	612 No.	306 bundles.	2 cases.	23	{ 248 tons } { & 17 cwt. }	36,625
1852	1,616 tons 9 cwt.	1 case.	56 "	.....	373	1,247 cwt.	37,661
1853	1,582½ tons	.....	34 pkgs.	1 case.	202	1,427 "	41,159
1854	89,562 No.	.....	.....	.....	35	819 pkgs.	44,936
1855	54,035 "	.....	37,390 No.	.....	125	594 "	42,782
1856	90,003 "	.....	79 pkgs.	4 pkgs.	77	380 "	64,638
1857	107,468 "	.....	128 "	.....	17	474 "	122,653

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 42.

NEW SOUTH WALES.

(EXPORT OF WOOL.)

RETURN of the Quantity and Value of WOOL Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	QUANTITY.	VALUE.
	lbs.	£
1848	12,445,048	683,623
1849	13,396,525	663,965
1850	14,270,622	788,051
1851	15,268,473	828,302
1852	11,086,974	676,815
1853	16,358,869	999,896
1854	18,976,300	1,181,956
1855	17,671,684	1,078,017
1856	19,200,341	1,303,070
1857	17,044,201	1,275,067

No. 43.

(EXPORT OF TALLOW.)

RETURN of the Quantity and Value of TALLOW Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	QUANTITY.	VALUE.
	Cwt.	£
1848	71,304	102,611
1849	84,454	149,671
1850	128,090	167,858
1851	86,460	114,168
1852	118,182	146,811
1853	90,675	134,708
1854	82,120	164,256
1855	57,325	123,255
1856	77,314	137,202
1857	37,574	82,134

No. 44.

(EXPORT OF BARK.)

RETURN of the Quantity and Value of BARK and EXTRACT OF BARK Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	QUANTITY.	VALUE.
		£
1848	20 tons	20
1849	Nil.	Nil.
1850	64 $\frac{3}{4}$ tons	267
1851	246 tons	785
1852	24 $\frac{3}{4}$ tons	344
1853	71 tons	215
1854	5 tons	130
1855	Nil.	Nil.
1856	32 tons	175
1857	22 tons	180

COLONIAL SECRETARY'S OFFICE, }
 Sydney, 1st May, 1858.

CHARLES COWPER,
 Colonial Secretary

No. 45.

NEW SOUTH WALES.

(IMPORT OF TIMBER.)

RETURN of the Quantity and Value of TIMBER Imported into the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	DEALS AND BATTENS.	PINE, &C.	WROUGHT.	SHINGLES.	LATHS.	PALING.	SANDAL-WOOD.	VALUE.
	Quantity.	Quantity.	Quantity.	No.	Quantity.	Quantity.	Tons.	
1848	3,682 No.	{ 258,430 feet and 250 loads }	.....	.....	.....	.....	50	£ 1,765
1849	6,120 "	{ 362,120 feet and 309 loads }	.....	46,000	.....	6,000 No.	71	1,891
1850	7,244 "	{ 263,353 feet and 1,934 pieces }	.....	30,000	.....	20,000 "	105	2,159
1851	21,687 "	{ 482,903 feet and 2,000 treenails }	1,068 pkgs.	318,300	58,000 No.	36,890 "	15	3,721
1852	13,508 "	{ 1,950,228 feet and 245 treenails }	67 "	81,000	200 bdls.	7,000 "	....	7,829
1853	{ 1,091 " 98,790 feet }	{ 1,005,273 feet 18,756 pkgs. 5 tons firewood }	18,671 " (houses)	243,245	212,000 No.	116 pkgs.	386	88,738
1854	5,180,000 "	1,936,000 feet	284 houses	2,200,000	.....	.....	480	178,783
1855	242,036 No.	{ 5,536,801 " 534,677 pkgs. 761 spars }	112 "	1,323,000	854,900 No.	237,025 No.	290	134,312
1856	396,871 "	{ 4,127,004 feet 400 spars }	480 pkgs. (houses)	2,050,397	1,514,375 "	282,885 "	150	90,175
1857	2,215,667 feet	{ 5,715,912 feet 8,000 pieces 164,447 spars }	.....	3,978,570	178,387 "	746,981 "	346	409,142

No. 46.

(EXPORT OF TIMBER.)

RETURN of the Quantity and Value of TIMBER Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	CEDAR.	HARDWOOD, &C.	WROUGHT.	SHINGLES.	LATHS.	PALING.	TREENAILS AND SPOKES.	VALUE.
	Quantity.	Quantity.	Quantity.	No.	No.	No.	No.	
1848	863,307 feet	16,150 feet	.....	.....	.....	.....	75,901	£ 5,591
1849	1,269,321 "	456,980 "	.....	511,140	65,150	3,765	154,717	12,988
1850	715,039 "	1,149,054 "	115 Houses	92,900	12,000	2,180	307,141	17,138
1851	1,468,658 "	{ 135,592 " and 5 tons }	.....	143,000	.....	.....	318,409	17,462
1852	1,013,775 "	777,119 feet	.....	8,900	61,800	5,364	209,092	17,330
1853	2,945,883 "	1,419,557 "	{ 3,829 pkgs. (Houses, &c.) }	370,064	271,805	98,556	77,005	82,217
1854	2,887,000 "	6,800 "	{ 20 Houses and 494 pkgs. }	.....	.....	.....	103,672	62,365
1855	1,443,202 "	{ 609,800 " 65,829 pieces }	.....	.....	.....	5,200	32,772	44,777
1856	2,619,757 "	{ 353,666 feet 164,868 pieces }	.....	50,000	.....	3,000	59,903	42,333
1857	3,047,656 "	{ 198,188 feet 24,855 pieces 500 posts and rails }	.....	30,000	.....	3,630	239,446	48,734

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 47.

NEW SOUTH WALES.
(EXPORT OF OIL, &c.)

RETURN of the Quantity and Value of OIL, &c., Exported from the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	SPERM WHALE.	BLACK WHALE.	WHALEBONE.		SEAL SKINS.	VALUE.
	Tuns.	Tuns.	Tons.	Cwt.	Quantity.	
1848	1,186	196	11	2	4 cases	£ 68,960
1849	877	57	2	5	5 No.	44,993
1850	576	16	3	15	1 case	28,999
1851	588½	13	66	14	.....	25,877
1852	891	21	3	4½	.....	34,562
1853	329½	55½	14	4	5 pkgs.	25,490
1854	323	4	2	1	1 „	23,155
1855	247	2½	...	...	.....	20,770
1856	322	13	...	...	.....	25,355
1857	364	33	...	9	.....	32,306

No. 48.

(EXPORT OF GOLD.)

RETURN of the Quantity and Value of GOLD Exported from the Colony of New South Wales, from the Year 1851 to 1857, inclusive.

YEAR.	QUANTITY.			VALUE.
	ozs.	dwt.	grs.	
1851	144,120	17	16	£ 468,336
1852	818,751	18	17	2,660,946
1853	548,052	19	21	1,781,172
1854	237,910	13	23	773,209
1855	64,384	14	3	209,250
1856	42,463	17	1	138,007
1857	{ 48,982	6	0	187,249
	{ Coin 198 boxes			796,601

This Return includes a large portion of Gold brought from the neighbouring Colony of Victoria, but the quantity cannot be accurately ascertained.

1857.—The following Coin Exported in addition to the above, viz. :—

British, Foreign, and other Colonial	{ Gold Coin 29 Boxes	£ 117,598
	{ Silver do. 1 Box	200
	{ Copper do. 3 Boxes	512,

making a Total Value of Coin, Gold Dust, &c., Exported in 1857, of £1,102,160.

From 15 February, 1857, a Duty of 2s. 6d. per oz. Troy, has been charged upon all Gold Exported, except assayed Duty paid Gold issued from the Branch Royal Mint Sydney, Coined Gold issued from the Royal Mint at London, or of the Branch thereof at Sydney, or of any Foreign State, Articles of Plate, Jewellery, or ornament actually worn upon the person, or made elsewhere than in the Colony. (*Vide* Act of Parliament of New South Wales, 20 Victoria, No. 17.)

Amount of Duty paid in 1857, £4,066 9s. 8d.

N.B.—No account of Coin Exported previous to 1857.

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858. }

CHARLES COWPER,
Colonial Secretary.

No. 49.

NEW SOUTH WALES.
(SHIPPING INWARDS.)

RETURN of the Number and Tonnage of VESSELS ENTERED INWARDS in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	From Great Britain.		From British Colonies.				From South Sea Islands.		From Fisheries.		From United States of America.		From Foreign States.		TOTALS.	
			New Zealand.		Elsewhere.											
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
1848	71	34,309	106	23,877	233	45,173	23	2,695	63	17,473	1	406	30	7,753	527	131,686
1849	105	54,641	68	15,732	134	25,792	20	2,804	47	13,226	...	.....	40	9,769	414	121,964
1850	90	48,776	79	14,474	94	19,293	22	2,755	38	10,432	60	17,848	38	12,607	421	126,185
1851	73	40,867	80	17,577	191	40,190	40	5,643	33	8,430	72	20,473	64	19,822	553	153,002
1852	111	71,307	66	12,858	381	68,059	32	3,602	30	7,433	51	16,846	50	17,261	721	197,366
1853	208	125,054	74	15,637	598	144,777	24	3,676	7	1,814	46	17,321	91	28,573	1,048	336,852
1854	206	123,817	115	32,395	542	153,953	57	9,814	6	1,238	29	11,136	103	44,574	1,058	376,927
1855	134	97,617	136	27,368	652	159,009	46	6,884	15	3,206	56	22,007	113	37,232	1,152	353,323
1856	106	87,771	123	22,809	728	154,235	33	4,307	31	6,672	32	15,532	90	30,353	1,143	321,679
1857	132	113,436	94	14,193	716	170,337	28	3,437	30	7,608	28	14,212	72	28,190	1,100	351,413

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 50.

NEW SOUTH WALES.
(SHIPPING OUTWARDS.)

RETURN of the Number and Tonnage of VESSELS ENTERED OUTWARDS, in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	To Great Britain.		To British Colonies.				To South Sea Islands.		To Fisheries.		To United States of America.		To Foreign States.		TOTALS.	
			New Zealand.		Elsewhere.											
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
1848	51	21,468	143	34,349	186	42,959	31	5,316	57	16,039	...	.....	31	12,097	499	132,228
1849	49	23,232	76	19,052	145	37,616	25	3,706	46	13,832	46	10,385	60	23,324	447	131,147
1850	47	24,681	105	22,364	144	38,227	27	4,018	43	27,508	86	27,804	54	32,160	506	176,762
1851	54	26,694	77	13,920	201	41,821	32	5,513	33	9,658	26	9,457	80	31,957	503	139,020
1852	49	26,388	64	12,708	471	95,749	27	3,872	20	5,557	18	5,602	52	27,084	701	176,960
1853	72	45,489	102	24,743	653	146,834	45	7,939	5	1,254	12	5,088	172	110,193	1,061	341,540
1854	61	44,649	114	25,354	614	198,941	60	9,616	8	2,003	20	6,605	235	122,321	1,112	409,489
1855	44	28,627	147	27,541	734	217,691	64	9,708	17	3,110	30	8,787	149	67,018	1,185	362,482
1856	41	30,710	136	27,877	805	192,470	43	6,135	25	5,271	15	5,007	154	68,643	1,219	336,113
1857	38	33,060	102	14,979	834	216,090	37	5,394	29	7,459	9	5,178	155	94,987	1,204	377,147

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858. }

CHARLES COWPER,
Colonial Secretary.

No. 51.
NEW SOUTH WALES.
(VESSELS INWARDS.)

No. 1.—NUMBER, TONNAGE, and CREWS of VESSELS ENTERED at PORTS in the Colony of New South Wales, from each Country, in the Year 1857.

COUNTRIES WHENCE ARRIVED.	BRITISH.									FOREIGN.									TOTAL.								
	WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
Great Britain	100	83,453	3,370	3	2,300	96	103	85,753	3,466	29	27,683	738	....	....	....	29	27,683	738	129	111,136	4,108	3	2,300	96	132	113,436	4,204
British Possessions..	465	116,657	8,987	316	56,910	2,636	781	173,567	11,623	24	8,493	340	5	2,470	83	29	10,963	423	489	125,150	9,327	321	59,380	2,719	810	184,530	12,046
South Sea Islands ..	18	2,100	155	2	356	16	20	2,456	171	8	981	61	....	....	....	8	981	61	26	3,081	216	2	356	16	28	3,437	232
Tahiti .....	....	....	....	....	....	....	....	....	....	1	130	8	....	....	....	1	130	8	1	130	8	....	....	....	1	130	8
Port de France (New Caledonia.) }	5	921	42	3	454	35	8	1,375	77	2	276	22	....	....	....	2	276	22	7	1,197	64	3	454	35	10	1,651	99
Fisheries	19	4,220	449	1	197	24	20	4,417	473	10	3,191	270	....	....	....	10	3,191	270	29	7,411	719	1	197	24	30	7,608	743
United States	8	3,262	117	....	....	....	8	3,262	117	20	10,950	319	....	....	....	20	10,950	319	28	14,212	436	....	....	....	28	14,212	436
France .....	....	....	....	....	....	....	....	....	....	1	383	18	....	....	....	1	383	18	1	383	18	....	....	....	1	383	18
Holland .....	....	....	....	....	....	....	....	....	....	2	1,018	39	....	....	....	2	1,018	39	2	1,018	39	....	....	....	2	1,018	39
Antwerp, (Belgium.)	....	....	....	....	....	....	....	....	....	2	1,108	34	....	....	....	2	1,108	34	2	1,108	34	....	....	....	2	1,108	34
Hamburgh .....	....	....	....	....	....	....	....	....	....	4	1,315	73	....	....	....	4	1,315	73	4	1,315	73	....	....	....	4	1,315	73
Bremen.....	....	....	....	....	....	....	....	....	....	4	2,187	73	....	....	....	4	2,187	73	4	2,187	73	....	....	....	4	2,187	73
Cadiz, (Spain).....	....	....	....	....	....	....	....	....	....	1	251	9	....	....	....	1	251	9	1	251	9	....	....	....	1	251	9
Chili	5	1,086	48	....	....	....	5	1,086	48	3	1,168	48	....	....	....	3	1,168	48	8	2,254	96	....	....	....	8	2,254	96
Valparaiso	1	145	8	....	....	....	1	145	8	2	934	28	....	....	....	2	934	28	3	1,079	36	....	....	....	3	1,079	36
Peru .....	....	....	....	....	....	....	....	....	....	1	180	9	....	....	....	1	180	9	1	180	9	....	....	....	1	180	9
Callao .....	....	....	....	....	....	....	....	....	....	1	389	13	....	....	....	1	389	13	1	389	13	....	....	....	1	389	13
Java	2	402	22	....	....	....	2	402	22	....	....	....	....	....	....	....	....	....	2	402	22	....	....	....	2	402	22
Sourabaya	1	120	7	....	....	....	1	120	7	1	724	21	....	....	....	1	724	21	2	844	28	....	....	....	2	844	28
Manila	12	7,046	243	....	....	....	12	7,046	243	11	6,062	187	....	....	....	11	6,062	187	23	13,108	430	....	....	....	23	13,108	430
China	3	768	32	....	....	....	3	768	32	4	1,123	48	....	....	....	4	1,123	48	7	1,891	80	....	....	....	7	1,891	80
TOTAL.....	639	220,180	13,480	325	60,217	2,807	964	280,397	16,287	131	68,546	2,358	5	2,470	83	136	71,016	2,441	770	288,726	15,838	330	62,687	2,890	1,100	351,413	18,728

No. 52.
NEW SOUTH WALES.
(VESSELS OUTWARDS.)

No. 2.—NUMBER, TONNAGE, and CREWS of VESSELS CLEARED at PORTS in the Colony of New South Wales, to each Country, in the Year 1857.

COUNTRIES TO WHICH DEPARTED.	BRITISH.									FOREIGN.									TOTAL.								
	WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
Great Britain	34	29,001	1,354	2	2,198	87	36	31,199	1,441	2	1,861	63	....	....	....	2	1,861	63	36	30,862	1,417	2	2,198	87	38	33,060	1,504
British Possessions ..	795	180,303	11,506	105	36,452	1,490	900	216,755	12,996	19	5,511	213	17	8,803	277	36	14,314	490	814	185,814	11,719	122	45,255	1,767	936	231,069	13,486
South Sea Islands ..	24	4,129	226	9	745	74	33	4,874	300	3	376	24	1	144	6	4	520	30	27	4,505	250	10	889	80	37	5,394	330
French Possessions ..	13	2,121	111	....	....	....	13	2,131	111	3	428	31	....	....	....	3	428	31	16	2,549	142	....	....	....	16	2,549	142
Fisheries	7	1,254	150	10	2,417	238	17	3,671	388	9	3,065	235	3	723	74	12	3,788	309	16	4,319	385	13	3,140	312	29	7,459	697
United States	5	1,971	77	....	....	....	5	1,971	77	3	1,366	52	1	1,841	40	4	3,207	92	8	3,337	129	1	1,841	40	9	5,178	169
Antwerp .....	....	....	....	....	....	....	....	....	....	1	403	15	....	....	....	1	403	15	1	403	15	....	....	....	1	403	15
Chili	1	280	12	....	....	....	1	280	12	3	1,388	53	3	941	39	6	2,329	92	4	1,668	65	3	941	39	7	2,609	104
Callao	1	1,170	39	27	22,753	675	28	23,923	714	1	664	17	23	20,677	521	24	21,341	538	2	1,834	56	50	43,430	1,196	52	45,264	1,252
Java .....	....	....	....	....	....	....	....	....	....	....	....	....	2	1,298	39	2	1,298	39	....	....	....	2	1,298	39	2	1,298	39
Batavia	3	627	24	1	708	31	4	1,335	55	4	2,115	74	8	4,209	152	12	6,324	226	7	2,742	98	9	4,917	183	16	7,659	281
Manila .....	....	....	....	6	4,778	160	6	4,778	160	....	....	....	4	2,538	77	4	2,538	77	....	....	....	10	7,316	237	10	7,316	237
Guam	7	3,128	120	19	11,251	394	26	14,379	514	2	1,143	50	14	8,896	256	16	10,039	306	9	4,271	170	33	20,147	650	42	24,418	820
Timor .....	....	....	....	....	....	....	....	....	....	....	....	....	2	460	21	2	460	21	....	....	....	2	460	21	2	460	21
Lombok .....	....	....	....	....	....	....	....	....	....	....	....	....	1	428	14	1	428	14	....	....	....	1	428	14	1	428	14
Macassar .....	....	....	....	....	....	....	....	....	....	1	350	11	....	....	....	1	350	11	1	350	11	....	....	....	1	350	11
China	3	1,630	64	2	603	34	5	2,233	98	....	....	....	....	....	....	....	....	....	3	1,630	64	2	603	34	5	2,233	98
TOTAL	893	225,614	13,683	181	81,905	3,183	1,074	307,519	16,866	51	18,670	838	79	50,958	1,516	130	69,628	2,354	944	244,284	14,521	260	132,863	4,699	1,204	377,147	19,220

No. 53.

NEW SOUTH WALES.

(VESSELS INWARDS.)

No. 3.—NUMBER, TONNAGE, and CREWS of VESSELS of each Nation ENTERED at Ports in the Colony of New South Wales, in the Year 1857.

NATIONALITY OF VESSELS.	ENTERED.								
	WITH CARGOES.			IN BALLAST.			TOTAL.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
Great Britain	158	111,639	5,666	35	12,253	445	193	123,892	6,111
British Possessions	481	108,541	7,814	290	47,964	2,362	771	156,505	10,176
Tahiti	3	486	32	....	....	....	3	483	32
Port de France (N. Caledonia)	1	98	10	....	....	....	1	98	10
Apia (Navigators)	1	75	6	....	....	....	1	75	6
United States	59	36,062	1,156	2	784	22	61	36,846	1,178
France	13	5,011	205	....	....	....	13	5,011	205
Stettin (Prussia)	2	1,043	32	....	....	....	2	1,043	32
Holland	12	7,829	272	2	1,431	50	14	9,260	322
Denmark	1	148	8	....	....	....	1	148	8
Sweden	8	4,173	130	....	....	....	8	4,173	130
Emden (Hanover)	4	1,340	49	1	255	11	5	1,595	60
Hamburg	16	6,228	256	....	....	....	16	6,228	256
Bremen	6	3,765	113	....	....	....	6	3,765	113
Kristianstad (Russia)	1	780	25	....	....	....	1	780	25
Chili	1	380	12	....	....	....	1	380	12
Valparaiso	2	739	39	....	....	....	2	739	39
Peru	1	389	13	....	....	....	1	389	13
TOTAL	770	288,726	15,838	330	62,687	2,890	1,100	351,413	18,728

No. 54.

(VESSELS OUTWARDS.)

No. 4.—NUMBER, TONNAGE, and CREWS of VESSELS of each Nation CLEARED at Ports in the Colony of New South Wales, in the Year 1857.

NATIONALITY OF VESSELS.	CLEARED.								
	WITH CARGOES.			IN BALLAST.			TOTAL.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
Great Britain	109	57,503	2,738	89	61,881	2,261	198	122,384	4,999
British Possessions	784	168,111	10,945	92	17,024	922	876	185,135	11,867
French Possessions	2	309	24	....	....	....	2	309	24
United States	24	7,357	388	35	28,492	760	59	35,849	1,148
France	3	1,134	46	8	3,175	116	11	4,309	162
Prussia .....	....	....	....	2	1,028	30	2	1,028	30
Holland	5	3,553	120	7	4,660	156	12	8,213	276
Antwerp	1	403	15	....	....	....	1	403	15
Denmark	1	148	8	....	....	....	1	148	8
Sweden	1	251	9	6	3,495	113	7	3,746	122
Norway .....	....	....	....	2	1,222	32	2	1,222	32
Hanover	3	921	41	2	673	23	5	1,594	64
Germany	6	2,323	88	17	8,213	286	23	10,536	374
Chili	5	2,271	99	....	....	....	5	2,271	99
TOTAL	944	244,284	14,521	260	132,863	4,699	1,204	377,147	19,220

No. 55.
NEW SOUTH WALES.
(VESSELS INWARDS.)

No. 5.—TOTAL NUMBER, TONNAGE, and CREWS of VESSELS, ENTERED at each PORT in the Colony of New South Wales, in the Year 1857.

NAMES OF PORTS.	BRITISH.									FOREIGN.									TOTAL.								
	WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
Sydney	610	211,545	13,076	51	15,150	729	661	226,695	13,805	129	67,630	2,326	2	1,431	50	131	69,061	2,376	739	279,175	15,402	53	16,581	779	792	295,756	16,181
Moreton Bay	8	5,037	219	2	312	30	10	5,349	249	2	916	32	....	....	....	2	916	32	10	5,953	251	2	312	30	12	6,265	281
Eden (Twofold Bay)	4	995	68	2	419	19	6	1,414	87	....	....	....	....	....	....	....	....	....	4	995	68	2	419	19	6	1,414	87
Newcastle	17	2,603	117	270	44,336	2,029	287	46,939	2,146	....	....	....	3	1,039	33	3	1,039	33	17	2,603	117	273	45,875	2,062	290	47,978	2,179
TOTAL	639	220,180	13,480	325	60,217	2,807	964	280,397	16,287	131	68,546	2,358	5	2,470	83	136	71,016	2,441	770	288,726	15,838	330	62,687	2,890	1,100	351,413	18,728

No. 56.
(VESSELS OUTWARDS.)

No. 6.—TOTAL NUMBER, TONNAGE, and CREWS of VESSELS CLEARED at each PORT in the Colony of New South Wales, in the Year 1857.

NAMES OF PORTS.	BRITISH.									FOREIGN.									TOTAL.								
	WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.			WITH CARGOES.			IN BALLAST.			TOTAL.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
Sydney	481	152,433	10,277	177	78,041	3,070	658	230,474	13,347	44	16,282	759	79	50,958	1,516	123	67,240	2,275	525	168,715	11,036	256	128,999	4,586	781	297,714	15,622
Moreton Bay	7	3,923	155	2	1,576	55	9	5,499	210	2	916	32	....	....	....	2	916	32	9	4,839	187	2	1,576	55	11	6,415	242
Eden (Twofold Bay)	19	4,472	318	....	....	....	19	4,472	318	....	....	....	....	....	....	....	....	....	19	4,472	318	....	....	....	19	4,472	318
Newcastle	386	64,786	2,333	2	2,288	58	388	67,074	2,991	5	1,472	47	....	....	....	5	1,472	47	391	66,258	2,980	2	2,288	58	393	68,546	3,038
TOTAL	893	225,614	13,683	181	81,905	3,183	1,074	307,519	16,866	51	18,670	838	79	50,958	1,516	130	69,628	2,354	944	214,284	14,521	260	132,863	4,699	1,204	377,147	19,220

J. GIBBES,
Collector of Customs.

No. 57.

**NEW SOUTH WALES.
(VESSELS REGISTERED.)**

RETURN of the Number of VESSELS BUILT AND REGISTERED in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	VESSELS BUILT.		VESSELS REGISTERED.	
	Number.	Tons.	Number.	Tons.
1848	26	1,281	87	6,618
1849	35	1,720	109	7,551
1850	36	1,605	99	7,783
1851	24	939	97	9,181
1852	23	1,582	131	13,138
1853	16	808	190	22,702
1854	33	1,952	188	24,221
1855	33	2,804	138	15,344
1856	24	839	86	9,409
1857	10	304	45	4,471

No. 58.

(COAL.)

RETURN of the Number of COAL MINES, and of the Quantity and Value of COAL produced from the same, from the Year 1849 to 1857, inclusive.

YEAR.	No.	QUANTITY.	VALUE.		
		Tons.	£	s.	d.
1849	6	48,516½	14,647	4	3
1850	9	71,216½	23,375	15	6
1851	10	67,610	25,546	8	6
1852	10	67,404	36,885	2	0
1853	13	96,809	78,059	0	0
1854	12	116,642	119,380	8	0
1855	14	137,076	89,082	18	0
1856	14	189,960	117,906	17	7
1857	17	210,434	148,158	5	6

1849.—1 }
 1850.—1 } No Return of Produce.
 1851.—1 }
 2 }
 1856.—2 } Not Worked.
 Do.

No. 59.

(LAND SALES.)

RETURN of the Amounts received from the SALE OF CROWN LANDS in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	AMOUNT.						TOTAL AMOUNT.		
	General Revenue.			Territorial Revenue.					
	£	s.	d.	£	s.	d.	£	s.	d.
1848	600	0	0	7,024	6	6	7,624	6	6
1849	7,073	6	0	13,040	6	3	20,113	12	3
1850	11,733	0	0	22,024	6	11	33,757	6	11
1851	21,369	10	5	43,056	7	1	64,425	17	6
1852	11,740	1	8	44,067	19	6	55,808	1	2
1853	41,616	19	2	169,418	12	7	211,035	11	9
1854	32,596	16	8	286,936	13	2	319,533	9	10
1855	* 55,434	4	11	215,202	7	8	270,636	12	7
1856	† 245,555	2	5	.....			245,555	2	5
1857	† 210,333	17	3	.....			210,333	17	3

* Of this Amount, £45,205 14s. 11d.—"Consolidated Revenue Fund."
 † Consolidated Revenue Fund.

COLONIAL SECRETARY'S OFFICE, }
 Sydney, 1st May, 1858. }

CHARLES COWPER,
 Colonial Secretary.

NEW SOUTH WALES.

(MORTGAGES ON LAND.)

RETURN of the Number and Amount of MORTGAGES ON LAND, Registered in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	LENT ON TOWN LANDS.		LENT ON COUNTRY LANDS.		LENT ON TOWN AND COUNTRY LANDS.		TOTALS.	
	Number of Mortgages	Amount.	Number of Mortgages	Amount.	Number of Mortgages	Amount.	Number of Mortgages	Amount.
1848	196	£ 110,501 6 9	103	£ 70,572 13 4	8	£ 21,572 10 6	307	£ 202,646 10 7
1849	211	74,135 0 5	150	82,719 6 8	15	41,625 4 0	376	198,479 11 1
1850	184	83,890 15 0	112	50,873 7 6	14	7,258 8 0	310	142,022 10 6
1851	249	86,438 11 2	100	49,836 3 5	10	8,127 18 1	359	144,402 12 8
1852	233	120,606 17 0	88	58,363 19 10	9	7,037 19 1	330	186,008 15 11
1853	340	236,346 6 0	113	117,052 13 2	7	27,551 0 0	460	380,949 19 2
1854	514	521,170 9 0	170	194,015 2 11	8	14,244 0 0	692	729,459 11 11
1855	616	546,425 15 9	282	251,551 14 9	18	19,044 16 3	916	817,022 6 9
1856	688	434,815 14 6	244	210,627 10 8	42	34,701 16 10	974	680,145 2 0
1857	824	509,447 11 0	333	181,641 17 8	11	12,300 0 0	1,168	703,389 8 3

(PREFERABLE LIENS ON WOOL. MORTGAGES ON LIVE STOCK.)

RETURN of the Number and Amount of Preferable LIENS ON WOOL and of MORTGAGES ON LIVE STOCK, Registered in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	PREFERABLE LIENS ON WOOL.			MORTGAGES ON LIVE STOCK.				
	Number of Liens.	Number of Sheep.	Amount of Liens.	Number of Mortgages.	Number of Sheep.	Number of Horned Cattle.	Number of Horses.	Amount Lent.
1848	240	1,378,180	£ 108,892 2 11	203	1,118,762	84,411	2,056	£ 219,756 15 8
1849	211	1,154,468	84,692 18 3	213	1,132,466	72,892	1,747	161,553 5 11
1850	187	1,148,344	82,731 0 0	163	639,765	54,481	770	118,987 0 1
1851	192	1,069,981	85,110 2 2	158	763,180	75,668	1,137	193,126 2 6
1852	69	917,170	79,610 3 11	101	557,208	55,223	1,103	129,958 19 7
1853	89	676,298	77,124 8 2	113	664,338	67,560	1,150	283,559 12 0
1854	85	944,061	122,354 4 6	165	1,444,370	137,107	1,506	1,055,199 3 7
1855	107	1,254,059	180,549 5 1	217	1,190,546	169,979	2,068	847,076 17 0
1856	105	1,055,249	160,162 8 9	196	1,283,191	188,561	3,548	818,938 3 4
1857	105	1,051,483	167,127 13 10	175	940,360	135,334	3,141	655,461 12 1

N.B.—When any sum has been secured both by a Lien on the Wool and by a Mortgage of the Sheep, the amount is included under the head of Mortgages only.

CHRISTOPHER ROLLESTON,
Registrar General.

Registrar General's Office,
Sydney, 30th January, 1857.

SIR, In transmitting to you the Returns required by your Circular of the 2nd November last, I do myself the honor to observe, that in the Return of the Number of Sheep and Amount of Money advanced under the Lien Act, it would appear as if an additional sum was advanced each subsequent year upon that mentioned to have been advanced the year previous. It must, however, be borne in mind, that as the Lien Act only authorises an advance to be made on the ensuing clip of Wool, the Liens are renewable every year, and that, consequently, the same Sheep and Money may be included in one year as that mentioned for the previous year. The same remark may also apply to the Mortgages of Sheep, Cattle, and Horses, as the Mortgages are generally made redeemable a twelvemonth from the date thereof.

In the Return of the Amount secured by Mortgages of real Estate, however, the repayment of the amount is, upon an average, required to be made every three or four years, and that, consequently, in the Return under this head, the same money may have been re-lent, and re-secured, three times during the period (ten years) included in this Return. Under these circumstances, I have not given a General Total of the Amount, as it might lead to a false conclusion.

In other respects, I beg to observe, the accompanying Returns are correct.

I have the honor to be,
Sir,
Your most obedient Servant,
WILLIAM CARTER,
Registrar General.

THE HONORABLE THE COLONIAL SECRETARY,
&c., &c., &c.

NEW SOUTH WALES.

(CONVICTIONS.)

RETURN of the Number of CONVICTIONS in the Supreme Court and Courts of Quarter Sessions of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	FELONIES.			MISDEMEANORS.			Total Number of Convictions.
	Supreme Court.	Courts of Quarter Sessions.	Total.	Supreme Court.	Courts of Quarter Sessions.	Total.	
1848	91	269	360	40	45	85	445
1849	148	289	437	28	69	97	534
1850	149	302	451	40	64	104	555
1851	139	322	461	46	67	113	574
1852	103	319	422	32	73	105	527
1853	147	310	457	44	103	147	604
1854	157	320	477	62	98	160	637
1855	137	261	398	47	81	128	526
1856	136	219	355	32	74	106	461
1857	115	174	289	38	68	106	395

(CRIMINALS EXECUTED.)

RETURN of the Number of CRIMINALS EXECUTED in the Colony of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER.
1848	4
1849	4
1850	4
1851	2
1852	5
1853	2
1854	6
1855	5
1856	Nil.
1857	4

* One a female.

(LITIGATION.)

RETURN of the Number of CIVIL CASES TRIED in the Supreme Court of New South Wales, from the Year 1848 to 1857, inclusive.

YEAR.	BEFORE JURIES OF TWELVE.		BEFORE JURIES OF FOUR.		TOTAL.
	Common.	Special.	Defended Cases.	Undefended Cases.	
1848	2	8	95	22	127
1849	2	6	82	11	101
1850	..	4	67	18	89
1851	3	3	92	21	119
1852	1	7	69	15	92
1853	4	5	119	14	142
1854	..	6	168	55	229
1855	3	15	203	21	242
1856	3	12	239	14	268
1857	3	13	213	3	232

COLONIAL SECRETARY'S OFFICE, }
Sydney, 1st May, 1858.

CHARLES COWPER,
Colonial Secretary.

No. 65.
NEW SOUTH WALES.
(COIN.)

RETURN of COIN and BULLION in the Colonial Treasury, Branch Royal Mint, Military Chest, and Banks, in the Colony of New South Wales, on the 31st December in each Year, from 1848 to 1857, inclusive.

YEAR.	COLONIAL TREASURY.	BRANCH ROYAL MINT, SYDNEY.		MILITARY CHEST.	BANKS.		TOTAL.	INCREASE ON PREVIOUS YEAR.	DECREASE ON PREVIOUS YEAR.
	COIN.	COIN.	BULLION.	COIN.	COIN.	BULLION.			
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1848	20,600 0 0	.....	.....	15,082 6 2	598,121 13 6	.....	633,803 19 8	.....	382 1 3
1849	.....	.....	.....	49,482 17 0	593,975 12 11	.....	643,458 9 11	9,654 10 3	.....
1850	.....	.....	.....	4,301 11 9	666,551 7 2	.....	670,852 18 11	27,394 9 0	.....
1851	.....	.....	.....	19,726 13 7	521,039 16 2	.....	540,766 9 9	.....	130,086 9 2
1852	.....	.....	.....	.....	692,915 10 8	715,635 10 3	1,408,551 0 11	867,784 11 2	.....
1853	*200,000 0 0	.....	.....	111,000 0 0	1,999,859 8 1	170,891 18 11	2,481,751 7 0	1,073,200 6 1	.....
1854	* 76,000 0 0	.....	.....	10,000 0 0	1,403,595 7 2	37,468 17 3	1,527,064 4 5	.....	954,697 2 7
1855	.....	1,224 12 11	†45,313 3 4	.....	1,549,398 4 4	254,675 4 5	1,850,611 5 0	323,547 0 7	.....
1856	.....	390 14 7	†39,394 9 6	.....	1,761,754 1 11	50,357 9 3	1,851,896 15 3	1,285 10 3	.....
1857	.....	62 0 1	†52,442 19 10	.....	1,248,482 0 1	87,578 3 2	1,888,565 3 2	.....	463,331 12 1

1848 to 1850.—The Amount of Coin in the Branch Banks at Port Phillip included.

* Deposited by the New South Wales Savings' Bank, under the Act of Council, 17 Victoria, No. 24.

† Exclusive of the Gold in the Mint belonging to the Banks.

COLONIAL SECRETARY'S OFFICE,
Sydney, 1st May, 1858. }

CHARLES COWPER,
Colonial Secretary.

No. 66.
NEW SOUTH WALES.
(GOLD IN THE MINT.)

RETURN showing the QUANTITY and VALUE of GOLD Received and Issued at the Sydney Branch of the Royal Mint, from its opening on the 14th May, 1855, to the 31st December, 1857, inclusive.

PERIOD.	GOLD DUST OR BULLION RECEIVED FOR COINAGE.		COIN ISSUED.			BARS OR INGOTS ISSUED.		AMOUNT RETAINED AS MINT CHARGES.					
	Weight.	Value, at £3 17s. 10½d. per oz.	Sovereigns.	Half Sovereigns.	Total Value.	Weight.	Value, at £3 17s. 10½d. per oz.	At ½ per cent.	At 1 per cent.	At 1½ per cent.	Value of Ingot recovered from Waste.	TOTAL.	
	oz. dec.	£ s. d.	Number.	Number.	£ s. d.	oz. dec.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1855. 14 May to 31 December....	217,589.205	871,300 2 6	502,000	21,000	512,500 0 0	1,221.970	4,708 0 11	2,293 6 10	470 17 10	2,643 9 11	.....	5,407 14 7
1856. 1 January to 31 December..	239,491.990	939,776 6 5	981,000	478,000	1,220,000 0 0	654.850	2,549 16 5	4,283 14 9	1,714 6 6	5,854 17 0	703 6 4	12,556 4 7	
1857. 1 January to 31 December..	223,315.890	879,181 19 4	499,000	537,000	767,500 0 0	14,889.830	57,977 5 7	481 16 7	2,975 10 8	5,758 19 11	1,624 7 8	10,840 14 10	
TOTALS	680,297.085	2,690,258 8 3	1,982,000	1,036,000	2,500,000 0 0	16,766.650	65,285 2 11	7,058 18 2	5,160 15 0	14,257 6 10	2,327 14 0	28,804 14 0	

E. W. WARD,
Deputy Master.

NEW SOUTH WALES.

(REVENUE.)

RETURN of the REVENUE and RECEIPTS of the Colony of New South Wales, for the Year 1857.

HEAD OF REVENUE.										AMOUNT.		
										£	s.	d.
Customs...	...	...	...	...	...	...	...	...	...	533,104	10	1
Duty on Spirits Distilled in the Colony	...	...	...	...	...	...	...	...	...	63,477	10	4
Gold	...	...	...	...	...	...	...	...	...	29,373	11	5
Mint Receipts	...	...	...	...	...	...	...	...	...	10,840	14	10
Land Revenue	...	...	...	...	...	...	...	...	...	273,883	0	2
Rents, exclusive of Land	...	...	...	...	...	...	...	...	...	11,154	10	7
Licenses...	...	...	...	...	...	...	...	...	...	65,722	13	2
Postage	...	...	...	...	...	...	...	...	...	36,288	12	3
Fines and Forfeitures	...	...	...	...	...	...	...	...	...	8,113	7	4
Fees of Office	...	...	...	...	...	...	...	...	...	29,241	17	5
Railway Tolls	...	...	...	...	...	...	...	...	...	9,418	5	2
Assessment on Stock	...	...	...	...	...	...	...	...	...	31,240	18	9
Sale of Government Property	...	...	...	...	...	...	...	...	...	2,600	12	9
Reimbursements	...	...	...	...	...	...	...	...	...	23,716	10	4
Miscellaneous	...	...	...	...	...	...	...	...	...	7,726	10	5
Immigration Remittances	...	...	...	...	...	...	...	...	...	16,744	15	10
Pilotage	...	...	...	...	...	...	...	...	...	4,317	12	1
										1,156,965	12	11
Police Reward Fund	...	...	...	...	...	...	...	...	...	2,871	15	8
Police Superannuation Fund	...	...	...	...	...	...	...	...	...	2,278	6	11
Assessment on Sheep	...	...	...	...	...	...	...	...	...	16,594	1	1
										21,744	3	8
Proceeds of the Sale of	Sewerage Debentures, 17 Victoria, No. 34									6,549	0	0
	Water Supply Debentures, 17 Victoria, No. 35									31,316	0	0
	Railway Debentures, 18 Victoria, No. 40									877	4	5
	Public Works Debentures, 19 Victoria, Nos. 38 and 40, and 20 Victoria, No. 33									160,330	10	0
	Debentures, 20 Victoria, Nos. 1 and 16									145,983	16	9
Reimbursements	...	...	...	...	...	...	...	...	...	373	15	9
Sale of Government Property	...	...	...	...	...	...	...	...	...	144	19	5
										345,575	6	4
Church and School Estates Fund:—												
Leases and Licenses to occupy Lands										6,852	10	1
TOTAL REVENUE AND RECEIPTS										£ 1,531,137	13	0

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

(EXPENDITURE.)

RETURN of the EXPENDITURE of the Colony of NEW SOUTH WALES, for the Year 1857.

HEAD OF EXPENDITURE.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.		PAID OUT OF THE CHURCH AND SCHOOL ESTATES FUND.		TOTAL UNDER EACH HEAD OF EXPENDITURE.	
	Under the Schedules.	Under Acts of the Parliament of New South Wales.				
ESTABLISHMENTS.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	
Civil	11,550 0 0	192,891 3 2			204,441 3 2	
Judicial	9,066 13 4	38,287 18 11			47,354 12 3	
Ecclesiastical	29,413 9 3	16,327 14 3	302 2 2		46,073 5 8	
Educational		52,535 16 5	442 11 4		52,978 7 9	
Medical		22,080 2 0			22,080 2 0	
Gold		15,439 7 9			15,439 7 9	
Mint		12,856 5 4			12,856 5 4	
Military and Naval		33,699 12 9			33,699 12 9	
Volunteer Corps		538 1 10			538 1 10	
Police		126,861 8 8			126,861 8 8	
Goals and Penal		32,588 16 7			32,588 16 7	
Colonial Agent General		400 0 0			400 0 0	
SERVICES EXCLUSIVE OF ESTABLISHMENTS.						
Pensions and Retired Allowances	7,763 16 6	700 0 0			8,463 16 6	
Charitable Allowances		12,711 6 6			12,711 6 6	
Public Works and Buildings		36,531 15 6			36,531 15 6	
Roads, Streets, and Bridges		57,058 10 2			57,058 10 2	
Grants in aid of Public Institutions		3,664 17 6			3,664 17 6	
Drawbacks and Refund of Duties		19,486 13 7			19,486 13 7	
Revenue and Receipts Returned		1,957 5 9			1,957 5 9	
Miscellaneous		37,295 6 9			37,295 6 9	
Interest on Loans		127,346 4 10			127,346 4 10	
Debentures paid off		5,800 0 0			5,800 0 0	
Survey, Sale, and Management of Crown Lands		52,991 0 10			52,991 0 10	
Immigration		139,603 10 3			139,603 10 3	
Aborigines		1,794 6 0			1,794 6 0	
	57,823 19 1	1,040,947 5 4				
Management of the Church and School Estates			456 3 1		456 3 1	
Charges on the Police Reward Fund		533 17 7			533 17 7	
Ditto Police Superannuation Fund		943 5 1			943 5 1	
Ditto Assessment on Sheep Fund, 18 Victoria, No. 26, and 19 Victoria, No. 27		3,546 8 5			3,546 8 5	
		5,023 11 1				
LOAN SERVICES.						
Sewerage and Water Supply to the City of Sydney, 17 Victoria, No. 34, 18 Victoria, No. 36, 19 Victoria, No. 42, and 20 Victoria, No. 40		55,000 0 0			55,000 0 0	
Permanent Public Works, 18 Victoria, No. 35, 20 Victoria, No. 33, and 19 Victoria, No. 40		86,480 12 5			86,480 12 5	
Railways, 18 Victoria, No. 40, 19 Victoria, No. 40, 20 Victoria, No. 1, and 20 Victoria, No. 34		142,715 16 11			142,715 16 11	
Educational, 19 Victoria, No. 38		6,000 0 0			6,000 0 0	
Debentures paid off, 20 Victoria, Nos. 1 and 16		145,400 0 0			145,400 0 0	
Premium of 1 per cent. to the holders		150 0 0			150 0 0	
Interest on Loans		522 16 9			522 16 9	
Other Miscellaneous Disbursements		2,063 16 2			2,063 16 2	
		438,333 2 3				
TOTAL EXPENDITURE..£	57,823 19 1	1,484,303 18 8	1,200 16 7		1,543,328 14 4	

W. C. MAYNE,
Auditor General.

No. 69.

NEW SOUTH WALES.

(POST OFFICES—LETTERS, &c.)

RETURN of the Number of Post Offices, &c., and of Letters, Newspapers, Petitions, &c., passing through the GENERAL POST OFFICE, in the Colony of NEW SOUTH WALES, from the Year 1848 to 1857, inclusive.

YEAR.	NUMBER OF POST OFFICES.	NUMBER OF PERSONS EMPLOYED.	EXTENT OF POST ROADS.	NUMBER OF LETTERS.			NUMBER OF NEWSPAPERS.		NUMBER OF PETITIONS TO THE QUEEN, THE GOVERNOR, THE EXECUTIVE AND LEGISLATIVE COUNCILS & LEGISLATIVE ASSEMBLY.	TOTALS.			INCOME.	EXPENDITURE.
			Miles.	Ship.	Inland.	Town.	Ship.	Inland.		Inland.	Letters.	Newspapers.	Petitions.	
1848	74	98	479,350	167,080	368,705	49,813	362,494	644,449	} Not distinguished in these years from Letters sent free.	*585,598	1,006,943	.....	£ s. d. 14,458 9 3	£ s. d. 15,357 6 4
1849	88	115	586,678	178,533	383,353	47,135	277,787	457,197		*609,021	734,984	.....	15,462 9 10	13,651 7 11
†1850	96	123	686,614	179,406	592,026	70,877	204,601	399,947	47	842,309	604,548	47	13,646 5 9	15,732 11 4
1851	101	137	751,154	202,480	694,356	78,482	248,792	513,515	27	975,318	762,487	27	18,252 1 11	16,324 13 4
1852	131	†179	945,010	218,836	822,291	76,650	297,118	726,560	4	1,117,777	1,023,678	4	18,174 1 11	25,304 8 0
1853	143	†195	937,431	518,404	982,524	86,479	707,035	808,545	33	1,587,407	1,515,580	33	20,379 10 1	34,954 5 10
1854	154	†216	967,669	592,373	1,118,358	131,860	906,556	1,012,636	9	1,837,591	1,919,192	9	24,127 19 5	52,333 2 7
1855	155	†217	1,023,255	617,041	1,309,530	187,608	819,376	1,281,613	10	2,114,179	2,100,989	10	24,902 5 7	60,221 8 1
1856	177	†248	1,106,722	642,183	1,481,416	245,339	710,282	1,371,065	57	2,368,938	2,081,347	57	29,458 10 11	53,879 11 3
1857	199	†274	1,289,386	657,416	1,621,758	323,745	774,175	1,440,236	24	2,602,919	2,214,411	24	35,715 13 4	63,220 4 7

* The Decrease in 1848 and 1849 is accounted for by Letters for Port Phillip being sent direct instead of in the Mails by Post Office Packets.

† In this Year the Act for the Establishment of a uniform rate of Postage and the use of Postage Stamps came into operation, under which no Letters were exempted from Postage, but Petitions to the Queen, Governor, the Executive or Legislative Council.

‡ Temporary Clerks not included.

W. H. CHRISTIE,
Postmaster General.

NEW SOUTH WALES.

(PRICES OF PROVISIONS AND CLOTHING.)

RETURN showing the AVERAGE PRICES OF PROVISIONS AND CLOTHING in the Colony of New South Wales, from 1st January, 1848, to the 31st December, 1857, inclusive.

ARTICLES OF CONSUMPTION.	QUANTITY.	1848.	1849.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.
		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Wheat	per bushel..	5 0	4 0	4 0	8 6	6 0	6 9	11 6	16 5	11 3	7 4
Bread, 1st Quality	per pound..	0 2½	0 1½	0 1½	0 3½	0 3½	0 3½	0 4	0 5	0 4	0 3½
Do. 2nd do.	do.	0 1½	0 1½	0 1½	0 2½	0 2½	0 2½	0 3	0 4	0 3	0 2½
Flour, 1st do.	do.	0 2½	0 2	0 1½	0 3	0 3	0 3	0 5	0 7	0 5	0 3½
Do. 2nd do.	do.	0 1½	0 1½	0 1½	0 2½	0 2½	0 2½	0 3	0 4	0 3	0 2½
Rice	do.	0 3½	0 3½	0 4	0 4	0 4	0 4½	0 5	0 6	0 5	0 4½
Oatmeal	do.	0 6	0 5½	0 6	0 6	0 6	0 6	0 7½	0 9	0 7	0 6
Tea	do.	2 0½	1 9	1 10	1 4	1 4	1 4	2 6	2 5	2 2½	2 6
Sugar	do.	0 3½	0 3½	0 3½	0 3½	0 3½	0 3½	0 5	0 7	0 5	0 4½
Coffee	do.	1 1	1 0	1 2	1 3	1 3	1 3	1 6	1 8	1 7½	1 8
Sago	do.	1 0	1 0	0 9	0 11	0 11	0 11	1 1	1 2	1 0	1 0
Meat, Fresh	do.	0 2	0 1½	0 1½	0 2	0 2	0 2	0 4½	0 6	0 3½	0 3½
Do. Salt	do.	0 1½	0 1½	0 2	0 2	0 2	0 2	0 4	0 4	0 3½	0 3½
Butter, Fresh	do.	1 1	1 2	1 3	1 3	1 3	1 5½	2 3	2 4	1 11	2 0
Do. Salt	do.	0 11	1 0	1 0	1 0	1 0	1 1½	2 0	2 0	1 9	1 9
Cheese, English	do.	1 1	1 4½	1 6	1 6	1 6	1 6	1 10	1 10	1 10	1 7
Do. Colonial	do.	0 8	0 6	0 7	0 7	0 7	0 7½	0 9	1 3	1 2	1 0
Salt	do.	0 1½	0 1½	0 1½	0 1½	0 1½	0 1½	0 2½	0 4	0 3	0 2½
Potatoes	per cwt.	6 0	6 2½	7 0	6 0	6 0	13 0	18 6	21 4	10 0	14 6
Wine, Colonial	per gallon..	4 6	4 10	4 6	4 6	4 6	4 6	6 6	7 0	7 0	9 2
Do. Imported, best	do.	9 6	10 0	13 0	8 0	8 0	8 0	9 6	15 0	14 9	14 9
Brandy	do.	24 0	22 9	23 0	23 0	23 0	23 0	25 0	31 6	24 4	35 6
Beer, Colonial	do.	3 3	2 8	2 9	2 6	2 6	2 4½	3 6	4 7	3 6	4 0
Do. Imported	do.	5 9	5 3	6 6	5 0	5 0	4 6	6 6	6 6	6 11	7 6
Candles	per pound..	0 6	0 6	0 6	0 5½	0 6	0 6	0 8½	0 10	0 9½	0 9
Lamp Oil	per gallon..	4 3	4 0	4 6	4 0	4 0	4 3	6 0	8 11	9 3	10 0
Soap	per pound..	0 5	0 5½	0 5½	0 5½	0 6	0 6	0 8	0 8	0 7½	0 7
Starch	do.	1 0	1 1	1 0	1 0	1 0	1 0	1 6	1 6	1 1½	1 0
Blue	do.	2 0	2 2	2 0	2 0	2 0	2 0	2 9	2 2	2 2	2 6
Tobacco, Colonial	do.	1 9	2 0	2 7	3 8	4 0	4 0	4 0	3 0	2 6	2 7
Do. Imported	do.	4 4	4 7	4 10	7 9	8 0	7 6	5 6	5 0	5 3	5 0
ARTICLES OF CLOTHING AND BEDDING.											
Male Clothing.											
Moleskin Jackets	each	9 6	8 9	9 0	9 0	9 0	9 4½	11 6	11 0	10 0	10 0
Do. Coats	do.	16 6	15 6	18 0	15 0	15 0	16 3	17 6	18 0	16 0	16 0
Waistcoats	do.	6 6	6 0	6 6	6 6	6 6	6 4½	8 0	7 6	6 10	8 6
Moleskin Trousers	per pair ..	8 6	8 6	9 0	8 0	7 0	6 7½	9 0	8 6	8 5	8 0
Flushing do.	do.	9 0	8 3	9 0	8 0	8 0	9 9	12 6	11 6	11 8	9 0
Coloured Shirts	each	2 7	2 4½	2 9	2 6	2 6	2 11½	4 0	3 6	3 5	3 3
Strong Boots	per pair ..	9 0	9 0	9 8	9 0	9 0	13 6	19 0	18 0	19 3	16 6
Do. Shoes	do.	7 0	6 6	6 11	7 0	7 0	7 6	12 6	12 0	11 4	11 6
Shepherd's Coats	each	21 0	20 0	20 11	19 0	19 0	19 6	25 0	25 10	23 10	22 0
Socks	per pair ..	0 11½	0 10½	0 11	0 10	0 10	0 10	0 10½	0 10½	0 10½	0 10
Handkerchiefs	each	0 11	0 10½	0 10½	0 9	0 8	0 7½	0 10	0 10	0 9½	0 9
Straw Hats	do.	4 9	4 7½	5 0	5 0	5 0	5 3	8 0	9 0	7 6	5 11
Female Clothing.											
Print Dresses	each	6 6	6 5½	5 11	6 0	5 7	5 1½	8 0	7 0	6 8	6 0
Merino do.	do.	12 6	11 7½	12 6	14 0	13 0	12 0	14 6	14 0	13 6	12 0
Flannel Petticoats	do.	5 2	5 1½	5 2½	5 0	5 0	5 0	6 6	6 6	6 6	7 0
Calico do.	do.	2 6½	2 2½	2 3½	2 2	2 2	2 4½	3 0	3 0	2 11	3 2
Stockings	per pair ..	1 6	1 5½	1 6	1 6	1 6	1 5	1 0	1 9	1 4½	1 2
Shoes	do.	5 6	5 7½	5 11	6 0	6 0	6 0	8 0	9 0	7 11	7 6
Caps	each	2 3	2 6	2 3	1 9	1 9	1 11	2 3	2 6	2 10½	2 6
Shawls	do.	8 3	7 8½	7 9	7 6	7 6	8 3	10 6	11 0	11 3	10 6
Shifts	do.	2 10	2 8	2 6	2 6	2 6	2 6	4 0	3 0	3 3	4 4
Stays	per pair ..	7 6	6 10½	7 6	6 0	6 0	6 0	7 6	8 0	7 3	7 2
Check Aprons	each	1 2	1 1½	1 1½	1 2	1 2	1 3	1 9	1 6	1 4	1 3
Straw Bonnets	do.	6 0	5 6	6 0½	5 0	5 0	5 0	5 6	7 0	6 0	6 0
Flannel	per yard..	1 9	1 8½	1 6½	1 2	1 3	1 6	1 6	1 10	1 9	1 10
Calico	do.	0 7	0 7	0 7	0 6	0 6½	0 6½	0 10	0 9	0 6½	0 7
Bedding.											
Blankets	per pair ..	16 0	16 8	16 4	15 0	15 0	15 9	21 0	23 0	21 7	19 0
Sheeting Calico	per yard..	1 0	1 0	1 1	1 2	1 2	1 2	1 6	1 6	1 3	1 3
Mattresses	each	8 8	7 7	8 4	8 6	8 6	8 6	12 6	12 6	14 6	17 2
Rugs	do.	5 0	4 9	5 4	5 0	5 0	5 0	8 0	7 0	5 9	5 3

H. H. BROWNE,

Agent for Immigration.

80

1

Since the discovery of the Cold Fields, Mechanics, as well as other subjects, are unwilling to enter into any engagements of a permanent character.

H. H. BROWNE,
Agent for Immigration.

No. 72.
NEW SOUTH WALES.
(LANDS SOLD.)

RETURN of LAND SOLD during the Year ended the 31st December, 1857.

COUNTY OR DISTRICT.	LOTS.					EXTENT.										AMOUNT.			DEPOSITS FORFEITED.					
	Town.	Suburban.	Special Country.	Country.	Total.	Town.		Suburban.		Special Country		Country.		Total.		Total Price.	Remissions, &c.	Actual Cash.						
						a.	r. p.	a.	r. p.	a.	r. p.	a.	r. p.	a.	r. p.					£	s. d.	£	s. d.	£
COUNTIES.	No.	No.	No.	No.	No.	a.	r. p.	a.	r. p.	a.	r. p.	a.	r. p.	a.	r. p.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	
Aubigny	122	129	....	....	251	63	3 39	1,368	0 32	....	....	1,437	0 31	7,544	3 7	7,544	3 7	7,544	3 7	99	18	11
Auckland	9	1	....	26	36	4	2 0	5	0 0	....	....	1,185	2 0	2,221	12 9	2,221	12 9	2,221	12 9	23	9	3
Argyle	54	24	1	126	205	28	0 17	244	1 23	12	0 0	7,667	1 0	9,221	10 6	9,221	10 6	9,221	10 6	74	8	0		
Ashburnham	3	....	....	1	4	1	2 0	....	....	....	....	177	0 0	189	0 0	189	0 0	189	0 0	....	....	....
Bathurst	210	36	....	96	342	106	0 18	283	2 6	....	....	7,753	3 34	8,143	2 18	13,384	9 2	13,384	9 2	176	19	8
Beresford	1	1	....	....	2	0	2 0	2	2 0	....	....	....	....	3	0 0	11	10 0	11	10 0	9	5	0
Bligh .....	....	....	....	33	33	....	....	....	....	....	....	1,615	2 0	1,615	2 0	1,646	19 0	1,646	19 0	56	6	9
Brisbane	55	24	....	33	112	29	0 0	60	0 0	....	....	1,925	2 0	2,014	2 0	2,352	3 0	2,352	3 0	10	4	0
Buccleuch .....	....	1	....	....	1	....	....	20	0 0	....	....	....	....	20	0 0	40	0 0	40	0 0	....	....	....
Buckland	19	24	....	43	....	16	0 0	78	2 9	....	....	94	2 9	599	9 6	599	9 6	599	9 6	0	8	0
Camden	13	16	....	59	88	9	0 0	150	1 26	....	....	4,092	1 36	4,251	3 22	5,792	19 10	5,792	19 10	4	10	0
Churchill	33	1	....	21	55	16	2 0	29	3 30	....	....	1,077	0 24	1,123	2 14	1,476	12 4	1,476	12 4	1	6	6
Clarence	179	43	149	371	94	3 5	106	0 11	6,757	2 25	6,958	2 1	10,406	2 4	118	19 2	10,287	3 2	50	18	8
Clarendon	49	16	26	91	41	2 21	40	0 16	883	1 16	965	0 13	1,490	13 3	15	16 0	1,474	17 3	8	1	0
Clinton	46	5	....	51	....	10	0 5	28	2 23	....	....	....	....	38	2 28	512	11 2	512	11 2	18	9	0
Cook	4	6	4	34	48	2	0 0	45	3 5	49	0 12	1,083	0 11	1,179	3 28	1,888	13 9	240	0 0	1,648	13 9	6	4	0
Cumberland	170	22	54	72	318	55	0 34	98	0 84	557	0 22	3,671	3 13	4,382	0 74	12,722	1 3	571	3 0	12,150	18 3	185	8	5
Dampier	4	10	14	111	0 0	440	2 0	551	2 0	581	1 0	581	1 0
Denison	39	39	756	0 10	756	0 10	1,539	6 10	1,539	6 10
Dudley	10	2	15	27	5	2 0	46	2 0	588	3 3	640	3 3	1,167	17 10	1,167	17 10
Durham	49	26	18	93	24	0 26	160	0 14	1,789	1 24	1,973	2 24	3,046	8 7	3,046	8 7
Georgiana	3	....	....	126	129	1	2 0	....	....	....	....	4,638	0 0	4,639	2 0	5,138	2 0	5,138	2 0	57	15	0
Gloucester .....	....	2	1	13	16	....	....	14	0 2	9	2 20	516	0 16	539	2 38	631	5 7	631	5 7	4	0	0
Gordon	4	2	2	8	59	3 3	49	2 0	76	0 0	185	1 3	324	8 3	324	8 3
Goulburn	28	7	....	35	....	14	1 10	182	0 18	....	....	196	1 28	616	10 6	616	10 6	616	10 6	4	12	0
Harden	24	24	....	5	53	13	2 0	394	3 36	....	....	280	0 0	688	1 36	1,264	8 7	1,264	8 7	11	0	0
Hume	144	7	11	25	187	72	0 0	11	0 14	245	0 35	1,888	0 0	2,216	1 9	4,412	13 2	4,412	13 2	35	14	0		
Hunter	10	27	12	49	5	0 0	150	1 36	756	3 16	912	1 12	1,601	0 11	1,601	0 11
Inglis	38	....	....	38	....	19	0 0	....	....	....	....	....	....	19	0 0	1,268	8 0	1,268	8 0	20	6	8
King	131	5	....	59	195	70	0 0	5	0 0	....	....	2,622	2 0	2,637	2 0	3,938	15 3	3,938	15 3	83	11	8
Lincoln	1	8	9	2	0 14	1,078	0 0	1,080	0 14	1,119	15 0	1,119	15 0
Macquarie	11	14	1	62	88	6	0 24	48	3 22	20	0 0	3,419	3 0	3,494	3 6	3,768	13 0	4	0 0	3,764	13 0	54	0	0
March	87	47	....	134	....	43	0 29	394	0 2	....	....	....	....	437	0 31	3,320	7 10	3,320	7 10	39	17	0
McIvane	141	94	....	6	241	74	1 24	981	1 35	....	....	406	2 0	1,462	1 19	5,257	19 3	5,257	19 3	75	5	9

Continued.

RETURN OF LANDS SOLD—continued.

RETURN OF LANDS SOLD—continued.															
COUNTY OR DISTRICT.	LOTS.					EXTENT.					AMOUNT.			DEPOSITS FORFEITED.	
	TOWN.	Suburban.	Special Country.	Country.	Total.	Town.	Suburban.	Special Country.	Country.	Total.	Total Price.	Remissions, &c.	Actual Cash.		
COUNTIES—continued.	No.	No.	No.	No.	No.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	a. r. p.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Monteagle	6	2	...	...	8	3 0 0	2 2 15	.....	.....	5 2 15	35 7 6	.....	35 7 6	.....
Murray	17	7	...	95	119	8 2 0	148 2 0	.....	9,721 0 0	9,878 0 0	10,447 0 0	130 0 0	10,317 0 0	30 4 6
Northumberland	90	100	5	99	294	60 2 24	712 2 5	77 2 16	5,011 1 11	5,862 0 16	9,584 19 1	72 15 0	9,512 4 1	109 15 6	
Parry	29	13	...	13	55	16 1 0	65 2 37	.....	1,033 0 0	1,114 3 37	1,381 16 1	.....	1,381 16 1	6 16 0
Phillip	...	1	...	33	34	.....	6 0 14	.....	1,453 0 0	1,459 0 14	2,093 9 8	.....	2,093 9 8	34 0 0
Pottinger	60	10	...	...	70	32 0 29	63 0 20	.....	.....	95 1 9	913 5 0	.....	913 5 0	24 12 0
Richmond	8	...	...	...	8	4 0 0	.....	.....	.....	4 0 0	32 0 0	.....	32 0 0	.....
Rous	92	29	...	...	121	46 0 9	192 0 15	.....	.....	238 0 24	929 1 5	.....	929 1 5	3 18 10
Roxburgh	18	32	...	60	110	11 0 17½	61 3 21	.....	3,023 2 7	3,096 2 5½	3,471 2 9	.....	3,471 2 9	7 4 0
Sandon	117	24	...	33	174	58 2 0	170 0 21	.....	2,078 1 0	2,306 3 21	4,374 13 3	.....	4,374 13 3	109 4 6
Stanley	38	95	3	89	225	8 1 19½	269 0 33	33 1 1	5,321 2 12	5,632 1 25½	10,835 4 11	.....	10,835 4 11	109 18 8
St. Vincent	10	29	2	93	134	4 1 27	105 1 0	13 2 18	5,604 1 35	5,727 3 0	8,383 15 2	175 0 0	8,208 15 2	10 13 6	
Unnamed	362	47	10	11	430	185 1 39	123 1 6	214 2 20	780 0 0	1,303 1 25	5,379 12 5	.....	5,379 12 5	64 3 3
Vernon	4	...	2	10	16	3 2 6	.....	80 1 0	603 1 0	687 0 6	802 12 6	.....	802 12 6	0 9 8
Wellesley	1	10	...	5	16	0 2 0	510 0 10	.....	192 3 10	703 1 20	810 4 11	.....	810 4 11	3 12 11
Wellington	157	20	...	72	249	86 3 27½	194 1 30	.....	3,083 3 23	3,365 1 0½	8,482 16 5	.....	8,482 16 5	125 1 3
Westmoreland	...	...	...	34	34	.....	.....	.....	1,677 2 0	1,677 2 0	1,632 17 0	.....	1,632 17 0	38 0 0
Wynyard	106	3	...	22	131	58 0 8	38 1 0	.....	1,099 2 30	1,195 3 38	2,682 17 6	64 5 0	2,618 12 6	34 19 6
	2,758	1,072	98	1,706	5,634	1,419 3 28½	8,495 1 22½	1,408 1 24	97,064 1 26	108,388 0 20½	182,773 8 7	1,391 18 2	181,381 10 5	1,824 13 4	
PASTORAL DISTRICTS.															
Albert	...	...	...	...	2	.....	.....	.....	.....	800 0 0	824 0 0	320 0 0	504 0 0	.....
Bligh	...	...	...	...	2	.....	.....	.....	.....	2,684 0 0	2,684 0 0	.....	2,684 0 0	.....
Clarence River	...	...	...	...	5	.....	.....	.....	.....	2,080 0 0	2,080 0 0	.....	2,080 0 0	.....
Darling Downs	...	...	...	...	15	.....	.....	.....	.....	5,832 0 0	5,832 0 0	.....	5,832 0 0	.....
Gwydir	...	...	...	...	4	.....	.....	.....	.....	2,594 0 0	2,594 0 0	.....	2,594 0 0	.....
Lachlan	...	...	...	...	1	.....	.....	.....	.....	335 0 0	376 17 6	.....	376 17 6	.....
Leichhardt	...	...	...	...	25	.....	.....	.....	.....	5,392 1 18	5,392 7 3	31 1 9	5,361 5 6	.....
Liverpool Plains	...	...	...	...	4	.....	.....	.....	.....	1,603 0 0	1,624 0 0	960 0 0	664 0 0	.....
Lower Darling	...	...	...	...	20	.....	.....	.....	.....	7,673 1 10	8,024 4 8	.....	8,024 4 8	.....
McLeay	...	...	...	...	13	.....	.....	.....	.....	6,600 2 0	6,628 10 0	425 0 0	6,203 10 0	.....
Maneroo	...	...	...	...	3	.....	.....	.....	.....	1,120 0 0	1,128 0 0	.....	1,128 0 0	.....
Maranoa	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Moreton	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Murrumbidgee	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New England	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Port Curtis	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wellington	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wide Bay and Burnett	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
TOTALS.....	.....	.....	.....	.....	5,727	.....	.....	.....	.....	145,102 1 8½	219,961 8 0	3,127 19 11	*216,833 8 1	*1,824 13 4

* Amount paid into the Colonial Treasury from 1st January to 31st December, 1857, on account of Lands sold, £210,333 17s. 3d.
See Return No. 59, p. 71.

GEO. BARNEY,
Surveyor General.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STATE OF SHIPPING REGISTERED IN THIS COLONY.

(ABSTRACT OF FOR 1857.)

Ordered by the Legislative Assembly to be Printed, 4 June, 1858.

ABSTRACT of the State of Shipping Registered in this Colony, for the year ended 31st December, 1857.

					ALL VESSELS, (Steamers included.)	TONNAGE.		MEN AND BOYS.
Abstract of the state of Shipping Registered in this Colony, for the year ended 31st December, 1857 In pursuance of Acts of Parliament passed in the 4th and 6th years of Geo. the 4th; 3rd and 4th years of Willm. the 4th; 8th and 9th, and 17th and 18th years of Victoria.					500	{ Vessels of, and under, 50 tons Vessels over 50 tons ... }	5,481	3,757
							47,180	
TOTAL					500	.....	52,661	3,757
					ALL VESSELS.	TONNAGE.		
Total amount of last year's account, on 31st December, 1856					510	56,527		
STRUCK OFF.					SHIPS.	TON- NAGE.		
Vessels Wrecked, Foundered, destroyed by Fire, and Missing					19	2,672		
Broken up, or otherwise destroyed, as unseaworthy, and no longer employed at sea					6	1,226		
Sold to Foreigners					7	1,505		
Transferred and Registered <i>de novo</i> in the Port, and transferred to other Ports					18	2,738		
						460		
						48,386		
ADDED.								
New Vessels					10	304		
Vessels Registered <i>de novo</i> on account of purchase... ..					3	694		
Transfer from other Ports, or otherwise					27	3,277		
						40		
						4,275		
						500		
						52,661		

The Treasury, New South Wales,
1 June, 1858.

R. CAMPBELL.

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1.60

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(RANDWICK AND COOGEE.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

Dr.			Cr.		
THE COMMISSIONERS of the RANDWICK and COOGEE ROAD TRUST, in Account current for the Half-year ending 31 December, 1857.					
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1857.					
1 July	To Balance on hand	21 13 5	11 July	By Wages as per Abstract, No. 1.....	10 6 0
	„ Toll receipts	159 12 0	25 July	„ Do. No. 2.....	6 16 0
	„ Private subscriptions	2 2 0	12 Sept.	„ Do. No. 3.....	8 9 9
	„ Cash,—Mortgage of Tolls	300 0 0	16 Oct.....	„ Do. No. 4.....	20 3 6
	„ Fine imposed for Nuisance committed on the Randwick Road	3 0 0	31 Oct.....	„ Do. No. 5.....	31 5 6
	„ Amount received for surplus fencing material at Randwick		14 Nov.....	„ Do. No. 6.....	29 1 1
	„ Toll-house.	1 3 9	28 Nov.....	„ Do. No. 7.....	45 16 6
				„ Fitzpatrick, as per Voucher.....	2 10 0
				„ Purcell, Do.	25 0 0
				„ Knight, Do.	4 10 0
				„ Birmingham, Do.	3 10 0
				„ Scott & Jolly, Do.	37 7 8
				„ Danger, Do.	13 18 0
				„ Priestley, Do.	16 17 6
				„ Ainsworth, Do.	3 0 0
				„ Monks, Do.	3 17 9
				„ Secretary, half-year's salary	5 0 0
				„ Miscellaneous Expenses	29 2 10
				„ Balance on hand	190 19 1
	TOTAL..	£ 487 11 2		TOTAL.....	£ 487 11 2

We certify to the correctness of the above Account,

Sydney, January 27, 1858.

Signatures of Commissioners ... { SAM'L. HEBBLEWHITE.
J. B. HOLDSWORTH.
S. H. PEARCE.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS. (SOUTH HEAD ROAD.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

THE COMMISSIONERS of the SOUTH HEAD ROADS TRUST Account of RECEIPTS and DISBURSEMENTS for the Half-year ending 31 December, 1857.

RECEIPTS.			DISBURSEMENTS.		
1857.			1857.		
3 July	To one month's Rent in advance of Toll-gates	110 0 0	1 July	By balance overdrawn at Bank	234 3 5
18 July	„ Balance of Subscriptions towards the repair of the Darling Point Road	60 0 0	18 July	„ Carroll, balance due for repairing Darling Point Road	130 0 0
3 August ...	„ One month's Rent in advance of Toll-gates	110 0 0	16 August ...	„ Repairs to Glenmore Road	11 14 0
1 Sept.	„ Do. Do.	110 0 0	3 October...	„ Repairs to Bridge, Old South Head Road	1 5 0
1 October ...	„ Do. Do.	110 0 0	19 Dec.	„ Paid for guard posts over Bridges, Old and Glenmore Roads	10 0 0
2 Nov.	„ Do. Do.	110 0 0	30 Dec.	„ Advertising during half-year	13 7 9
3 Dec.	„ Do. Do.	110 0 0	30 Dec.	„ For Tools during half-year	11 3 6
			30 Dec.	„ Mr. Langley, Surveyor, six months' salary	50 0 0
			30 Dec.	„ Paid for Wages and Material during half-year for repairing Old South Head Road, as per Vouchers	424 11 1
31 Dec.	Balance overdrawn at Commercial Bank	376 18 9	30 Dec.	„ The like, New South Head Road	198 16 6
			30 Dec.	„ Bank Interest on overdraft	11 17 6
		£ 1,096 18 9			£ 1,096 18 9

For the Commissioners,

DANIEL COOPER,
Hon. Treasurer.
GERARD PHILLIPS,
Hon. Secretary.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(PARRAMATTA.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

ABSTRACT of all Moneys Received, Paid, and Expended, by the COMMISSIONERS of the PARRAMATTA ROAD TRUST, for the Half-year ending 31 December, 1857.

RECEIPTS.		EXPENDITURE.		
6 months' Rental of Toll-gate at Beckett's Bridge.....	157 10 0	SALARIES :—		
6 months' Rental of Toll-gate at Broken Back Bridge	200 0 0	Clerk and Treasurer	37 10 0	
6 months' Rental of Toll-gate at Pitt Row	255 0 0	Overseer	37 16 0	75 6 0
		MISCELLANEOUS :—		
		Wages for Labor.....	429 2 6	
		Stationery and Advertising (Voucher No. 3)	5 1 3	
		Forage for Horses (Voucher No. 2.)	62 13 9	
		Repairs to Tools, Carts, and Harness	7 2 0	
		Purchase of Tools, Stores, &c. (Voucher No. 2.)	8 4 0	
		Repairs to Roads, Dams, and Bridges	60 0 0	
		Petty Expenses (Voucher No. 5.)	5 6 6	577 10 0
TOTAL RECEIPTS	£ 612 10 0	TOTAL EXPENDITURE	£ 652 16 0	
Balance, 30 June, 1857.....	£ 186 3 6	Balance, 31 December, 1857	£ 145 17 6	
	£ 798 13 6		£ 798 13 6	

We certify the above to be correct,

Road Trust Office, Parramatta,
12 February, 1858.

E. L. ROWLING,
Treasurer.

JAMES BYRNES,
NATHL. FAYTEN,
JAMES PYE,
F. O. DARVALL, } Commissioners.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(LIVERPOOL.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

Dr.		THE COMMISSIONERS of the LIVERPOOL ROAD TRUST in Account current for the Half-year ending 31 December, 1856.				Cr.
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.	
1856.			1856.			
30 June	To Balance in Commercial Bank	220 13 11	31 December ...	By Salary, Secretary, 6 months, @ £100	50 0 0	
31 December ...	„ Six months' Tolls, Lansdowne Bridge.....	227 10 0	31 July	„ Wages, cart hire, &c.....	58 3 1	
			31 August	„ do. do.	50 15 6	
			30 September ..	„ do. do.	50 15 6	
			31 October.....	„ do. do.	49 5 6	
			30 November...	„ do. do.	46 11 3	
			31 December ...	„ do. do.	47 15 6	
					303 6 4	
			31 July	„ Miscellaneous Expenses	2 3 0	
			31 August			
			30 September ..	„ do. do.	0 2 8	
			31 October.....	„ do. do.	0 18 0	
			30 November...			
			31 December ...	„ do. do.	5 13 6	
					8 17 2	
				Balance, 31 December, 1856	86 0 5	
		£ 448 3 11			£ 448 3 11	

Liverpool, 31 January, 1857.

We certify to the correctness of the above Account,

SAML. MOORE,
STEPHEN PEARCE, } Commissioners.
W. H. LANE,

Dr.

THE COMMISSIONERS of the LIVERPOOL ROAD TRUST in Account current for the Half-year ending 30 June, 1857.

Cr.

DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
	To Balance on 31 December, 1856, brought forward from last account	86 0 5	1857.		
1857.			31 January ...	{ By Salary, as per Abstract, Secretary @ } 8 6 8	
1 January	" Amount received, Lansdowne Bridge Toll Gate 32 10 0		28 February ...	" do. do. 8 6 8	
1 February ...	" do. do. 32 10 0		31 March	" do. do. 8 6 8	
1 March	" do. do. 32 10 0		30 April	" do. do. 8 6 8	
1 April	" do. do. 32 10 0		31 May	" do. do. 8 6 8	
1 May	" do. do. 32 10 0		30 June	" do. do. 8 6 8	50 0 0
1 June	" do. do. 32 10 0	195 0 0			
			31 January ...	" Wages, as per Abstract..... 76 0 10	
			28 February ...	" do. do. 51 6 9	
			31 March	" do. do. 23 9 0	
			30 April	" do. do. 24 8 0	
			31 May	" do. do. 24 4 6	
			30 June	" do. do. 25 16 0	225 5 1
			31 January ...	" Miscellaneous Expenses, as per voucher 0 6 6	
			28 February ...	" do. do. 2 2 0	
			31 March	" do. do. 1 9 6	
			30 April		
			31 May		
			30 June		
					3 18 0
				Balance on 1st July, 1857	1 17 4
		£ 281 0 5			£ 281 0 5

Liverpool, 15th July, 1857.

Examined, and found correct—

J. T. TAYLOR,
HY. MACDONALD. } Auditors.SAML. MOORE,
STEPHEN PEARCE, } Commissioners.
W. H. LANE,

Dr.			THE COMMISSIONERS of the LIVERPOOL ROAD TRUST in Account current for the Half-year ending 31 December, 1857.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.			
1857.			1857.					
30 June	To Balance on hand, brought forward from last Account.....	1 17 4		By Salary, as per Abstract, Secretary, 6 months, @ £100 } per annum	50 0 0			
31 July	„ Amount received, Lansdowne Bridge Toll Gate 32 10 0		31 July	„ Wages, as per Abstract	75 19 0			
31 August	„ do. do. 32 10 0		31 August	„ do. do. 79 2 6				
30 September ..	„ do. do. 32 10 0		30 September ..	„ do. do. 94 10 6				
31 October	„ do. do. 32 10 0		31 October	„ do. do. 88 4 0				
30 November ...	„ do. do. 32 10 0		30 November ...	„ do. do. 83 18 0				
31 December ...	„ do. do. 32 10 0		31 December ...	„ do. do. 96 16 0				
		195 0 0			518 10 0			
			31 July	„ Miscellaneous Expenses, as per Voucher				
			31 August	„ do. do. 10 4 1				
			30 September ..	„ do. do. 5 9 9				
			31 October	„ do. do. 0 18 0				
			30 November ...	„ do. do. 7 9 3				
			31 December ...	„ do. do.				
31 December ...	„ Balance expended in excess of Tolls to date	395 13 9			24 1 1			
		£ 592 11 1			£ 592 11 1			

Liverpool, 14 January, 1858.

Examined and approved by us—

 HY. MACDONALD, }
 J. T. TAYLOR, } Auditors.

 SAML. MOORE, }
 STEPHEN PEARCE, } Commissioners.
 W. H. LANE, }

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(CAMPBELLTOWN.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the COMMISSIONERS of the CAMPBELLTOWN ROAD TRUST, for the Half-year from
1 July to 31 December, 1857.

RECEIPTS.				AMOUNT.	DISBURSEMENTS.				AMOUNT.
RENT OF TOLLS, &c.					SALARIES :—				
TOLL GATES :—					Secretary ...				20 0 0
One Month's Rent to 31 July ...				15 0 0	Surveyor ...				.....
Do. to 31 August ...				15 0 0	Treasurer ...				.....
Do. to 30 September ...				15 0 0	Overseer ...				.....
Do. to 31 October ...				15 0 0	MISCELLANEOUS :—				
Do. to 30 November ...				15 0 0	Wages for Labor ...				46 19 0
Do. to 31 December ...				15 0 0	Forage for Horses ...				.....
TOTAL RECEIPTS ...				£ 90 0 0	Road Metal, and carriage of same ...				1 4 0
					Metalling Roads ...				.....
					Repairs to Roads ...				.....
					Tools, Stores, &c ...				7 0 6
					Erecting Toll Houses and Gates ...				.....
					Repairs to do. do. ...				.....
					Advertising and Printing ...				.....
					Law expenses ...				.....
					Commission to Auctioneers ...				.....
					Postage, &c. ...				0 8 4
					Balance due to Commissioners to 30 June, 1857 ...				13 17 4
					TOTAL EXPENDITURE ...				£ 89 9 2
					Balance on 31 December, 1857 ...				£ 0 10 10
									£ 90 0 0

WILLIAM FOWLER,
GEORGE TABER,
LAWRENCE KENDALL, } Commissioners.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(WINDSOR.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

WINDSOR ROAD TRUST ACCOUNTS.

3

ROAD TRUST, for the Half-year ending 31 December, 1857.

		Cr.	
DISBURSEMENTS.		Voucher.	AMOUNT.
1857.			
6 July	By paid James Kippen, repairs, Windsor Road.....	1	3 0 0
	" John Mills, drawing metal	2	2 10 0
	" Wages, as per account, Ferry and Windsor Road	3	6 11 3
	" J. Byrnes, articles supplied.....	4	1 2 0
	" Jas. Taylor, repairs, Windsor Road	5	2 0 0
	" S. S. Collbran, do. do.	6	8 10 6
	" Same, overseeing repairs	7	5 0 0
17 "	" Peter Carroll, repairs, Windsor Road.....	8	50 0 0
27 "	" E. Moran, wages	9	3 2 6
	" Reuben Greentree, working, Windsor Road	10	4 0 0
	" J. Hogan, wages	11	4 10 0
	" J. Rafter, repairs	12	0 5 0
	" E. Mason, printing	13	0 4 6
	" Wm. Catt, posting notices	14	0 2 6
15 August ...	" Wages, 2nd August, Windsor Road	15	1 4 6
	" Michael Hogan, work on Windsor Road	16	2 7 6
	" Henry Greentree, do. do.	17	0 5 0
	" Thomas Reedy, do. do.	18	1 17 6
	" Edward Moran, do. do.	19	1 10 0
	" Thomas Eather, wheelbarrow	20	2 2 6
	" Wages to August 8th, Richmond Road	21	2 12 6
	" Wages to August 15th, Windsor Road	22	4 5 10
	" John Mills, work, Windsor Road	23	2 0 0
	" Carroll and Stubbs, repairs, George-street	24	30 0 0
1 Sept.	" John Mills, on account, repairs, Windsor Road.....	25	5 0 0
	" Carroll and Stubbs, do. do.	26	25 0 0
9 "	" Carroll and Stubbs, further do. do.	27	25 0 0
	" Thomas Eather, for a wheelbarrow.....	28	2 2 6
	" Wages, Richmond Road, to 19th August ...	29	2 10 0
	" Ditto, ditto, 8th to 27th August	30	6 17 6
	" Wages to 29th August	31	6 18 9
	" Wages, Windsor Road, to 5th September	32	8 14 6
26 "	" Wages, Windsor Road, Richmond Road, and Punthill, to } 12th September	33	16 10 0
	" Ditto, ditto, ditto, 19th September	34	19 10 0
	" John Mills, in full, for repairs, Windsor Road	35	20 10 0
	" Wages, Windsor Road, Richmond Road, and Punt ap- } proaches, 26th September	36	32 3 9
2 October ...	" Thomas Reedy, repairs, Punt and Windsor Road	37	6 0 0
	" Thomas Byrne, repairing Bridge, Windsor, and Richmond } Road	38	3 0 0
	" John Mills, repairs, Windsor Road.....	39	0 10 0
19 "	" John Bailey, wages, Fitzroy Bridge	40	0 5 0
	" Charles Green, repairs, Windsor Road	41	2 0 0
	" James Miller, draining logs, Windsor Road	42	0 10 0
	" Faux and Beard, articles supplied	43	1 15 0
	" Wm. Walker, Quarter's salary, 30th September, 1857.....	44	6 5 0
	" Ditto, postages and stationery.....	45	0 5 0
7 Dec.	" Carroll and Stubbs, further on account, repairs, Windsor Road	46	50 0 0
31 "	" John Burnes, sharpening tools	47	0 9 0
	" W. Abraham, advertising	48	2 7 6
	" Charles Green, repairs, Windsor Road	49	0 10 0
	" W. Walker, Quarter's salary	50	6 5 0
	" Same, postages and stationery.....	51	0 5 0
Balance on hand		£	390 7 1
			34 15 1
		£	425 2 2

MICHAEL M'QUADE,
RICH. RIDGE,
JOHN BARKER,

} Commissioners,
Windsor Road Trust.

ROAD TRUST ACCOUNTS.
(RICHMOND.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

Dr.			Cr.		
RECEIPTS and DISBURSMENTS of the COMMISSIONERS of the RICHMOND ROAD TRUST, for the Half-year ending 31 December, 1857.					
1857.	RECEIPTS.		1857.	DISBURSEMENTS.	
1 July	To Balance in hand, 30th June	573 8 8	5 August ..	By John Dunn, repairs Blacktown Road	1 7 0 0
8 August	" Rent of Blacktown Tolls, for July	8 6 8	2 September ..	" George Oldfield, repairs main street, Richmond	2 11 0 0
7 September	" Ditto for August	8 6 8		" Henry Potts, repairs South Creek Bridge	3 10 0 0
5 October	" Ditto for September	8 6 8		" Christ. Connell, repairs main street, Richmond	4 8 12 0
12 "	" Ditto of Richmond Ferry, for September, October, and November	70 15 0	7 October ..	" John Dunn, repairs South Creek Bridge	5 8 1 9
5 November	" Ditto of Blacktown Tolls for October	8 6 8		" James F. Plunkett, ditto	6 20 0 0
5 December	" Ditto for November	8 6 8		" Thomas Buckton, repairs bridge and road, Blacktown	7 40 0 0
				" Samuel Senior, repairs to punt approaches, &c.	8 73 6 6
				" Benjamin Carver, repairs road to the ferry, on account	9 80 0 0
				" Thomas Nipperess, repairs to Windsor-street, Richmond	10 49 0 0
				" John Kelly, ditto	11 10 0 0
				" Dennis Henly, repairs to ditch, &c., ditto	12 6 0 0
				" Wages 26th September	13 4 10 0
				" Ditto, 5th October	14 9 18 9
				" W. Walker, quarter's salary as secretary, due 30th September ..	15 6 5 0
				" Ditto, postage and stationery	16 0 5 0
				" Reading and Welbank, printing	17 0 10 6
			2 December	" Benjamin Carver, on account of repairing road to ferry	18 50 0 0
				" Thomas Buckton, repairs Blacktown road	19 4 1 0
				" Ditto, ditto	20 5 8 0
				" Thomas Nipperess, repairs main street, Richmond	21 22 6 0
			31 "	" Benjamin Carver, repairs road to ferry	22 92 0 0
				" H. J. Seymour, use of room	23 3 5 0
				" W. Walker, quarter's salary as secretary	24 6 5 0
				" Ditto, stationery, &c.	25 0 5 0
				Balance in hand	157 17 6
		£685 17 0			£ 685 17 0

GEO. GUEST,
WILLIAM FARLOW, } Commissioners of the
GEO. M. PITT, } Richmond Road Trust.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS. (NARELLAN.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1858.

Dr. The COMMISSIONERS of the NARELLAN ROAD TRUST, in Account with the COLONIAL TREASURER, from 1 July to 31 December, 1855. Cr.

RECEIPTS.	Date of each Bank Deposit Receipt.	Amount of each Receipt.	TOTAL AMOUNT.	DISBURSEMENTS.	Date of Voucher.	Amount of each Abstract.	AMOUNT UNDER EACH HEAD OF SERVICE.
To Balance on 30 June, 1855, brought forward from last Account			244 9 4	By Salaries, as per Abstract:— Superintendent of Roads..... Gatekeeper at Carne's Hill Tollgate	1855. 2 July 1 June to 31 Dec.	16 13 4 54 18 0	71 11 4
„ Amount Received:—				„ Instalments to Contractors, as per Voucher:— William Hale	2 July	6 0 0	
1855. } Amount received by Tolls collected at the Tollgate at Carne's Hill, on Cow-pasture Road	7 Aug.	51 11 6		William Hull	8 Sept.	20 0 0	
June 1 }	11 Sept.	20 10 0		Ditto	13 Oct.	73 10 0	
to }	12 Oct.	18 12 0		Ditto	1 Nov.	34 0 0	
Dec. 31 }	5 Nov.	18 2 3		Ditto	14 „	25 0 0	
	4 Dec.	19 9 5	128 5 2	Charles Hart	17 „	24 0 0	182 10 0
Dec. 15 Cash paid into the Commercial Bank by the Hon. the Colonial Treasurer.....			375 0 0	„ Miscellaneous Expenses, as per Voucher:— W. S. Mitchell, Auction Com. on Sale of Tolls	22 Dec.	4 11 3	
				Advertising Sale of Tolls in <i>Morning Herald</i>	31 „	1 5 0	
				Postages for the Year		0 12 6	6 8 9
				Balance on 31 December, 1855			487 4 5
			£ 747 14 6				£ 747 14 6

Narellan, 4 February, 1856.

J. N. OXLEY, C. N. R. T.
J. M. ANTILL, C. N. R. T.
GEO. MACLEAY, C. N. R. T.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(NARELLAN.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1858.

Dr.			Cr.		
The COMMISSIONERS of the NARELLAN ROAD TRUST, in Account Current for the Half-year ending 31 December, 1856.					
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1856.		£ s. d.	1856.		£ s. d.
	To Balance in hand, 30 June, 1856	181 14 5	July 5.....	Paid David Creighton	10 0 0
July 3	„ Rent of Tollgate at Carne's Hill	15 4 2	„ 12.....	„ Joseph Hull	70 0 0
Aug. 9	„ Ditto ditto	15 4 2	„ 23.....	„ David Creighton	25 0 0
Sept. 10	„ Ditto ditto	15 4 2	Aug. 16	„ Ditto	7 10 0
Oct. 11	„ Ditto ditto	15 4 2	„ 16.....	„ J. Hull and Wm. Bell.....	6 2 6
Nov. 17	„ Ditto ditto	15 4 2	„ 16.....	„ Samuel Jones	24 0 0
Dec. 8	„ Ditto ditto	15 4 2	„ 18.....	„ Ditto	6 8 0
			Sept. 22.....	„ Thomas Blades.....	7 16 3
			„ 24.....	„ William Cooper	8 5 0
			„ 24.....	„ Hugh McKinnon	4 7 6
			Oct. 21.....	„ Thomas Blades.....	7 16 3
			„ 21.....	„ Hugh McKinnon	4 7 6
			„ 21.....	„ Wm. Cooper.....	8 5 0
			Nov. 25.....	„ Thomas Blades.....	15 12 6
			„ 26.....	„ Wm. Cooper.....	16 10 0
			„ 26.....	„ Hugh McKinnon	8 15 0
			Dec. 20.....	„ Thomas Blades.....	7 16 3
			„ 20.....	„ Wm. Cooper.....	8 5 0
			„ 20.....	„ Hugh McKinnon	4 7 6
				Balance in hand, Dec. 31, 1856	21 15 2
		£ 272 19 5			£ 272 19 5

We certify to the correctness of the above Account,

Narellan, 31 December, 1856.

J. N. OXLEY, C.N.R.T.
J. M. ANTILL, C.N.R.T.
E. PALMER, C.N.R.T.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(NARELLAN.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

Dr.			THE COMMISSIONERS of the NARELLAN ROAD TRUST in Account Current for the Half-year ending 31 December, 1857.				Cr.	
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	No. of Cheque.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.		
1857.			1857.					
1 July	To Balance in hand, 30 June, 1857.....	107 16 11	4 July	6,241	Paid Catherine Wynn	3 0 0		
"	" Tolls received from Catherine Wynn	21 18 4	21 Nov.	6,252	" Thomas Blades	15 0 0		
August ...	" Do. Do.	21 18 4	28 "	6,253	" Wages	10 5 6		
19 "	" Repayment by Samuel Jones	1 15 0	" "	6,254	" George Gibson	1 15 0		
September.	" Tolls received from Catherine Wynn	21 18 4	" "	6,255	" Jacob Hull	7 16 0		
October ...	" Do. Do.	21 18 4	5 Dec.	6,256	" Thomas Blades	45 12 4		
November..	" Do. Do.	21 18 4	" "	6,257	" Wages	4 16 0		
December .	" Do. Do.	21 18 4	" "	6,258	" David Crichton	13 6 0		
			12 "	6,259	" Ditto	13 0 0		
			" "	6,260	" Wages	1 3 0		
			" "	6,261	" Ditto	7 4 0		
			" "	6,262	" Ditto	13 16 0		
					Balance on 31 December, 1857.	104 8 1		
		£ 241 1 11				£ 241 1 11		

We certify to the correctness of the above Account.

Camden, 24 April, 1858.

Signatures of Commissioners { J. N. OXLEY, C. N. R. T.
JAMES K. CHISHOLM, C. N. R. T.
E. PALMER, C. N. R. T.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS. (NARELLAN.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1858.

Dr. The COMMISSIONERS of the NARELLAN ROAD TRUST, in Account with the COLONIAL TREASURER, from 1 July to 31 December, 1855. Cr.

RECEIPTS.	Date of each Bank Deposit Receipt.	Amount of each Receipt.	TOTAL AMOUNT.	DISBURSEMENTS.	Date of Voucher.	Amount of each Abstract.	AMOUNT UNDER EACH HEAD OF SERVICE.
To Balance on 30 June, 1855, brought forward from last Account .....	.....	.....	244 9 4	By Salaries, as per Abstract:—	1855.		
				Superintendent of Roads.....	2 July	16 13 4	
				Gatekeeper at Carne's Hill Tollgate	1 June to 31 Dec.	54 18 0	71 11 4
„ Amount Received:—				„ Instalments to Contractors, as per Voucher:—			
1855. } Amount received by Tolls collected at	7 Aug.	51 11 6		William Hale	2 July	6 0 0	
June 1 } the Tollgate at Carne's Hill, on Cow-	11 Sept.	20 10 0		William Hull	8 Sept.	20 0 0	
to } pasture Road	12 Oct.	18 12 0		Ditto	13 Oct.	73 10 0	
Dec. 31 }	5 Nov.	18 2 3		Ditto	1 Nov.	34 0 0	
	4 Dec.	19 9 5	128 5 2	Charles Hart	14 „	25 0 0	
Dec. 15 Cash paid into the Commercial Bank by				Samuel Jones	17 „	24 0 0	182 10 0
the Hon. the Colonial Treasurer.....			375 0 0	„ Miscellaneous Expenses, as per Voucher:—			
				W. S. Mitchell, Auction Com. on Sale of Tolls	22 Dec.	4 11 3	
				Advertising Sale of Tolls in <i>Morning Herald</i> ..	31 „	1 5 0	
				Postages for the Year .....	.....	0 12 6	
							6 8 9
				Balance on 31 December, 1855			487 4 5
			£ 747 14 6				£ 747 14 6

Narellan, 4 February, 1856.

J. N. OXLEY, C. N. R. T.
J. M. ANTILL, C. N. R. T.
GEO. MACLEAY, C. N. R. T.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.
(PENRITH.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1858.

THE COMMISSIONERS of the PENRITH ROAD TRUST, in Account current for the Half-year
ending 30 June, 1857.

Dr.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1857.	To Balance in hand on 31st December, 1856	210 6 3		By Salary, as per Abstract A	15 0 0
30 June ..	Half-yearly Rent of Toll-gate at Hebersham	185 0 0		„ Wages, as per Abstracts B to S ..	155 17 6
				„ Services performed, as per Abstracts T and U	153 9 0
				„ Balance on 30th June	65 19 9
	TOTAL	£ 395 6 3		TOTAL	£ 395 6 3

We certify to the correctness of the above Account,

R. COPELAND LETHBRIDGE, }
GEO. THOS. CLARKE, } Commissioners.

Penrith, 13 February, 1858.

THE COMMISSIONERS of the PENRITH ROAD TRUST, in Account current for the Half-year
ending 31 December, 1857.

Dr.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1857.			1857.		
1 July ..	To Balance in hand on 30th June, 1857.	65 19 9	31 Dec. ..	By Wages, as per Abstracts A to R	212 10 0
15 July ..	Grant of Money from the Legislature for the repair of road between Emu Ferry and Eastern Creek	550 0 0	31 Dec. ..	„ Contract, as per Voucher S. ..	477 12 0
31 Dec. ..	Half-yearly rent of Hebersham Toll-gate	185 0 0	31 Dec. ..	„ Salary to Secretary and Treasurer, as per Voucher T.	15 0 0
			31 Dec. ..	„ Commission to Auctioneer, as per Voucher U.	6 15 0
				„ Blacksmith's Bill, as per Voucher V.	5 4 6
			31 Dec. ..	„ Balance on 31st December, 1857.	83 18 3
	TOTAL	£ 800 19 9		TOTAL	£ 800 19 9

We certify to the correctness of the above Account,

R. COPLAND LETHBRIDGE, }
GEO. THOS. CLARKE, }
THOS. BUSICK HAYLOCK, } Commissioners.
RICHARD BROOKS, }

*Penrith Road Trust Office,
15 February, 1858.*

1858.

1189

Legislative Assembly.

NEW SOUTH WALES.

REGISTRATION.

SECOND ANNUAL REPORT

FROM

THE REGISTRAR GENERAL.

Ordered by the Legislative Assembly to be Printed, 24 August, 1858.



SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

431—A

1858.

REGISTRATION.

(REPORT FROM REGISTRAR GENERAL.)

THE REGISTRAR GENERAL to THE HONORABLE THE COLONIAL SECRETARY, reporting
on the Registration of Births, Deaths, and Marriages for the year ending 31st
December, 1857.

SECOND ANNUAL REPORT.

Registrar General's Office,
Sydney, 16 August, 1858.

SIR,

In presenting my second Annual Report on the progress of the system of Registration of Births, Deaths, and Marriages, established in 1856, under the provisions of the Act of Council 19th Victoria, No. 34, I have great satisfaction in noticing the success which has attended its operation during the past year, affording, as it does, the strongest evidence of the favor with which the public are beginning to regard the measure, and of the growing appreciation of the advantages, social, political, legal, statistical, and sanitary, which have been found to attend the collection of vital statistics in every civilized country.

2. As a necessary branch of vital statistics, the importance of a Civil Registry of Births, Deaths, and Marriages, is every day becoming more apparent; indeed, the pursuit of statistical inquiries into every subject affecting human interests, whether individually or in a state of society, seems almost to have become a necessity of the age in which we live;—errors as to facts are thus daily exploded, and more just data are supplied for the judgment of the legislator, and for the right comprehension of the principles which should guide the proceedings of governments and societies, to the promotion of the physical and moral improvement of the people; and, besides this, the importance of having legal records easily accessible, to give security to the principles of inheritance, and to the legal succession to property, is very generally felt and acknowledged.

3. In illustration of the value of these statistics, and of the errors as to facts which their collection is calculated to remove, I may instance the fact that the Mortality Returns for the City of Sydney, enjoying, as it is believed, a most salubrious climate, and, as it is certain, one of the finest sanitary positions in the world, exhibited in the first year's registration a higher death rate than was found to prevail in London in a year of cholera. Is not this an important fact for us to know, and does it not demand the earnest attention of the philanthropist? How long might we have remained in ignorance of this sacrifice of human life, had not its existence been brought home to us with all the authority of stubborn facts? We are thus furnished with unimpeachable evidence of the existence of certain social evils amongst us, calling for remedy; and we are made to learn that, with all our advantages of climate and position, we cannot with impunity neglect those sanitary precautions which have been found to exercise so beneficial an influence on the public health in all populous cities. With these introductory remarks I will now proceed to make such comments on the Tables appended to this Report as may seem necessary for their elucidation.

4. For the sake of comparison, and for other useful objects, I have distributed the Registry Districts into ten divisions:—

- 1st. The "Northern," comprising the ten Registry Districts that will eventually form the new northern Colony.
- 2nd. The "North-eastern," embracing the fifteen Districts bordering the Coast from Point Danger to the Hunter.
- 3rd. The "North Midland," embracing the three Districts forming the table land of New England.
- 4th. The "North-western," embracing six Registry Districts, exclusively pastoral.

5th.

Importance of
Vital Statistics.Facts elicited by
Registration.Divisions of the
Colony.

Appendix B.

Appendix B.

- 5th. The "Metropolitan," embracing the City of Sydney and the seven Registry Districts within the limits of the Metropolitan Police District.
- 6th. The "East Midland," comprehending the thirteen extra Metropolitan Districts, from the Hunter southerly to Camden and Picton.
- 7th. The "West Midland," embracing nine Districts, (principally pastoral and mining), bearing westerly from the Blue Mountains.
- 8th. The "South-eastern," including the seven Districts bordering the Coast from Wollongong to Eden.
- 9th. The "South Midland," embracing ten Districts of considerable elevation, and enjoying a somewhat European climate, (partly pastoral and partly agricultural.)
- 10th. The "South-western," comprehending five Registry Districts, in the plain country, (entirely pastoral), extending to the extreme westerly confines of the Colony.

By this arrangement I have endeavored to secure a classification having reference to elevation and similarity of climate, as well as to similarity of pursuit. The relative healthfulness of the population in different parts of the Colony will thus be brought out, and the knowledge of diseases incident to locality, or to occupation, will be very largely promoted.

General results
of Registration
for the year.
Appendix A.

5. It will be seen that the total registrations in the year were—

12,503 Births,
2,902 Marriages,
4,846 Deaths.

The * Table at foot shows the rate per cent. which these figures bear to the population by the last Census in the different divisions of the Colony described in the last paragraph.—The increase of the population by the excess of births over deaths thus accounted for was 7,657, being at the rate of 2.636 per cent. on the estimated population at the beginning of the year. This is rather more than double the natural increase of the population exhibited by the Registration Returns for England and Wales. In 1855, the rate was 1.121 per cent., which is stated to have been greater than the annual increase of the two previous years. In the ten years, however, from 1831 to 1841, the rate of increase of the population was calculated at 1.551 per cent. annually.

Population of
the Colony on
1st January,
1857.

6. In the postscript to my report on the Census of 1856, I estimated the population on the 1st of January, 1857, at 290,406; if we add to this the increase by Births over Deaths, 7,657, and further the net increase by Immigration during the year 10,959, we shall find that on the 1st January, 1858, the total population of the Colony should have been 309,022, that is an increase of 18,616 souls, or 6.410 per cent. in the year, viz. :—

On 1st January, 1857	...	...	...	290,406
Net Immigration	...	...	...	10,959
Excess of Births over Deaths	...	...	...	7,657
				<u>309,022</u>

The overland migration between this Colony and Victoria may affect this calculation materially, but to what extent, and whether by increasing or decreasing the numbers, there is no present means of ascertaining.

* DIVISIONS.	Per Centage of Total Births to Population.	Per Centage of Marriages to Population.	Per Centage of Total Deaths to Population.	Per Centage of the excess of Births over Deaths to Population.
I. Northern	4.46	0.95	1.76	2.70
II. North-eastern	5.03	0.95	1.68	3.34
III. North Midland	5.12	1.02	2.08	3.03
IV. North-western	3.06	0.60	1.55	1.50
V. Metropolitan	4.88	1.50	2.38	2.50
VI. East Midland	4.92	0.79	1.82	3.10
VII. West Midland	4.28	1.03	1.42	2.86
VIII. South-eastern	4.95	0.82	1.10	3.85
IX. South Midland	4.32	1.03	1.27	3.04
X. South-western	2.45	0.35	0.95	1.49
NEW SOUTH WALES..	4.69	1.09	1.82	2.87

N.B.—The calculations are based upon the population as taken at the Census of 1856.

BIRTHS.

BIRTHS.

7. The subjoined Tables show the number of Births registered in each Quarter of the years 1856 and 1857, for Sydney and for the whole Colony respectively:—

(Comparative statement of Births in 1856 and 1857.)

Comparative Table of BIRTHS registered in SYDNEY during the Years 1856 and 1857.

QUARTERS ENDING	1856.			1857.			INCREASE.			DECREASE.			NET INCREASE.
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	
* 31st March	14	14	28	249	277	526	..	..	..	..	..	..	....
30th June	223	203	426	325	316	641	102	113	215	..	..	..	215
30th September..	281	271	552	266	287	553	..	16	16	15	..	15	1
31st December..	266	279	545	284	268	552	18	..	18	..	11	11	7
TOTAL	784	767	1,551	1,124	1,148	2,272	..	..	..	..	..	..	....

* Registration commenced on 1st March, 1856.

Comparative Table of BIRTHS registered in NEW SOUTH WALES during the Years 1856 and 1857.

QUARTERS ENDING	1856.			1857.			INCREASE.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
31st March *	No Returns.			1,427	1,464	2,891	....	....	....
30th June	1,148	1,035	2,183	1,564	1,518	3,082	416	483	899
30th September	1,567	1,602	3,169	1,641	1,639	3,280	74	37	111
31st December	1,593	1,601	3,194	1,634	1,616	3,250	41	15	56
TOTALS.....	4,308	4,238	8,546	6,266	6,237	12,503	531	535	1,066
Proportion of Males to Females}	100.0	98.3		100.0	98.5	....	....	....	....

* The Registrations made in March, 1856, being few in number, are thrown into the next Quarter.

The development of the system of Registration is thus clearly exhibited; and it is a satisfaction to find that its introduction into this Colony has met with fewer obstructions, and consequently exhibits a much greater measure of success than was found to attend the operation of the law in the same period of time in the sister Colony of Victoria.

8. In accordance with the universal law of population, the births of males are found to preponderate slightly over the births of females. In both the years 1856 and 1857 the proportion was 100 males to 98 females; in Victoria, according to the last report of the Registrar General, the proportion for the year 1856-7 was 103 boys to 100 girls, whilst in England in 1855, the proportion was 104 boys to 100 girls.

Proportion of males to females.

9. In the Table at foot is exhibited the number of children born out of wedlock, the number of triplets, and the number of twins, registered.

Illegitimate births, twins and triplets.

The illegitimate children are as 2.335 per cent. to the total births;—this is very much below the average of England and Wales, but higher than is exhibited in the returns of Victoria.

Illegitimate.

	ILLEGITIMATES.		TRIPLETS.		TWINs.	
	Males.	Females.	Males.	Females.	Males.	Females.
Sydney	26	32	3	..	20	30
Hamlets	13	19	..	..	10	14
Country Districts	100	102	2	1	70	81
TOTALS	139	153	5	1	100	125

In England and Wales the proportion varies very considerably from 1 per cent. in certain districts up to as high as 17 per cent. in others—the average being from 6 to 7 per cent. In Victoria the numbers registered bear a smaller proportion. In the years 1856-7 out of 15,937 births registered, 249 are recorded as being out of wedlock; that is 1·562 per cent.; but it is more than probable that neither in Sydney nor in Melbourne are the true number of illegitimate births arrived at.

Triplets,

Triplets are recorded in only two instances, one in Sydney of 3 male children, and one in the country of two boys and one girl.

Twins,

Twins are recorded in 113 instances,—100 being males and 125 females; 1 unrecorded, having been still-born.

Observations upon the effect of the solemn declaration required after 60 days.

10. The number of births registered upon "declaration" after the expiration of 60 days, and within 6 months, was

In Sydney	223
In the Hamlets ..	142
In the Country Districts.....	561
Total.....	926

Sec. XXII.

The effect of that provision of the Registration Act which requires a solemn declaration to be made by the parent or by some person present at the birth previous to registration, has been rather to obstruct than to facilitate the working of the system. If the object was to incite to a more exact observance of the time prescribed by the preceding section of the Act, it has altogether failed. To be effectual, the privilege should be attended with a small fine, say 5s., payable to the Registrar, as may be seen prescribed in the Registration Act of South Australia. As the law stands at present, double trouble is imposed upon the Registrar, whilst the neglect of the parent goes scotfree. Whenever the law is amended, I would strongly urge the adoption of the South Australian principle.

MARRIAGES.

11. The number of Marriages celebrated during the year was 2,902; of this number 94 were celebrated before the Registrars, namely,—4 in Sydney, 7 in the Hamlets, and 83 in the Country Districts. These figures prove, beyond a doubt, that the privilege conceded by the Marriage Act is very sparingly exercised where the church is in a position to offer her services; and there is no reason to suppose that in any single instance has the provision of the law which authorizes the celebration of marriages before the Registrar encouraged or been accessory to a clandestine marriage.

The numbers signing the Marriage Register a test of education.

12. In the Mother Country the number of persons signing the Marriage Registers with marks, as compared with those signing their names in full, is taken as a tolerably accurate test of the state of education; and the results of this test have been fully borne out by data obtained by means of the Census and other modes of information. The Registrar General of England observes in his last report, "there can be no doubt that the analysis of the relative numbers that sign the Marriage Registers with marks and that write their names in the National Returns throws more light on the permanent results of elementary education than any other test that has yet been devised." He further states: "It is consolatory to find that within the fifteen years 1841 to 1855, the proportion of men who write their names has increased from 67·3 to 70·5, and the proportion of women has increased to a still greater extent, namely, from 51·2 to 58·8 in 100." As compared with this statement the following Table bears favorable evidence as to the degree of elementary education amongst our up-grown population. It will be seen that the proportion signing their names in the Registers is 9 per cent. greater amongst the males, and 7 per cent. greater amongst the females in favor of New South Wales.

Proportion per cent. of Males and Females who signed the Marriage Register with marks, and who wrote their names during 1857.

	PROPORTION IN 100 MALES		PROPORTION IN 100 FEMALES	
	Who signed with marks.	Who wrote their names.	Who signed with marks.	Who wrote their names.
Sydney	11·	89·	30·	70·
Hamlets	14·	86·	23·	77·
Country Districts	27·	73·	40·	60·
New South Wales	21·	79·	35·	65·

13. As I stated in my first annual report the imperfect form of Certificate prescribed by the Marriage Act, precludes the possibility of making any further analysis of the Marriage Returns. In England many useful and interesting inquiries relative to the ages, social condition, &c., of the people are entered into, which the defective information conveyed in the Marriage certificate forbids me to attempt. The Marriage Registers are there regarded as a barometer of the social state and prospects of the people as the funds are of their financial state and prospects.

Imperfection of Form of Marriage Certificate.

14. There are two very glaring defects in the Marriage Law productive of great evils, to which it is my duty to direct attention,—the one is the absence of any sufficient check upon improper persons claiming to be placed on the Register as Ministers of Religion authorized to celebrate marriages; the other is, the absence of any proper check upon the celebration of irregular marriages. With regard to the first, some evidence of the applicant's being an ordinarily officiating Minister of Religion would be desirable; and, with regard to the second, it is absolutely essential that the Marriage Certificate should convey clear evidence on the face of it of either of the parties being *under age*.

Insufficiency of the law to check irregular marriages, &c.

Two or three instances of marriages irregularly celebrated in this respect have been brought under your notice, and I have reason to believe that the provision of the law which requires the written consent of the parent or guardian is not duly regarded. The evils incident to this neglect call for some prompt remedy, for there is no knowing what social derangements, and what unhappiness in families may be the result. The endorsement of consent on the certificate required by section 12 of the Act, has been found altogether useless as a check against the celebration of clandestine marriages, the mere neglect of the endorsement being sufficient to conceal the offence. In the appendix will be found a form of certificate which I would strongly recommend as a substitute for that which experience has proved to be so defective; this form is somewhat similar to that in use in the adjoining Colony, and is framed not only to meet the objection raised above, but to supply all the statistical information required to satisfy the form of register which has been adopted.

Marked M.

DEATHS.

15. The nosology, or classification of diseases adopted in the Mortality Tables, appended to this Report, is identical with that employed in the Mother Country, and in the Colony of Victoria. As a nosologist, Dr. Farr's reputation is not confined to England. The European celebrity he has attained in this branch of science would have rendered any departure from the system he has laid down, except upon the most conclusive evidence of its inapplicability to these Colonies, a most rash and presumptuous step. It is, moreover, of very great importance that the systems obtaining in the Australian Colonies should assimilate in every respect. It may be that diseases will be found in this country similar in their effects upon the human frame, but traceable to predisposing causes of a widely different character from those to which they owe their origin in European climates; but this hypothesis can only be satisfactorily proved by the carefully recorded observations of a long period of time; and one of the most important results to be obtained from registration is, the collection of facts leading to a more perfect knowledge of the predisposing causes, the proper treatment, and the relative fatality of diseases, from which may eventually be deduced by the scientific inquirer principles that will have a most important effect upon Medical Science in these Colonies, and tend to the diminution of human suffering throughout the world.

Reasons for adopting the nosology employed in the Tables.

16. It is with the view set forth in the last paragraph that I have sought the co-operation of the members of the Medical Profession, so that the facts recorded relating to the "causes of death" may command perfect confidence. Unprofessional testimony, upon which more than half the causes of death have hitherto been recorded, is obviously unsatisfactory. I therefore, in the latter part of last year, addressed a letter to the President of the Medical Board, a copy of which will be found in the Appendix, soliciting the intervention of the Board with a view to obtain a more general appreciation by the Profession of the object sought to be attained. Unfortunately, I failed to secure the assistance I asked from the Board, on the grounds that any action unconnected with its immediate functions might be misinterpreted.

Steps taken to secure reliable data as to "cause of death"

Marked N

In the Act for Registering Births, Deaths, and Marriages in South Australia, provision is made to secure a reliable record of the "cause of death." The clause runs as follows, viz.:—"Every Medical Practitioner who shall have been in attendance upon any person deceased, or who shall have examined the body, shall deliver to the nearest of

Medical Practitioner to certify cause of death.

"kin,

"kin, occupier, or other person required by this Act to give information of the death to the District Registrar, a certificate under his hand, according to the form in the Schedule hereto annexed, marked G, setting forth to the best of his knowledge and belief the cause of death, which certificate such nearest of kin, occupier, or other person shall, when notifying the death, deliver to the District Registrar or Registrar General; and such Medical Practitioner neglecting to give such certificate *when demanded*, shall be liable to a penalty not exceeding five pounds, nor less than two pounds." No reasonable objection presents itself to the embodiment of a similar provision into our law, and I trust, when any amendment is proposed, that this very important matter will not be overlooked.

Comparison
between deaths
registered in
1856 and 1857.

17. The total number of deaths registered during the year was 4,846, and the Table at foot will show the Quarterly Mortality as compared with the previous year. It will be seen that the Deaths registered in the second quarter of 1856 exceeded by 89 the deaths registered in 1857; but in the two latter quarters there was an increase of 81 and 87, respectively, or 168 deaths in the half-year.

Comparative Table of DEATHS Registered in New South Wales, during the years 1856 and 1857.

QUARTERS ENDING.	1856.			1857.			INCREASE.			DECREASE.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
*31st March	111	76	187	890	558	1,448	..	..	..	..	..	..
30th June	665	471	1,136	634	413	1,047	..	..	..	31	58	89
30th September	620	377	997	686	392	1,078	66	15	81	..	..	..
31st December	722	464	1,186	788	485	1,273	66	21	87	..	..	..
	2,118	1,358	3,506	2,998	1,848	4,846	..	..	..	..	..	..

* Registration commenced on 1st March, 1856.

I have reason to believe, owing to the precautions laid down by the law to secure the accurate registry of deaths, that but few, comparatively, escape registration; the return may, therefore, be received with great confidence as illustrative of the relative healthfulness of the population in the different quarters of the year.

18. Whilst (allowing for the increase of population) but little variation is seen in the total mortality during the years 1856 and 1857, a considerable increase is observable in the deaths of children under five years of age.

Deaths of Children under five years.

In 1856, the tables exhibited the proportions of 45·51 per cent. in the Metropolitan Districts, and 34·66 per cent. in the Country Districts. In 1857 the proportions were 48·89 per cent. in the Metropolitan Districts, and 36·82 per cent. in the Country Districts. There is observable, moreover, in the present tables a very remarkable difference in the rate of mortality of children under 5 years of age in the City as compared with the outlying Metropolitan Districts. It appears by the returns for the City, that a proportion of 44·49 per cent. only of the deaths were under 5 years of age; whilst the outlying districts show 58·14 per cent. under that age. I have not the leisure to trace this excessive death-rate of children in the Hamlets to its cause; it is a remarkable fact, but I must leave its solution to more minute inquirers. It will most probably be found that the number of children under 5 years of age bears a greater proportion to the total population than is to be found in the City.

On Infantile Mortality.

19. With the view of showing the rate of infantile mortality as compared with 1856, I have caused the Table following to be prepared. The first column for each year exhibits at a glance the relative proportion which the deaths under 1 year bear to the deaths under 5, as well as to the total deaths. The second column shows the proportion of deaths between the ages of 1 and 2 to the deaths under 5, and to the total deaths. These particulars, moreover, are given separately for Sydney, the Hamlets, and Country Districts, as well as in combination at the bottom of the Table. Taking the deaths under 1 year in the Sydney District, a decrease of 3·03 per cent. will be observed on the deaths under 5, but an increase of 1·14 on the total deaths of the year; and if we look to the deaths under 2 years, in the third column, we shall find a decrease of 2·75 per cent. on the deaths under 5, and an increase of 2·13 on the total deaths.

Comparison in Sydney.

Comparative

Comparative Table, showing the rate of INFANTINE MORTALITY during the years 1856 and 1857.

	1856.					1857.				
	Under 1 year.	1 and under 2.	Total under 2.	Total under 5.	Total Deaths.	Under 1 year.	1 and under 2.	Total under 2.	Total under 5.	Total Deaths.
1. SYDNEY	296	102	398	445	1,092	372	136	508	586	1,317
Per centage on deaths under 5.	66.51	22.92	89.43			63.48	23.20	86.68		
Ditto on total deaths	27.10	9.34	36.44			28.24	10.32	38.57		
2. HAMLETS	158	49	207	245	441	243	88	331	364	626
Per centage on deaths under 5.	64.49	20.00	84.49			66.75	24.17	90.92		
Ditto on total deaths	35.82	11.11	46.93			36.81	14.05	52.87		
3. COUNTRY DISTRICTS	455	124	577	684	1,973	694	210	904	1,069	2,903
Per centage on deaths under 5.	66.22	18.12	84.35			64.92	19.64	84.56		
Ditto on total deaths	22.96	6.28	29.24			23.90	7.23	31.14		
4. TOTALS	907	275	1,182	1,374	3,506	1,309	434	1,743	2,019	4,846
Per centage on deaths under 5.	66.01	20.01	86.02			64.83	21.49	86.32		
Ditto on total deaths	25.86	7.84	33.71			27.01	8.95	35.96		

In the Hamlets we observe an increase of 2.26 per cent. in the deaths under 1 year Hamlets. on the deaths under 5; and of 2.99 on the total deaths. Again, in the deaths under 2 years we find an increase of 6.43 per cent. on the deaths under 5, and of 5.94 on the total deaths. In the Country Districts we find a decrease of 1.30 per cent. in the deaths under 1 year on Country Districts. the deaths under 5, but an increase of 0.94 on the total deaths; whilst in the third column, showing the deaths under 2 years, we see an increase of 0.21 per cent. on the deaths under 5, and of 1.90 on the total deaths. Combining the three classes of districts we see a decrease of 1.18 per cent. in the deaths under 1 year on the deaths under 5, but an increase of 1.15 on the total deaths; whilst in the deaths under 2 years we find an increase of 0.30 per cent. on the deaths under 5, and of 2.25 on the total deaths. It must be confessed that this analysis is not so satisfactory as could be wished; and I am sorry to say that I can offer no satisfactory reason for the excessive infantine mortality which the Table displays in the Hamlets or suburban districts as compared with the previous year.

20. At foot will be found a Comparative Statement* of the Quarterly Deaths registered in the City of Sydney during 1856 and 1857: the first quarter admits of no comparison; the second quarter shows a decrease of 89, or 24.45 per cent. in the mortality of 1857; the third quarter shows a difference of 2 in favor of 1857; whilst the last quarter shows an increase of 53 or 14.92 per cent. upon the mortality of the previous year. Sydney Mortality.

* COMPARATIVE TABLE of DEATHS registered in Sydney during the Years 1856 and 1857.

Quarters ending	1856.			1857.			Increase.			Decrease.			Net Decrease
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	
31 March†	44	36	80	198	145	343	..	..	..	..	..	..	....
30 June	198	166	364	154	121	275	..	..	..	44	45	89	89
30 September.....	164	129	293	160	131	291	..	2	2	4	..	4	2
31 December	202	153	355	220	188	408	18	35	53	..	..	..	Increase.
Total	608	484	1,092	732	585	1,317	..	..	..	..	..	..	....

† Registration commenced on 1st March, 1856.

‡ In the Monthly Health Report for October, 1857, an error occurs in the deaths of the corresponding month of the previous year. The deaths registered in October, 1856, were 103—not 90, as stated.

§ 9 of the unspecified deaths registered in October having occurred in previous months were omitted from the monthly tables to prevent the appearance of an excessive increase in the mortality in that particular month—viz., 3 males and 6 females.

21. The Table* at foot has been prepared to show the per centage of fatality of the several classes of diseases on the total deaths in the City of Sydney, in the Hamlets, and in the Country Districts respectively. It will be seen that the mortality from diseases of the zymotic class was greatly in excess in the Hamlets. That diseases of the nervous and respiratory systems and of the digestive organs greatly preponderated in the City and Hamlets, whilst deaths from old age and from external causes were by far the most numerous in the Country Districts; and I may state that in the class of "External causes" are included deaths by violence and intemperance, which, I am sorry to say, are intimately associated with each other in the Returns, and form by far the larger share of the total deaths of that class.

The Abstracts in the Appendix marked H, I, J, exhibit in detail the Monthly Mortality classified Nosologically, according to sex. The Registering Clerk found so much difficulty in clearly ascertaining the Wards in which deaths occurred, and in many instances entire ignorance of the locality, that the tabulation I proposed to make by Wards, in the City of Sydney, has been found impracticable for the year under consideration, which I much regret.

22. It is necessary that I should again refer to a subject alluded to in my first Annual Report, namely, the transference of the duties of Registrar for the City of Sydney to one or more Deputy Registrars. The fourth section of the Act imposes the duty on the Registrar General, and, therefore, an application to Parliament will be necessary to remove it from his shoulders. I am bound, however, to point out that the change will involve an increased expenditure of not less than £500 per annum, supposing the persons appointed

Transfer of duties of Registration for the City to Deputy Registrars.

TABLE showing the Per Centage of Fatality of the several Classes of Diseases on the Total Deaths in the City of Sydney, in the Hamlets, and in the Country Districts, respectively.											
CAUSES OF DEATH.	PER CENTAGES ON TOTAL DEATHS OF TWELVE MONTHS.						DIFFERENCE.				
				SYDNEY.		Country Districts.	HAMLETS.		Over Country Districts.	COUNTRY DISTRICTS.	
	Sydney.	Hamlets.	Country Districts.	Over Hamlets.	Over Country Districts.		Over Sydney.	Over Country Districts.		Over Sydney.	Over Hamlets.
1. Zymotic Diseases	11.46	15.65	10.91	.....	0.55	4.19	4.74	.....	.....	.....	.....
<i>Sporadic Diseases—</i>											
2. Of uncertain seat	15.48	14.21	14.91	1.27	0.57	.....	.....	.....	.....	.....	0.70
3. Of Nervous System	17.69	20.44	14.84	.....	2.85	2.75	5.60	.....	.....	.....	.....
4. Of Respiratory System	15.56	14.85	11.84	0.71	3.72	.....	3.01	.....	.....	.....	.....
5. Of Circulatory System	3.64	2.55	3.61	1.09	0.03	.....	.....	.....	.....	.....	1.06
6. Of Digestive Organs	17.38	17.57	9.78	.....	7.60	0.19	7.79	.....	.....	.....	.....
7. Of Urinary do.	0.30	0.63	0.79	.....	.....	0.83	.....	.....	.....	0.49	0.16
8. Of Generative do.	1.51	0.31	1.61	1.20	.....	.....	.....	.....	0.10	0.30	.....
9. Of Locomotive do.	1.13	0.63	0.48	0.50	0.65	.....	0.15	.....	.....	.....	.....
10. Of Integumentary System...	0.63	.....	0.03	0.68	0.65	.....	.....	.....	.....	.....	0.03
11. Old Age	2.65	2.23	5.51	0.42	.....	.....	.....	.....	2.86	3.28	.....
12. External Causes	7.44	7.50	18.42	.....	.....	0.06	.....	.....	10.98	10.92	.....
Unspecified	5.01	3.35	7.19	1.66	.....	.....	.....	.....	2.18	3.84	.....

are paid on the same terms as the Country Registrars. Irrespective of the great interruption to the clerical duties of the office, the central establishment does not offer those facilities for registration in the remoter parts of the city which it is extremely desirable, if not necessary, for the accurate registration of births and deaths, should be afforded to the public. There is reason to think that many births go unregistered, which the exertions and supervision of local registrars would secure. I am, therefore, of opinion that the sooner this change is carried out the better.

21. As there is still much misapprehension as to the authority upon which the form of registration in cases of births, deaths, and marriages has been adopted—a misapprehension which it is desirable should be removed—I will again call attention to what has been said in former reports, namely, that the inquiries are made on legally constituted authority, and are not the emanations of a personal curiosity. If objectors will take the trouble to refer to the Schedules D and E to the Registration Act, they will discover a very palpable oversight on the part of the officer who drew the Bill, and on the part of the Legislature which passed it, they will discover that *Marine* Schedules were by mistake substituted in the place of those intended for the General Registry of the Colony. It became my duty then to find legal means for remedying the error that had thus occurred, and fortunately the 6th section of the Act provided me with the means of meeting the difficulty. In accordance with the authority therein contained, the forms now in use were, with the approval of the Governor and Executive Council, proclaimed by notice in the *Government Gazette* of the 28th February, 1856, and were thereupon made as binding on all persons affected thereby as if they formed part of the Act. It will be seen, moreover, that the particulars required to be furnished are exactly those required in Schedules D and E, substituting, of course, the name of the place for the latitude and longitude. I trust Sir, after this explanation, we shall hear no more as to the illegality of the form of registration adopted. It might be desirable, however, in order to place the question out of the reach of cavil, whenever any amendments are made in the law, to give attention to this point, and I trust that whenever this is done the integrity of the system which it has been my endeavour to carry out, and which has met with so large a measure of success, will not be violated to meet the objections of the few whose prejudices it must be left to time to remove.

Explanation as to the Forms of Registration adopted.

19 Vic., No. 34.

Enlightened persons will not object to the apparent exposure of their family history when satisfied that the only object is the promotion of the public welfare, nor will they think inquiries impertinent, which although *seemingly* minute and unimportant, have been recommended by the united experience of the ablest statisticians in Europe as of great value in proof of questions regarding descent, and to determine the principles of inheritance, as well as for other useful statistical purposes. The fact that the individuality of the particulars is lost in the mass of many thousand entries annually made; and the further fact, which may be ascertained by any person sceptical on this matter who will take the trouble to pay a visit to the office, that already, at this date, upwards of 50,000 persons have supplied the information sought to be obtained, altogether preclude the idea of impertinence which some persons seem to entertain.

22. I have on other occasions directed attention to the defective state of the Baptismal and Burial Returns transferred to this department from the Supreme Court. As almost every week produces some fresh instance of the insufficiency or inaccuracy of the Returns furnished by the Clergy, it may be desirable that I should give an example to show how utterly inadequate to the proof of inheritance the former system of registration has been. Inquiry was made about three months ago for the record of the burial of one Harriet Ada Cook, who died in Sydney on the 12th April, 1854. Search being made, the particulars given at foot* were found in the Register. A question of property to which his wife was next in succession made it of the greatest importance to the inquirer that he should substantiate the fact of the death of her elder sister, a fact which the records in question

Defective state of the Baptismal Marriage and Burial Registers transferred from the Supreme Court.

* WESLEYAN Burials in the Sydney North Circuit, in the County of from the twenty-second (22nd) day of January to the (16th) sixteenth day of April, 1854.

Name.	Age.	Abode.	When Buried.	Ship's Name.	Quality or Profession.	By whom the Ceremony was performed.
85.—Cook...	Sydney..	14 April, 1854.	.....	.....	Stephen Rabone.

I certify the above to be a true Return of all Burials performed by me, within the time above specified.

afforded the most ready and simple, if not the only means of proving. The inquirer's disappointment may readily be supposed on being furnished with a certificate of the entry as it appears in the Register. It will be seen that neither the Christian name nor the sex of the deceased appears on the record, or anything indeed to identify the person sought after. By what process or at what expense the inquirer may be able to prove a fact so important to his interests, or whether he can succeed in proving the fact at all, I am not in a position to say. If this were the only case it would furnish a powerful argument for the establishment of a Civil Registry, but when daily experience shows that this is not a solitary instance the argument becomes irresistible.

Relative to
Messrs. M'Don-
nell and Dod-
well's services.

23. Before I conclude my Report it is proper that I should make favorable mention of the services of two gentlemen employed in this branch of the department. Mr. M'Donnell, the senior Clerk and Accountant, has, by his untiring zeal in the discharge of his duties, and by his general intelligence, contributed largely to the successful carrying out of the new system of Registration; and to Mr. Dodwell I am much indebted for the valuable assistance he has afforded me in the important sphere of duty assigned to him. I commend both these gentlemen to the favorable notice of the Government.

Enumeration of
Tables in the
Appendix.
Marked A.

24. In the Appendix will be found 12 sets of Returns, viz.:—

1st.—A Table of Births Marriages and Deaths for the year, distinguishing the City, the Hamlets, and the Country Districts.

2nd.—A Table with a summary showing the population, with the births deaths and marriages of the year, classified in ten divisions, according to the distribution alluded to in paragraph 4 of this report.

Marked B.

3rd.—Table of Marriages, showing the number celebrated by the different denominations, and by the District Registrars, the small figures denoting those signing with marks.

Marked C.

4th.—Summary of Deaths in the whole Colony, (3 Tables.)

Marked D.

5th.—Summary of Deaths in Sydney, (3 Tables.)

Marked E.

6th.—Summary of Deaths in the Hamlets, (3 Tables.)

Marked F.

7th.—Summary of Deaths in the Country Districts, (3 Tables.)

Marked G.

8th.—Nosological Tables for Sydney.

Marked H.

9th.—Nosological Tables for Hamlets.

Marked I.

10th.—Nosological Tables for Country Districts.

Marked J.

11th.—Table of Births and Deaths occurring at Sea.

Marked K.

12th.—Return of the Registry Districts, with the names of the District Registrars at this date.

Marked L.

In submitting these returns, I would take leave to deprecate the notion which some persons may entertain, that they are a mere array of figures elaborately and ingeniously combined in columns and tables, but barren of useful results. They may present no charms to the general reader, but they are fraught with important and useful information. They may be looked upon as the opening folios of our national ledger, exhibiting at one view the profit and loss accruing upon the years transactions. By their aid we are advancing in the knowledge of the social laws by which we are governed, and are preparing to counteract the evil tendencies by which we are surrounded. Future generations will appreciate our labors, and applaud the wisdom and enlightenment displayed by their progenitors, in storing up for their benefit a mass of information which cannot fail of acquiring increased interest and usefulness as every year adds to its collection; inasmuch as it will enable them to draw comparisons, and to deduce conclusions, that may exercise a most important influence upon their well-being and happiness.

I have, &c.,

CHRIS. ROLLESTON,
Registrar General.

APPENDIX TO REGISTRAR GENERAL'S REPORT.

A.

TABLE shewing the Number of BIRTHS, MARRIAGES, and DEATHS registered in the Colony of New South Wales during the Year ended 31st December, 1857.

	BIRTHS.			MAR- RIAGES.	DEATHS.		
	Males.	Females.	Total.		Males.	Females.	Total.
SYDNEY	1,124	1,148	2,272	1,047	732	585	1,317
HAMLETS	866	850	1,716	180	324	302	626
SYDNEY AND HAMLETS	1,990	1,998	3,988	1,227	1,056	887	1,943
COUNTRY DISTRICTS	4,276	4,239	8,515	1,675	1,942	961	2,903
GRAND TOTALS	6,266	6,237	12,503	2,902	2,998	1,848	4,846

B.

TABLE shewing the POPULATION, with the Number of BIRTHS, MARRIAGES, and DEATHS registered in each District of the Colony of New South Wales during the Year ended 31st December, 1857, classified in Ten Divisions.

DISTRICTS.	POPULATION, 1856.	BIRTHS.			MARRIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
I. NORTHERN.								
1. Leichhardt	328	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
2. Port Curtis	287	8	9	17	5	7	1	8
3. Gayndah	1,309	11	14	25	9	12	3	15
4. Maryborough	669	17	11	28	13	Nil.	Nil.	Nil.
5. Brisbane	5,844	156	120	276	51	65	42	107
6. Ipswich	4,558	115	115	230	58	67	36	103
7. Warwick	1,362	31	38	69	9	11	4	15
8. Drayton	1,467	29	35	64	10	18	7	25
9. Dalby	678	13	19	32	5	15	5	20
10. Surat or Condamine	415	6	8	14	2	5	....	5
TOTAL	16,907	386	369	755	162	200	98	298
II. NORTH EASTERN.								
1. Tabulam	1,283	20	24	44	5	13	4	17
2. Grafton	1,069	30	31	61	12	9	6	15
3. McLeay	962	34	28	62	15	10	3	13
4. Port Macquarie, and	2,652	22	17	39	6	7	5	12
5. Manning		51	56	107	18	11	3	14
6. Port Stephens	1,222	24	20	44	5	9	5	14
7. Dungog, and	2,582	39	49	88	7	13	11	24
8. Clarence Town		17	22	39	4	7	4	11
9. Paterson	2,399	51	58	109	15	14	4	18
10. Raymond Terrace	4,007	93	98	191	18	36	28	64
11. Maitland	15,290	431	416	847	174	180	122	302
12. Patrick's Plains	3,419	65	80	145	49	44	24	68
13. Merton and Muswellbrook	1,028	19	9	28	6	9	6	15
14. Scone	1,100	25	28	53	13	6	10	16
15. Murrumbidgee	921	31	21	52	17	29	9	38
TOTAL	37,934	952	957	1,909	364	397	244	641
III. NORTH MIDLAND.								
1. Tenterfield	675	9	16	25	5	10	2	12
2. Wellingrove	1,091	22	27	49	5	8	3	11
3. Armidale	3,895	98	118	216	48	68	27	95
TOTAL	5,661	129	161	290	58	86	32	118
IV. NORTH WESTERN.								
1. Tamworth	2,985	44	39	83	31	28	9	37
2. Warialda	1,040	22	16	38	4	16	1	17
3. Wee Waa	374	5	11	16	3	12	3	15
4. Cassilis	761	17	20	37	5	14	5	19
5. Dubbo	1,626	11	23	34	2	16	3	19
6. Molong	1,446	21	23	44	5	15	6	21
TOTAL	8,232	120	132	252	50	101	27	128

B.—continued.

DISTRICTS.	POPULATION, 1856.	BIRTHS.			MAR-RIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
V. METROPOLITAN.								
1. City of Sydney	58,358	1,124	1,148	2,272	1,047	732	585	1,317
2. Balmain	28,223	88	76	164	20	25	26	51
3. Glebe, &c.		188	203	391	38	72	64	136
4. Chippendale		224	218	442	46	79	82	161
5. Paddington		127	142	269	21	61	48	109
6. Concord		60	50	110	24	21	19	40
7. St. George		120	92	212	11	44	43	87
8. St. Leonard's		59	69	128	20	22	20	42
TOTAL.....	*81,581	1,990	1,998	3,988	1,227	1,056	887	1,943
VI. EAST MIDLAND.								
1. Newcastle	4,530	160	154	314	44	76	37	113
2. Wollombi	1,519	44	33	77	11	13	4	17
3. McDonald River	723	22	19	41	5	5	4	9
4. Gosford	1,884	51	54	105	11	13	13	26
5. Windsor	5,770	144	129	273	59	57	25	82
6. Richmond	2,661	50	52	102	13	15	13	28
7. Penrith	4,804	103	106	209	41	41	17	58
8. Parramatta	9,908	234	200	434	88	162	84	246
9. Ryde	1,355	33	24	57	8	19	6	25
10. Liverpool	2,495	63	61	124	17	81	14	95
11. Campbelltown,	7,827	36	44	80	14	11	7	18
12. Camden, &		156	119	275	29	41	26	67
13. Picton		32	20	52	7	4	7	11
TOTAL.....	43,476	1,128	1,015	2,143	347	538	257	795
VII. WEST MIDLAND.								
1. Carcoar	2,943	39	41	80	22	13	9	22
2. Hartley	2,273	57	48	105	17	20	15	35
3. Bathurst	12,005	248	222	470	123	113	45	158
4. Orange	2,041	33	27	60	12	14	6	20
5. Wellington	1,993	38	22	60	14	13	4	17
6. Mudgee	4,208	95	94	189	50	46	23	74
7. Rylstone	997	20	23	43	6	9	4	13
8. Tambaroora (Wellington) .....	.....	11	11	22	5	9	4	13
9. Sofala (Bathurst) .....	.....	48	53	101	25	13	11	24
TOTAL.....	26,460	589	546	1,135	274	250	126	376
VIII. SOUTH EASTERN.								
1. Wollongong	4,506	109	111	220	43	27	22	49
2. Kiama	3,883	103	95	198	38	22	14	36
3. Berrima	2,227	49	53	102	23	17	16	33
4. Shoalhaven, and	33,22	88	91	179	18	25	13	38
5. Ulladulla .....		.....	.....	.....	.....	.....	.....	.....
6. Broulee	1,207	26	28	54	7	7	6	13
7. Eden	1,251	29	31	60	6	6	6	12
TOTAL.....	16,396	404	409	813	135	104	77	181
IX. SOUTH MIDLAND.								
1. Braidwood	3,045	85	86	171	32	21	8	29
2. Cooma	2,009	28	42	70	20	16	7	23
3. Bombala	1,273	22	26	48	11	4	5	9
4. Goulburn	7,028	157	160	317	73	70	25	95
5. Albury	2,015	32	34	66	26	15	4	19
6. Gundagai	966	20	21	41	13	11	5	16
7. Tumut	1,467	29	32	61	28	10	7	17
8. Yass	4,099	91	84	175	38	46	14	60
9. Queanbeyan	2,622	41	73	114	25	30	14	44
10. Binalong	1,884	42	36	78	8	17	7	24
TOTAL.....	26,408	547	594	1,141	274	240	96	336
X. SOUTH WESTERN.								
1. Deniliquin, and	725	9	18	27	10	9	....	9
2. Moama		1	2	3	1	4	1	5
3. Moulamein		6	15	21	....	10	3	13
4. Balranald		5	21	26	....	8	....	3
5. Wagga Wagga	1,416	.....	.....	.....	.....	.....	.....	.....
TOTAL.....	3,134	21	56	77	11	26	4	30

* The Parish of "Concord," with a population of 2,000 persons, was inadvertently included in the Police District of "Parramatta" in the Census Returns.

B.—continued.

DIVISIONS.	POPULATION, 1856.	BIRTHS.			MARRIAGES.	DEATHS.			EXCESS OF BIRTHS OVER DEATHS.
		Males.	Females.	Total.		Males.	Females.	Total.	
I. NORTHERN.....	16,907	386	369	755	162	200	98	298	457
II. NORTH EASTERN.....	37,934	952	957	1,909	364	397	244	641	1,268
III. NORTH MIDLAND.....	5,661	129	161	290	58	86	32	118	172
IV. NORTH WESTERN.....	8,232	120	132	252	50	101	27	128	124
V. METROPOLITAN.....	81,581	1,990	1,998	3,988	1,227	1,056	887	1,943	2,045
VI. EAST MIDLAND.....	43,476	1,128	1,015	2,143	347	538	257	795	1,348
VII. WEST MIDLAND.....	26,460	589	546	1,135	274	250	126	376	759
VIII. SOUTH EASTERN.....	16,396	404	409	813	135	104	77	181	632
IX. SOUTH MIDLAND.....	26,408	547	594	1,141	274	240	96	336	805
X. SOUTH WESTERN.....	3,134	21	56	77	11	26	4	30	47
TOTAL NEW SOUTH WALES....	266,189	6,266	6,237	12,503	2,902	2,998	1,848	4,846	7,657

C.

MARRIAGES—1857.

	SYDNEY.		HAMLETS.		COUNTRY DISTRICTS.		TOTAL MALES.	TOTAL FEMALES.	TOTAL MARRIAGES
	Males.	Females.	Males.	Females.	Males.	Females.			
Church of England.....	²³ 289	⁴² 289	¹³ 112	²⁰ 112	¹⁷⁷ 644	²¹⁹ 644	²¹²	²⁸¹	1,045
Roman Catholic.....	⁶⁷ 309	¹⁶² 309	⁸ 21	¹¹ 21	¹⁸¹ 524	²⁰³ 524	²⁰⁵	⁴⁶⁶	854
Presbyterian.....	³¹ 361	¹⁰¹ 361	¹ 6	² 6	⁵⁸ 297	¹⁰⁰ 297	⁹⁰	²⁰³	664
Wesleyan.....	² 29	⁶ 29	² 18	² 18	¹⁸ 106	²⁶ 106	²²	³⁴	163
Primitive Methodist.....	² 7	¹ 7	¹ 1	¹ 1	¹ 1	¹ 1	²	²	9
Independent.....	² 14	¹ 14	³ 15	³ 15	³ 14	⁶ 14	⁴	⁹	43
German Lutheran.....	....	....	....	....	4	4	....	....	4
Baptist.....	21	¹ 21	....	....	1	1	....	¹	22
Christian Israelite.....	1	¹ 1	....	....	1	1	....	¹	2
Unitarian.....	4	¹ 4	....	....	....	....	....	¹	4
Hebrew.....	¹ 7	7	....	....	....	....	¹....	....	7
Latter-day Saint.....	1	1	....	....	....	....	....	....	1
Registrars' Offices.....	4	¹ 4	¹ 7	³ 7	²⁴ 83	³² 83	²⁵	³⁶	94
TOTAL.....	¹²⁵ 1,047	³¹⁶ 1,047	²⁶ 180	⁴² 180	⁴⁶¹ 1,675	⁶⁷⁶ 1,675	⁶¹²	^{1,034}	1,646
									2,902

N.B.—The smaller figures denote those signing with marks.

D 1.

SUMMARY of DEATHS of MALES, Registered in NEW SOUTH WALES, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases	105	48	19	12	9	193	10	3	6	10	13	8	8	8	10	7	6	9	6	...	1	...	...	...	3	301	10.04
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	164	18	10	1	1	194	5	5	3	9	15	11	14	18	33	29	37	28	10	8	3	2	...	...	6	430	14.34
3. Of Nervous System	215	34	15	9	3	276	11	2	2	11	8	18	29	18	22	26	16	12	9	7	4	2	...	...	6	479	15.97
4. Of Respiratory System ...	49	15	7	4	3	78	2	3	13	32	24	41	32	39	30	29	22	18	8	5	5	1	1	...	6	389	12.97	
5. Of Circulatory System ...	7	1	...	...	...	8	3	3	3	4	12	9	12	6	21	10	14	11	7	...	...	...	...	...	3	126	4.20
6. Of Digestive Organs	114	85	9	2	3	213	5	3	2	9	13	9	11	15	16	19	15	7	7	4	1	2	...	...	3	354	11.80
7. Of Urinary Organs	4	...	...	1	1	6	...	...	1	...	4	...	...	1	2	1	2	4	3	1	1	...	...	1	27	0.90	
8. Of Generative Organs ....	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	1	...	...	...	...	...	...	...	...	1	3	0.10
9. Of Locomotive Organs ...	...	...	...	...	...	...	...	...	1	1	2	3	3	...	4	...	2	3	1	...	1	...	...	...	21	0.70	
10. Of Integumentary System	...	...	...	...	...	2	...	...	...	...	...	...	...	...	1	1	...	...	1	1	...	...	...	...	6	6	0.20
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	11	19	35	28	30	15	12	5	155	5.17
12. External Causes	13	12	10	10	7	52	27	24	17	46	42	40	45	35	37	34	26	26	12	8	1	3	...	...	50	525	17.51
Unspecified	44	10	3	1	...	58	4	1	...	1	5	5	3	15	10	11	6	7	4	1	...	...	...	...	51	182	6.07
Total from all Causes	715	223	73	40	27	1078	69	44	48	123	138	144	158	155	187	168	146	137	87	69	45	41	16	12	5	128	2998	99.97

D 2.

SUMMARY of DEATHS of FEMALES, Registered in NEW SOUTH WALES, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic diseases	101	59	14	12	2	188	13	5	6	8	5	8	6	6	4	2	6	4	2	...	...	1	...	...	...	1	265	14.33
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	140	17	5	2	3	167	5	4	2	6	9	12	11	21	9	13	7	18	9	2	...	...	...	...	...	1	296	16.01
3. Of Nervous System	176	32	11	7	2	228	10	3	3	7	5	6	14	10	9	3	5	5	1	...	...	...	...	...	...	4	313	16.93
4. Of Respiratory System ..	42	12	13	2	1	70	6	3	10	34	36	29	21	9	10	11	5	2	4	1	...	...	...	...	...	1	253	13.69
5. Of Circulatory System ..	1	1	...	...	...	2	5	2	2	2	4	4	2	7	1	7	1	2	1	1	...	...	...	...	...	...	43	2.32
6. Of Digestive Organs	97	70	10	4	3	184	9	4	3	6	3	10	13	10	9	8	4	2	3	1	...	...	...	...	...	269	14.55	
7. Of Urinary Organs .....	...	...	...	1	...	1	...	...	...	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	4	0.21	
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	3	14	13	15	14	3	2	...	1	...	1	...	...	...	...	...	...	66	3.57	
9. Of Locomotive Organs ..	1	...	...	...	...	1	3	1	1	...	1	1	1	1	1	...	1	...	...	...	...	...	...	...	...	12	0.64	
10. Of Integumentary System	...	...	...	...	...	...	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	0.21	
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	54	2.92	
12. External Causes	5	14	23	10	3	55	17	4	1	6	7	5	11	14	13	8	3	4	3	1	...	...	...	...	...	3	155	8.38
Unspecified	31	6	3	4	1	45	2	2	5	3	2	1	2	3	4	3	4	1	1	...	...	...	...	...	...	36	114	6.16
Total from all Causes	594	211	79	42	15	941	71	29	36	87	86	92	95	85	62	56	37	41	38	20	10	8	4	1	3	46	1848	99.92

D 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in NEW SOUTH WALES, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.		
1. Zymotic Diseases	206	107	33	24	11	381	23	8	12	18	18	16	14	14	14	9	12	13	8	...	...	2	...	...	...	4	566	11.67
<i>Sporadic Diseases.</i>																													
2. Of Uncertain Seat	304	35	15	3	4	361	10	9	5	15	24	23	25	39	42	42	44	46	19	10	3	2	...	...	...	7	726	14.96
3. Of Nervous System	391	66	26	16	5	504	21	5	5	18	13	24	43	28	31	29	21	17	10	7	4	2	...	...	...	10	792	16.34
4. Of Respiratory System ..	91	27	20	6	4	148	8	6	23	66	60	70	53	48	40	40	27	20	12	6	5	1	1	...	...	7	642	13.24
5. Of Circulatory System ..	8	2	...	...	...	10	8	5	5	6	16	13	14	13	22	17	15	13	8	1	1	...	...	...	...	2	169	3.48
6. Of Digestive Organs	211	155	19	6	6	397	14	7	5	15	16	19	24	25	25	27	19	9	10	5	1	2	...	...	...	3	623	12.85
7. Of Urinary Organs.....	4	...	...	2	1	7	...	...	1	...	5	...	...	2	2	2	2	4	3	1	1	...	...	...	...	1	31	0.63
8. Of Generative Organs ..	...	...	...	...	...	...	...	...	3	14	13	15	15	3	3	1	1	...	1	...	...	...	...	...	...	...	69	1.42
9. Of Locomotive Organs ..	1	...	...	...	...	1	3	1	2	1	3	4	4	1	5	...	3	3	1	...	1	...	...	...	...	...	33	0.68
10. Of Integumentary System	...	...	...	...	...	...	3	1	...	1	...	...	1	...	1	1	...	1	1	...	...	...	...	...	...	...	10	0.20
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	14	32	49	38	37	19	13	7	...	209	4.31
11. External Causes	18	26	33	20	10	107	44	28	18	52	49	45	56	49	50	42	29	30	15	9	1	3	...	...	...	53	680	14.03
Unspecified	75	16	6	5	1	103	6	3	5	4	7	6	5	18	14	14	10	8	5	1	87	296	6.10
Total from all Causes	1809	434	152	82	42	2019	140	73	84	210	224	236	253	240	249	224	183	178	125	89	55	49	20	13	8	174	4846	99.93	

APPENDIX TO REGISTRAR GENERAL'S REPORT.

17

E 1.

SUMMARY of DEATHS of MALES, Registered in SYDNEY, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases	26	9	9	3	2	49	1	1	3	4	6	1	3	1	1	1	2	2	2	2	2	2	2	2	2	77	10.51	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	51	2	6	...	...	59	1	1	...	3	6	5	4	3	4	7	7	5	...	...	1	...	...	...	...	111	15.16
3. Of Nervous System	59	13	7	3	1	83	3	1	...	4	1	5	12	2	5	6	3	2	2	2	...	...	...	...	...	131	17.89
4. Of Respiratory System	12	2	1	...	1	16	1	1	4	13	10	16	12	14	5	9	6	3	2	2	1	1	...	...	...	118	16.12
5. Of Circulatory System	4	...	...	...	...	4	1	1	...	2	4	5	2	1	4	1	3	2	3	...	...	...	...	...	...	33	4.50
6. Of Digestive Organs	34	39	5	2	1	81	2	2	1	2	7	3	6	4	2	4	6	2	2	2	...	...	...	...	...	123	16.80
7. Of Urinary Organs .....	...	...	...	...	...	...	...	...	...	...	2	...	...	...	1	...	...	...	...	...	...	...	...	...	...	3	0.40
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Of Locomotive Organs .....	...	...	...	...	...	...	...	...	...	...	1	2	2	2	1	1	3	...	...	...	...	...	...	...	...	10	1.36
10. Of Integumentary System .....	...	...	...	...	...	...	2	...	...	...	...	...	...	...	1	1	1	...	1	...	...	...	...	...	...	6	0.81
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	1	3	3	5	7	1	1	2	1	20	2.73
12. External Causes	5	1	1	...	1	8	1	2	2	7	7	7	5	6	7	6	2	2	2	...	1	1	2	1	...	67	9.15	
Unspecified	1	...	...	...	...	1	1	...	...	...	...	...	...	...	1	1	1	...	...	...	...	...	...	...	28	33	4.50
Total from all Causes ..	192	66	29	8	6	301	13	9	10	35	44	44	46	31	43	36	29	28	14	12	3	1	1	2	1	29	732	99.93

E 2.

SUMMARY of DEATHS of FEMALES, Registered in SYDNEY, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases.....	27	13	4	4	..	48	3	..	2	2	..	4	4	2	2	..	1	4	1	..	1	..	1	..	..	..	74	12.65
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat.....	46	7	2	2	1	58	1	1	..	..	4	1	4	8	2	3	1	7	2	1	..	..	..	..	..	..	93	15.89
3. Of Nervous System.....	54	13	3	1	..	71	2	1	1	2	2	4	5	6	3	3	2	2	1	..	..	..	..	..	..	..	102	17.43
4. Of Respiratory System ..	13	3	6	..	..	22	3	..	4	13	14	11	11	1	1	4	2	2	1	..	..	..	..	..	..	..	87	14.87
5. Of Circulatory System....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	15	2.56
6. Of Digestive Organs.....	38	33	3	1	3	78	2	..	..	3	2	5	8	2	2	2	..	1	1	..	..	..	..	..	..	..	106	18.11
7. Of Urinary Organs.....	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	0.17
8. Of Generative Organs.....	..	..	..	..	..	..	..	..	..	6	7	3	3	1	..	..	..	..	..	..	..	..	..	..	..	..	20	3.41
9. Of Locomotive Organs.....	..	..	..	..	..	..	..	..	..	..	1	..	..	1	1	1	..	..	..	..	..	..	..	..	..	..	5	0.85
10. Of Integumentary System ..	..	..	..	..	..	..	1	1	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	3	0.51
11. Old Age.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	15	2.56
12. External Causes.....	2	1	3	2	..	8	..	1	1	1	1	1	2	4	5	4	1	1	5	3	3	1	1	1	..	..	31	5.29
Unspecified .....	..	..	..	..	..	..	1	..	1	..	1	..	1	1	..	2	2	1	1	1	..	..	..	..	..	..	23	3.56
Total from all Causes ..	180	70	31	10	4	285	15	5	9	28	33	31	39	28	18	19	10	16	13	6	3	2	1	1	..	23	585	99.94

E 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in SYDNEY, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases	53	22	13	7	2	97	4	1	5	6	6	5	7	3	4	1	1	7	3	1	1	1	1	1	1	151	11.46	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	97	9	8	2	1	117	2	2	3	10	6	8	11	11	10	8	12	2	2	1	1	1	1	1	1	204	15.48	
3. Of Nervous System	113	26	10	4	1	154	5	2	1	6	3	9	17	8	8	6	5	4	3	2	1	1	1	1	1	233	17.69	
4. Of Respiratory System	25	5	7	1	1	38	3	1	8	26	24	27	23	15	10	13	8	5	2	1	1	1	1	1	1	205	15.56	
5. Of Circulatory System	4	1	1	1	1	8	4	1	2	4	7	3	3	3	5	5	3	4	2	1	1	1	1	1	1	48	3.64	
6. Of Digestive Organs	72	72	8	3	4	159	4	2	1	5	9	8	14	6	6	6	6	1	1	2	1	1	1	1	1	229	17.38	
7. Of Urinary Organs	1	1	1	1	1	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	0.30	
8. Of Generative Organs	1	1	1	1	1	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	1.51	
9. Of Locomotive Organs	1	1	1	1	1	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	1.13	
10. Of Integumentary System	1	1	1	1	1	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	9	0.68	
11. Old Age	7	2	4	2	1	16	1	3	3	8	8	8	7	10	12	10	3	3	3	1	1	1	1	1	1	35	2.65	
12. External Causes	1	1	1	1	1	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	98	7.44	
Unspecified	1	1	1	1	1	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	66	5.01	
Total from all Causes	372	136	50	18	10	586	28	14	19	63	77	75	85	59	61	55	39	44	27	18	6	3	2	3	1	152	1317	99.93

F 1.

SUMMARY of DEATHS of MALES, Registered in HAMLETS, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.
1. Zymotic Diseases.....	20	8	1	1	1	30	2	..	..	2	2	1	..	1	2	1	..	..	..	..	..	..	..	..	..	41	12.65
<i>Sporadic Diseases.</i>																											
2. Of Uncertain Seat.....	31	6	1	..	..	38	..	..	1	1	1	..	1	..	1	1	3	2	..	..	..	..	..	..	..	51	15.74
3. Of Nervous System.....	38	5	2	..	..	45	2	1	..	..	..	4	2	3	1	3	1	1	..	..	..	..	..	..	..	63	19.44
4. Of Respiratory System.....	10	5	3	1	..	19	..	1	..	3	2	6	2	2	1	5	2	1	..	..	..	..	..	..	..	45	13.88
5. Of Circulatory System.....	1	..	..	..	..	1	1	1	..	..	..	1	1	1	1	1	1	1	..	..	..	..	..	..	..	9	2.77
6. Of Digestive Organs.....	25	16	..	2	..	43	1	..	..	2	3	..	1	..	3	1	2	1	..	..	..	..	..	..	..	58	17.90
7. Of Urinary Organs.....	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	3	0.92
8. Of Generative Organs.....	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	0.30
9. Of Locomotive Organs.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10. Of Integumentary System.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	1	2	1	1	..	..	7	2.16
11. Old Age.....	..	2	1	2	..	5	1	4	2	5	1	2	2	..	4	2	2	1	..	..	..	..	..	..	1	32	9.87
12. External Causes.....	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	14	4.32
Unspecified.....	4	1	..	1	..	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	7	..	..
Total from all Causes ..	130	46	8	3	4	191	6	7	4	13	10	14	7	8	11	14	8	7	4	5	3	2	1	..	9	324	99.95

F 2.

SUMMARY of DEATHS of FEMALES, Registered in HAMLETS, from 1st January to 31st December, 1857.

SUMMARY OF DEATHS OF FEMALES, Registered in 1901.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CAUSES OF DEATH.	Under 1 year.		1 & under 2.		2 & under 3.		3 & under 4.		4 & under 5.		Total under 5 years.		5 & under 10.		10 & under 15.		15 & under 20.		20 & under 25.		25 & under 30.		30 & under 35.		35 & under 40.		40 & under 45.		45 & under 50.		50 & under 55.		55 & under 60.		60 & under 65.		65 & under 70.		70 & under 75.		75 & under 80.		80 & under 85.		85 & under 90.		90 & under 95.		95 & under 100.		Total at all Ages.	Per centage on Total Deaths of the year.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								

F 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in HAMLETS, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases	50	21	1	1	1	74	4	..	1	4	4	4	1	1	2	1	1	..	..	..	..	..	..	..	..	1	98	15.65
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat.....	48	9	2	..	..	59	1	2	1	1	1	2	5	2	2	2	3	3	5	2	..	..	..	..	..	1	89	14.21
3. Of Nervous System	78	13	4	2	2	99	3	2	3	1	3	9	16	4	3	2	6	2	1	1	..	..	1	..	..	..	128	20.44
4. Of Respiratory System	19	8	5	2	1	35	1	3	1	12	9	16	4	1	1	2	2	2	1	..	..	..	..	..	..	..	93	14.85
5. Of Circulatory System.....	1	1	..	..	..	2	1	2	1	..	..	1	1	1	1	1	2	2	1	..	..	..	..	..	..	..	16	2.55
6. Of Digestive Organs	41	32	2	1	2	78	1	..	2	3	4	4	2	2	2	2	4	2	1	..	1	1	..	..	..	..	4	0.63
7. Of Urinary Organs	1	..	..	1	..	2	..	..	..	..	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	2	0.31
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	..	1	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	4	0.63
9. Of Locomotive Organs.....	1	..	..	..	..	1	..	..	..	..	1	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10. Of Integumentary System .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	2	2	3	..	..	1	1	..	14	2.23
11. Old Age .....	..	3	1	3	..	7	3	5	2	6	1	2	3	..	7	4	4	1	1	..	..	..	..	..	..	2	47	7.50
12. External Causes	4	1	..	2	..	7	..	..	..	1	..	..	..	..	..	..	1	1	1	..	..	..	..	..	..	10	21	3.35
Unspecified.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total from all Causes ..	243	88	15	12	6	364	13	15	8	31	20	36	15	16	17	23	14	13	11	6	3	4	..	1	1	15	626	99.92

G 1.

SUMMARY of DEATHS of MALES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases	59	31	9	9	6	114	7	2	3	4	5	6	5	6	6	5	6	6	4	...	1	...	...	3	183	9.42
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	82	10	3	1	1	97	4	4	2	5	8	6	9	15	23	21	27	21	10	6	2	2	...	6	268	13.80		
3. Of Nervous System	118	13	6	6	2	145	6	...	2	7	7	9	17	13	17	17	13	9	7	5	4	1	...	6	285	14.67		
4. Of Respiratory System	27	8	3	4	1	43	1	1	9	16	12	19	18	22	20	15	14	12	8	4	4	1	1	...	6	226	11.63	
5. Of Circulatory System	2	1	...	...	...	3	2	1	2	2	8	3	9	4	17	8	10	8	4	...	1	1	...	2	84	4.32
6. Of Digestive Organs	53	30	4	...	...	89	2	1	1	5	3	6	4	11	10	14	7	6	7	2	1	2	...	2	173	8.90
7. Of Urinary Organs	3	...	1	1	...	5	...	...	1	...	2	...	...	1	1	1	2	4	3	...	...	...	1	21	1.08	
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	1	...	...	...	...	...	...	...	3	0.15	
9. Of Locomotive Organs .....	...	...	...	...	...	...	...	1	1	...	1	1	1	...	3	...	1	...	1	...	1	...	...	10	0.51	
10. Of Integumentary System .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	128	6.59	
12. External Causes	8	9	8	8	6	39	25	18	13	34	34	31	38	29	26	26	24	21	9	8	...	3	...	48	426	21.93		
Unspecified	39	9	3	...	...	51	3	1	...	1	5	5	3	15	9	10	5	7	4	...	...	...	16	135	6.95	
Total from all Causes ..	393	111	36	29	17	586	50	28	34	75	84	86	105	116	133	118	109	102	69	52	39	38	15	9	4	90	1942	99.95

G 2.

SUMMARY of DEATHS of FEMALES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases	44	33	10	7	2	96	8	5	3	4	3	1	1	4	2	2	4	..	1	..	..	..	..	..	..	..	134	13.94
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	77	7	2	..	2	88	3	1	2	6	5	9	7	11	7	6	6	8	5	1	..	..	..	..	..	..	165	17.16
3. Of Nervous System	82	14	6	4	..	106	7	..	2	2	3	1	7	2	4	3	2	3	..	..	..	..	..	..	..	4	146	15.19
4. Of Respiratory System	20	6	5	..	1	32	4	2	5	12	15	8	8	8	8	6	3	2	2	1	..	..	..	..	..	1	118	12.27
5. Of Circulatory System	1	..	..	..	..	1	1	..	2	2	4	2	1	4	..	2	..	1	1	..	..	..	..	..	..	1	21	2.18
6. Of Digestive Organs	43	21	5	2	..	71	7	4	1	2	..	1	4	5	6	5	2	1	1	1	..	..	..	..	..	..	111	11.55
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	2	0.20
8. Of Generative Organs .....	..	..	..	..	..	..	..	3	7	6	11	11	2	2	..	..	1	..	1	..	..	..	..	..	..	..	44	4.57
9. Of Locomotive Organs .....	..	..	..	..	..	..	3	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	4	0.41
10. Of Integumentary System .....	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	0.10
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	5	10	7	4	3	..	..	32	3.33
12. External Causes	3	12	20	7	3	45	15	2	..	4	6	4	8	10	5	2	2	2	2	..	..	..	..	..	..	2	109	11.34
Unspecified	31	6	3	3	1	44	1	2	4	2	1	1	1	1	4	1	1	..	..	..	..	..	..	..	..	10	74	7.70
Total from all Causes ..	301	99	51	23	9	483	49	16	23	41	43	39	48	49	38	28	21	19	18	13	7	4	3	..	2	17	961	99.94

G 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per centage on Total Deaths of the Year.	
1. Zymotic Diseases	103	64	19	16	8	210	15	7	6	8	8	7	6	10	8	7	10	6	5	...	1	...	...	3	317	10.91		
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat	159	17	5	1	3	185	7	5	4	11	13	15	16	26	30	27	33	29	15	7	2	2	...	6	433	14.91		
3. Of Nervous System	200	27	12	10	2	251	13	...	4	9	10	10	24	15	21	20	15	12	7	5	4	1	...	10	431	14.84		
4. Of Respiratory System	47	14	8	4	2	75	5	3	14	28	27	27	26	30	28	21	17	14	10	5	4	1	1	...	7	344	11.84	
5. Of Circulatory System	3	1	...	...	...	4	3	1	4	12	5	10	8	17	10	10	9	5	...	...	...	...	...	...	2	105	3.61	
6. Of Digestive Organs	98	51	9	2	...	160	9	5	2	7	3	7	8	16	16	19	9	7	8	3	1	2	...	...	...	2	284	9.78
7. Of Urinary Organs	3	...	1	1	1	5	...	...	1	...	2	...	...	2	1	2	2	4	3	...	...	...	...	...	...	1	23	0.79
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	3	7	6	11	12	2	3	1	1	...	1	...	...	...	...	...	...	...	47	1.61
9. Of Locomotive Organs .....	...	...	...	...	...	...	3	...	2	1	...	1	1	...	3	...	1	...	1	...	1	...	...	...	...	13	0.48	
10. Of Integumentary System .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	0.03	
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	17	37	33	32	17	9	5	...	160	5.51
12. External Causes	11	21	28	15	9	84	40	20	13	38	40	35	46	39	31	28	26	23	11	8	...	3	...	...	...	50	535	18.42
Unspecified	70	15	6	3	1	95	4	3	4	3	6	6	4	17	13	11	6	7	4	...	...	...	...	...	...	26	209	7.19
Total from all Causes ..	694	210	87	52	26	1069	99	44	57	116	127	125	153	165	171	146	130	121	87	65	46	42	18	9	6	107	2903	99.92

H. 1.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, from various causes, Registered in SYDNEY during each of the Twelve Months from 1st January to 31st December, 1857, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

[illegible]

H. 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE TOTAL DEATHS OF THE CLASS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
VII.—OF THE URINARY ORGANS.																												
73. Nephritis
74. Ischuria
75. Diabetes
76. Cystitis
77. Stone
78. Stricture of Urethra	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
79. Kidneys, &c., Disease	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	3	1	4	100-00
Monthly Totals of the Class	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	3	1	4	100-00
VIII.—OF THE ORGANS OF GENERATION.																												
80. Childbirth	3	...	1	...	1	...	2	...	4	...	...	...	1	...	1	...	2	...	2	...	2	...	1	...	20	20	100-00
81. Puerperia
82. Ovarian Dropsy
83. Organs of Generation, Disease of
Monthly Totals of the Class	3	...	1	...	1	...	2	...	4	...	...	...	1	...	1	...	2	...	2	...	2	...	1	...	20	20	100-00
IX.—OF THE ORGANS OF LOCOMOTION.																												
84. Arthritis
85. Rheumatism	1	1	1	1	...	...	1	...	1	...	...	1	...	...	1	...	...	1	...	...	...	...	2	...	7	4	11	73-33
86. Joints, Disease of	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	6-65
*86. Caries	1	...	1	...	...	1	...	...	...	...	...	...	...	...	...	3	...	3	20-00
Monthly Totals of the Class	1	1	1	1	...	1	1	...	1	1	...	2	...	1	1	...	...	1	...	...	...	2	...	10	5	15	99-99	
X.—OF THE INTEGUMENTARY SYSTEM.																												
87. Carbuncle	1	...	1	...	...	...	2	...	2	22-22
88. Phlegmon	1	...	2	1	...	...	...	...	...	...	...	...	...	...	3	1	4	44-44
89. Ulcer
90. Fistula	1	...	...	...	...	...	...	...	...
91. Skin, Diseases of	1	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	1	2	3	33-33
Monthly Totals of the Class	1	1	...	...	1	...	2	1	...	...	...	...	...	1	1	1	...	...	...	6	3	9	99-99
XI.—OLD AGE.																												
91. Old Age:—
Monthly Totals of the Class	2	...	...	4	...	2	...	1	3	3	2	1	2	1	1	4	1	1	2	2	2	1	...	20	15	35	100-00
XII.—EXTERNAL CAUSES.																												
92. Intemperance	1	...	...	1	...	...	1	...	3	...	1	2	...	...	3	...	...	2	2	...	2	2	1	7	14	21	21-42
93. Starvation
94. Violent Deaths	6	...	9	...	5	...	2	1	3	2	3	1	8	...	3	3	2	2	7	3	6	1	5	3	59	16	75	76-33
94. Sunstroke	1	...	1	...	1-02
Monthly Totals of the Class	6	1	9	...	6	...	2	2	3	5	3	2	10	...	3	7	2	2	9	5	6	3	8	4	67	31	98	99-99
UNSPECIFIED:—																												
Monthly Totals of the Class	3	5	2	...	...	...	1	2	6	1	1	3	...	...	1	...	2	...	4	7	...	1	13	14	33	33	66	100-00

H. 2.

TABLE, shewing the actual Number of DEATHS of MALES and FEMALES, in each Class, Registered in SYDNEY, during each of the Twelve Months from 1st January to 31st December, 1857, together with the average per centage of the Total Deaths during the Twelve Months.

CAUSES OF DEATH.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS DURING 12 MONTHS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
1. ZYMOTIC DISEASES	7	9	5	5	1	6	3	7	3	2	7	7	4	3	2	3	4	7	8	4	12	9	21	12	77	74	151	11-46
<i>Sporadic Diseases.</i>																												
2. OF UNCERTAIN SEAT	10	5	6	8	10	4	11	9	8	6	13	5	10	10	15	7	6	12	3	3	6	9	13	15	111	93	204	15-48
3. OF NERVOUS SYSTEM	16	12	10	12	8	13	9	5	9	3	8	7	10	10	8	5	11	5	13	10	15	3	14	17	131	102	233	17-69
4. OF RESPIRATORY SYSTEM	13	6	6	4	11	6	12	4	7	8	5	4	19	8	16	15	8	10	7	8	10	7	4	7	118	87	205	15-56
5. OF CIRCULATORY SYSTEM	2	1	3	1	3	1	5	1	1	...	4	3	3	2	4	1	3	...	4	2	1	2	...	1	33	15	48	3-64
6. OF DIGESTIVE ORGANS	24	16	17	13	13	7	7	7	7	11	8	4	1	7	...	5	7	2	10	6	8	15	21	13	123	106	229	17-38
7. OF URINARY ORGANS .....	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	3	1	4	0-30
8. OF GENERATIVE ORGANS .....	...	3	...	1	...	1	...	2	...	4	...	...	...	1	...	1	...	2	...	2	...	2	...	1	...	20	20	1-51
9. OF LOCOMOTIVE ORGANS	1	1	1	1	...	1	1	...	1	1	...	2	...	1	1	...	...	...	1	...	...	...	2	...	10	5	15	1-13
10. OF INTEGUMENTARY SYSTEM .....	...	...	...	...	...	1	1	...	...	...	1	...	2	1	...	...	...	...	1	1	1	...	...	...	6	8	9	0-68
11. OLD AGE .....	...	2	...	...	4	...	2	...	1	3	3	2	1	2	1	1	4	1	1	2	2	2	1	...	20	15	35	2-65
12. EXTERNAL CAUSES	6	1	9	...	6	...	2	2	3	5	3	2	10	...	3	7	2	2	9	5	6	3	8	4	67	31	98	7-44
UNSPECIFIED	3	5	2	...	...	1	2	6	1	1	3	...	...	...	1	...	2	...	4	7	...	1	13	14	33	33	66	5-01
TOTAL FROM ALL CAUSES	82	61	60	45	56	39	54	40	46	44	54	37	62	44	51	46	47	41	61	59	62	54	97	84	732	585	1317	99-93

† 3 Males and 6 Females belong to former Months, and have not been included in the Tables published Monthly.

I 1.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, from various causes, Registered in the HAMLETS, during each of the Twelve Months from 1st January to 31st December, 1857, together with the per centage of the Total. Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTALS.		TOTAL OF BOTH SEXES.	PER CENTAGE TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
I.—ZYMOTIC.																													
1. Small Pox.....	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	2	3	3-05	
2. Measles.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2-04	
3. Scarlatina.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6-13	
4. Hooping Cough.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8-16	
5. Croup.....	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15-20	
6. Thrush.....	...	...	1	1	...	1	...	1	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	26-53	
7. Diarrhoea.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	22-44	
8. Dysentery.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2-04	
9. Cholera.....	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10. Influenza.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. Ague.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
12. Remittent Fever.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
13. Typhus.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
14. Erysipelas.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Syphilis.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Hydrophobia.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	4	10	6	6	4	7	3	7	5	5	2	1	5	...	1	1	1	1	2	...	3	8	5	11	41	57	98	99-97	
II.—OF UNCERTAIN OR VARIABLE SEAT.																													
17. Inflammation.....	1	1	...	...	...	2	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	6	1	6	6-74
18. Haemorrhage.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	2	2	2-24
19. Dropsy.....	...	1	1	1	2	...	1	1	...	1	...	1	...	2	...	4	7	11	12-36
20. Abscess.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-12
21. Mortification.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Purpura.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-12
23. Scrofula.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-12
24. Carcinoma.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-12
25. Tumour.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-12
26. Gout.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-12
27. Atrophy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
28. Debility.....	5	3	3	1	2	4	5	2	4	2	2	1	...	1	1	...	4	1	3	...	4	1	4	8	37	24	61	68-51	
29. Malformation.....	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...	1	1	2	2-24
30. Sudden Death.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	6	5	4	2	3	4	7	3	5	5	2	2	1	1	2	1	4	2	5	2	5	2	7	9	51	38	89	99-96	
III.—OF THE NERVOUS SYSTEM.																													
31. Cephalitis.....	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	0-78
32. Hydrocephalus.....	...	1	...	1	...	1	1	1	4	...	1	2	...	6	7	13	10-13
33. Apoplexy.....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	2	5	4-68
34. Paralysis.....	...	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3-24
35. Convulsions.....	4	3	2	1	4	5	1	4	...	4	2	1	2	4	9	5	2	3	2	2	1	3	6	2	35	44	79	61-71	
36. Tetanus.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2-31
37. Chorea.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
38. Epilepsy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
39. Insanity.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
40. Delirium Tremens.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2-56
41. Brain, Disease of.....	...	1	...	3	...	...	2	...	1	1	1	...	1	...	1	...	...	3	...	...	1	2	...	...	12	7	19	14-84
41. Spine, Disease of.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	1-06
Monthly Totals of the Class	5	4	4	2	8	7	1	6	2	6	4	2	2	5	10	6	3	4	5	3	7	7	12	13	63	65	128	99-96	
IV.—OF THE RESPIRATORY ORGANS.																													
42. Laryngitis.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
43. Quinsy.....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1-07
44. Bronchitis.....	...	...	...	...	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6-45
45. Pleurisy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4-30
46. Pneumonia.....	...	...	1	...	1	1	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	10-75
47. Hydrothorax.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3-22
48. Asthma.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7-52
49. Phthisis, or Consumption.....	3	1	...	3	1	4	1	2	...	4	2	1	4	3	2	1	4	4	2	1	2	2	3	...	23	27	50	53-76	
50. Lungs, Disease of.....	1	...	2	1	...	...	...	...	...	1	1	1	1	1	1	...	1	...	...	...	...	...	...	...	8	4	12	12-90
Monthly Totals of the Class	5	1	3	4	3	6	2	3	5	4	2	6	4	4	4	8	7	4	2	1	3	6	5	1	45	48	93	99-97	
V.—OF THE ORGANS OF CIRCULATION.																													
51. Pericarditis.....	1	1	1	6-25
52. Aneurism.....	1	8-25
53. Heart, Disease of.....	1	3	1	1	2	2	1	1	2	8	14	87-50
Monthly Totals of the Class	1	3	1	1	1	2	2	2	1	2	9	7	16	100-00
VI.—OF THE DIGESTIVE ORGANS.																													
54. Teething.....	7	6	5	6	4	4	2	1	2	1	...	2	...	1	...	...	3	...	2	1	3	...	7	3	35	25	60	54-34
55. Gastritis.....	1-81
56. Enteritis.....
57. Peritonitis.....	2	3	1	1	1	1	1	1	1	1	...	...	...	...	...	...	1	1	...	2	1	1	2	...	10	10	20	18-18
58. Tabes Mesenterica.....	...	1
59. Worms.....	1	1
60. Ascites.....
61. Ulceration.....	1
62. Hernia.....
63. Colic or Ileus.....
64. Intussusception.....	1
65. Stricture, Intestinal.....
66. Hematemesis.....
67. Stomach, &c., Disease of.....	...	...	...	...	...	...	...	...	...	...	...							

APPENDIX TO REGISTRAR GENERAL'S REPORT.

23

I 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF THE TOTAL DEATHS OF EACH CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
VII.—OF THE URINARY ORGANS.																													
73. Nephritis	
74. Ischuria	
75. Diabetes	
76. Cystitis	
77. Stone	1	...	...	...	...	...	1	1	25.00	
78. Stricture of Urethra	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...
79. Kidneys, &c., Disease of	1	...	...	...	...	...	3	75.00	
Monthly Totals of the Class	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	3	1	4	100.00	
VIII.—OF THE ORGANS OF GENERATION.																													
80. Childbirth	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	2	100.00	
81. Parametria	
82. Ovarian Dropsy	
83. Organs of Generation, Disease of	
Monthly Totals of the Class	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	2	2	100.00	
IX.—OF THE ORGANS OF LOCOMOTION.																													
84. Arthritis	
85. Rheumatism	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
86. Joints, Disease of	
*86. Caries	1	...	...	...	...	...	2	100.00	
Monthly Totals of the Class	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	2	2	100.00	
X.—OF THE INTEGUMENTARY SYSTEM.																													
87. Carbuncle	
88. Phlegmon	
89. Ulcer	
90. Fistula	
91. Skin, Diseases of	
Monthly Totals of the Class	1	2	2	100.00
XI.—OLD AGE.																													
92. Old Age:—	
Monthly Totals of the Class	1	...	2	1	1	1	†	...	1	1	1	1	...	1	...	2	7	7	14	100.00
XII.—EXTERNAL CAUSES.																													
93. Intemperance	1	1	1	...	1	1	3	3	6	12.75
94. Starvation	1	4	13	2	6	1	...	1	1	...	...	...	...	...	3	...	5	...	3	1	3	...	...	...	1	1	2.12	
95. Violent Deaths	29	12	40	85.10
96. Sunstroke
Monthly Totals of the Class	3	1	4	2	3	6	1	1	1	2	3	1	2	1	3	...	6	...	3	1	3	...	...	...	32	15	47	99.98
UNSPECIFIED:—																													
Monthly Totals of the Class	2	...	...	4	1	1	...	1	1	2	2	...	...	2	...	1	...	1	...	...	...	2	1	14	7	21	100.00	

I. 2.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, in each Class, Registered in HAMLETS during each of the Twelve Months from 1st January to 31st December, 1857, together with the average per centage of the Total Deaths during the Twelve Months.

CAUSES OF DEATH.	JANUARY.		FEB.		MAR.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF 12 MONTHS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
1. ZYMOTIC DISEASES.....	4	10	6	6	4	7	3	7	5	5	2	1	5	...	1	1	1	1	2	...	3	8	5	11	41	57	98	15.65	
<i>Sporadic Diseases.</i>																													
2. OF UNCERTAIN SEAT.....	6	5	4	2	3	4	7	3	5	5	2	2	1	1	2	1	4	2	5	2	5	2	7	9	51	38	89	14.2†	
3. OF NERVOUS SYSTEM	5	4	4	2	8	7	1	6	2	6	4	2	2	5	10	6	3	4	5	3	7	7	12	13	63	65	128	20.44	
4. OF RESPIRATORY SYSTEM.....	5	1	3	4	3	6	2	3	5	4	2	6	4	4	4	8	7	4	2	1	3	6	5	1	45	48	93	14.85	
5. OF CIRCULATORY SYSTEM....	1	3	1	...	...	...	1	...	...	...	...	...	...	1	2	2	2	1	...	...	2	...	...	...	9	7	16	2.55
6. OF DIGESTIVE ORGANS.....	9	10	6	8	7	6	4	3	4	3	...	5	2	1	1	...	6	1	3	3	6	6	10	6	58	52	110	17.57	
7. OF URINARY ORGANS .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	1	...	3	1	4	0.63
8. OF GENERATIVE ORGANS....	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	2	2	0.31
9. OF LOCOMOTIVE ORGANS	1	1	1	1	1	3	4	0.63
10. OF INTEGUMENTARY SYSTEM
11. OLD AGE	1	...	2	1	1	1	†	...	1	1	1	1	...	1	...	2	7	7	14	2.23
12. EXTERNAL CAUSES	3	1	4	2	3	6	1	1	1	2	3	1	2	1	3	...	6	...	3	1	3	...	...	...	32	15	47	7.50
UNSPECIFIED .....	...	2	...	...	4	1	1	...	1	1	2	2	...	...	2	...	1	...	1	...	...	...	2	1	14	7	21	3.35
TOTAL FROM ALL CAUSES.....	33	38	28	26	34	38	20	24	24	27	15	20	17	13	25	19	32	14	22	12	32	30	42	41	334	302	636	99.92	

J. 1.

TABLE, shewing the actual number of DEATHS OF MALES and FEMALES, from various causes, Registered in the COUNTRY DISTRICTS during each of the Twelve Months from 1st January to 31st December, 1857, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
I.—ZYMOTIC.																													
1. Small Pox .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Measles .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Scarlatina	4	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	...	
4. Hooping Cough	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	...	
5. Croup	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	...	
6. Thrush	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	...	
7. Diarrhoea	10	5	7	4	16	11	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	...	
8. Dysentery .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Cholera .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10. Influenza .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. Ague .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
12. Remittent Fever	2	4	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	...	
13. Typhus .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
14. Erysipelas	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Syphilis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Hydrophobia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	35	16	24	18	81	23	13	20	8	10	15	12	9	7	5	4	13	3	8	5	14	8	18	8	183	134	317	96-95	
II.—OF UNCERTAIN OR VARIABLE SEAT.																													
17. Inflammation	2	...	4	...	1	...	4	...	1	...	1	...	...	...	1	1	2	2	...	...	...	...	2	...	18	3	21	4-85
18. Haemorrhage	1	1	...	1	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
19. Dropsy	3	6	3	2	1	3	3	...	2	...	1	2	4	2	3	8	2	1	4	1	2	5	2	3	3	31	64	14-78	
20. Abscess	1	...	...	...	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	...	...	...	...	...	...	...	...
21. Mortification .....	...	...	1	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Purpura	1	...	...	...	...	...	1	...	1	...	2	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
23. Scrofula .....	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
24. Carcinoma	1	...	2	...	2	3	1	1	...	1	1	3	2	2	...	...	1	...	2	1	3	1	3	1	17	13	30	6-92
25. Tumour	1	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
26. Gout .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
27. Atrophy	2	2	3	1	1	2	...	1	...	5	4	6	9	8	2	7	11	6	5	3	5	4	12	10	10	70	159	36-73	
28. Debility	5	3	8	8	9	12	8	...	2	5	4	6	9	8	2	7	11	6	5	3	5	4	12	10	10	70	159	36-73	
29. Malformation .....	...	1	1	1	...	...	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
30. Sudden Death	6	1	8	...	6	1	3	2	5	...	7	2	1	2	5	4	2	1	3	3	7	...	5	...	58	16	74	17-09	
Monthly Totals of the Class	23	14	30	13	28	21	18	7	17	9	24	18	15	12	23	15	22	17	14	9	23	10	31	20	268	165	433	99-95	
III.—OF THE NERVOUS SYSTEM.																													
31. Cephalitis .....	...	1	2	...	1	3	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
32. Hydrocephalus	4	5	3	5	3	1	5	2	5	...	5	...	4	2	5	3	2	1	3	1	5	...	...	...	...	...	...	...
33. Apoplexy	5	3	2	...	3	1	5	2	5	...	5	...	4	2	5	3	2	1	3	1	5	...	...	...	...	...	...	...
34. Paralysis	13	10	16	9	17	11	6	13	5	8	7	3	8	4	9	8	10	5	10	12	4	4	11	6	117	93	210	48-72	
35. Convulsions	2	2	2	...	1	...	...	...	...	...	1	1	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...
36. Tetanus .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
37. Chorea .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
38. Epilepsy	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
39. Insanity .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
40. Delirium Tremens	1	1	...	...	4	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
41. Brain, Disease of	6	...	4	4	2	1	2	1	...	1	5	3	1	...	1	...	1	1	1	3	2	...	4	...	29	14	43	9-97	
42. Spine, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	36	15	31	16	31	18	21	16	16	9	29	7	17	7	24	14	19	12	21	17	13	6	27	9	285	146	431	99-95	
IV.—OF THE RESPIRATORY ORGANS.																													
43. Laryngitis .....	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
44. Quins .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
45. Bronchitis	4	2	2	4	2	1	4	...	2	1	2	1	7	1	2	1	5	2	5	3	8	...	...	...	...	...	...	...
46. Pleurisy	1	1	...	1	...	1	...	...	...	...	1	1	1	1	3	2	2	5	1	2	...	...	...	...	...	...	...	...
47. Pneumonia	3	3	6	1	...	3	...	2	3	1	1	1	1	3	2	2	5	1	2	...	...	...	...	...	...	...	...	...
48. Hydrothorax	1	...	1	...	...	...	1	...	...	...	1	1	1	1	1	2	...	...	...	...	...	...	...	...	...	...	...	...
49. Asthma .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
50. Phthisis, or Consumption	4	2	8	2	10	10	8	4	7	5	7	6	7	6	11	5	9	6	12	7	9	3	5	6	97	61	158	45-93	
51. Lungs, Disease of	3	1	3	3	2	4	2	3	2	2	2	2	3	...	4	...	4	1	3	2	3	1	4	1	38	16	54	15-69	
Monthly Totals of the Class	16	6	20	11	14	13	21	7	14	11	14	11	19	10	22	11	25	10	23	13	21	5	17	10	225	118	344	99-96	
V.—OF THE ORGANS OF CIRCULATION.																													
52. Pericarditis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
53. Aneurism	3	...	2	1	...	...	...	...	3	...	...	...	...	...	3	...	2	1	5	1	7	3	3	...	...	...	...	...
54. Heart, Disease of	3	2	3	3	4	3	6	...	3	1	3	1	4	1	12	1	7	1	5	1	7	3	5	2	62	19	81	77-14	
Monthly Totals of the Class	6	2	5	4	4	3	6	...	6	1	3	1	5	1	15	1	9	1	6	2	11	3	8	2	84	21	105	99-99	
VI.—OF THE DIGESTIVE ORGANS.																													
55. Teething	7	8	10	7	15	9	9	3	1	2	2	1	2	1	...	2	2	2	2	1	1	...	3	8	5	57	37	94	33-09
56. Gastritis	2	...	...	...	4	1	1	3	1	1	...	1	1	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...
57. Enteritis	3	1	6	4	4	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
58. Peritonitis	1	1	...	...	...	1	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
59. Tabes Mesenterica .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
60. Worms .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
61. Ascites .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
62. Ulceration .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
63. Hernia	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
64. Colic or Hæm .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
65. Intussusception .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

APPENDIX TO REGISTRAR GENERAL'S REPORT.

25

J 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
VII.—OF THE URINARY ORGANS.																													
73. Nephritis .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	4.34
74. Ischuria .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
75. Diabetes .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
76. Cystitis	1	...	...	...	1	...	1	1	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	5	1	6	20.08
77. Stone .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	...	1	...	...	...	...	...
78. Stricture of Urethra .....	...	...	...	...	1	...	1	...	1	...	...	...	...	...	...	...	1	...	1	...	2	...	1	...	...	...	...	...
79. Kidneys, &c., Disease of	1	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	1	...	1	...	5	1	6	26.08
Monthly Totals of the Class	2	...	...	1	3	...	2	1	1	...	1	...	1	...	1	...	2	...	2	...	4	...	2	...	21	2	23	99.97
VIII.—OF THE ORGANS OF GENERATION.																													
80. Childbirth .....	...	7	...	4	...	4	...	3	...	1	...	3	...	2	...	4	...	2	...	2	...	4	...	2	...	38	38	86.85
81. Paramenia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
82. Ovarian Dropsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
83. Organs of Generation, Disease of .....	...	1	2	...	...	1	...	1	...	1	...	...	...	...	1	...	1	...	...	...	...	...	1	...	3	6	9	19.16
Monthly Totals of the Class .....	...	8	2	4	...	5	...	4	...	2	...	3	...	2	...	5	...	3	...	2	...	4	1	2	3	44	47	100.00
IX.—OF THE ORGANS OF LOCOMOTION.																													
84. Arthritis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
85. Rheumatism	1	1	1	1	1	3	2	1	7	4	11	78.57
86. Joints, Disease of	1	7.14
*86. Caries	1	1	2	1	2	14.28
Monthly Totals of the Class	1	1	1	...	1	...	1	1	1	...	...	...	3	...	...	...	...	2	...	...	2	...	...	...	10	4	14	99.99
X.—OF THE INTEGUMENTARY SYSTEM.																													
87. Carbuncle .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
88. Phlegmon .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
89. Ulcer .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
90. Fistula	1	...	1	100.00
91. Skin, Diseases of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
XI.—OLD AGE.																													
92. Old Age :—	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	9	5	9	...	6	4	10	3	12	2	12	3	11	...	10	6	13	4	9	2	11	1	16	2	128	32	160	100.00	
XII.—EXTERNAL CAUSES.																													
93. Intemperance	3	1	3	1	5	3	...	4	1	1	...	5	...	3	3	...	3	3	2	2	...	2	1	31	15	46	8.59		
94. Starvation .....	...	...	...	...	2	...	2	...	...	2	...	1	...	1	2	...	1	...	...	...	...	...	...	...	...	...	...	...
95. Violent Deaths	31	9	34	6	50	8	30	8	20	8	28	7	24	5	31	7	39	13	18	4	30	5	35	8	370	88	458	85.60	
96. Sunstroke	7	2	...	...	2	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	41	12	37	7	59	11	32	8	24	9	33	8	30	5	34	11	41	17	21	6	32	6	42	9	426	109	535	99.98	
UNSPECIFIED :—																													
Monthly Totals of the Class	6	4	10	6	17	9	13	9	12	7	6	4	13	3	9	6	14	8	11	4	7	9	17	5	135	74	209	100.00	

J. 2.

SUMMARY OF DEATHS of BOTH SEXES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1857.

CAUSES OF DEATH.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE ON TOTAL DEATHS OF 12 MONTHS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
1. ZYMOTIC DISEASES.....	25	16	24	18	31	23	13	20	8	10	15	12	9	7	5	4	13	3	8	5	14	8	18	8	183	134	317	10.91
<i>Sporadic Diseases.</i>																												
2. OF UNCERTAIN SEAT	23	14	30	13	28	21	18	7	17	9	24	18	15	12	23	15	22	17	14	9	23	10	31	20	268	165	433	14.91
3. OF NERVOUS SYSTEM	36	15	31	16	31	18	21	16	16	9	29	7	17	7	24	14	19	12	21	17	13	6	27	9	285	146	431	14.84
4. OF RESPIRATORY SYSTEM.....	16	6	20	11	14	13	21	7	14	11	14	11	19	10	22	11	25	10	23	13	21	5	17	10	226	118	344	11.84
5. OF CIRCULATORY SYSTEM.....	6	2	5	4	4	3	6	...	6	1	3	1	5	1	15	1	9	1	6	2	11	3	8	2	84	21	105	3.61
6. OF DIGESTIVE ORGANS.....	21	11	18	22	30	8	19	8	5	6	12	4	11	5	8	5	9	8	7	10	11	8	22	16	173	111	284	9.78
7. OF URINARY ORGANS	2	...	...	1	3	...	2	1	1	...	1	...	1	...	1	...	2	...	2	...	4	...	2	...	21	2	23	0.79
8. OF GENERATIVE ORGANS.....	...	8	2	4	...	5	...	4	...	2	...	3	...	2	...	5	...	3	...	2	...	4	1	2	3	44	47	1.61
9. OF LOCOMOTIVE ORGANS ...	1	1	1	...	1	...	1	1	1	...	...	...	3	...	...	...	...	2	...	2	...	4	...	...	10	4	14	0.48
10. OF INTEGUMENTARY SYSTEM	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. OLD AGE.....	9	5	9	...	6	4	10	3	12	2	12	3	11	...	10	6	13	4	9	2	11	1	16	2	128	32	160	5.51
12. EXTERNAL CAUSES	41	12	37	7	59	11	32	8	24	9	33	8	30	5	34	11	41	17	21	6	32	6	42	9	426	109	535	18.42
UNSPECIFIED	6	4	10	6	17	9	13	9	12	7	6	4	13	3	9	6	14	8	11	4	7	9	17	5	135	74	209	7.19
TOTAL FROM ALL CAUSES.....	186	94	187	102	224	116	156	84	116	66	149	71	134	52	151	78	167	83	122	70	149	60	301	84	1942	961	2903	99.92

K.

BIRTHS and DEATHS occurring at SEA, and Registered in New South Wales, from 1st January to 31st December, 1857.

WHERE REGISTERED.	BIRTHS.			DEATHS.		
	Males.	Females.	Total.	Males.	Females.	Total.
Sydney.....	31	37	68	155	59	214
Brisbane	9	9	18	18	18	36
Newcastle .....	.....	.....	.....	2	.....	2
TOTALS.....	40	46	86	175	77	252

116 of the Deaths registered in Sydney occurred at the wreck of the ill-fated "Dunbar," 20 at the wreck of the "Catharine Adamson" (at Sydney Heads), and 28 Deaths occurred on board the "Parsee" from Southampton to Moreton Bay.

L.

RETURN of the REGISTRATION DISTRICTS, with the names of the persons holding the office of DISTRICT REGISTRAR.

METROPOLITAN DISTRICT.

1. Sydney.....The Registrar General.

HAMLETS.

2. BalmainJohn Whitehead.
 3. O'Connell Town, Glebe, &c.Charles Alfred Newman.
 4. Chippendale and RedfernHenry Robinson Smith.
 5. Paddington and Alexandria.....George Warburton.
 6. ConcordWilliam Henry Maybury.
 7. St. GeorgeHenry Briggs.
 8. St. Leonard'sRobert D. Ward, Esq., M.D.

COUNTRY DISTRICTS.

9. Albury.....Henry Sherman Elliott, C.P.S.
 10. Armidale.....Edward Baker.
 11. BathurstJames Beuzeville.
 12. SofalaThos. Paten (Assistant.)
 13. BalranaldGeorge Edwards, C.P.S.
 14. BerrimaJ. Evelyn Liardet, C.P.S.
 15. BinalongJames Hoy Morgan, Esq., surgeon.
 16. BombalaThomas Fox, C.P.S.
 17. BrisbaneRev. Robert Creyke.
 18. BraidwoodJohn Gurney, C.P.S.
 19. BrouleeW. Stewart Caswell, Esq., P.M.
 20. CamdenJohn B. Martin, C.P.S.
 21. Campbelltown ...Thomas Fisher.
 22. CarcoarS. K. Miller, schoolmaster.
 23. CassilisJohn Morris, Esq., C.P.S.
 24. Clarence Town ...David Farquhar.
 25. CoomaJohn James Ryall, senior.
 26. DalbyFrederick W. Roche, storekeeper.
 27. DeniliquinHenry Shiell, C.P.S.
 28. DraytonGeo. Hy. Loveday, C.P.S.
 29. DubboJohn Scully, C.P.S.
 30. DungogThomas Cook, Esq., J.P.
 31. EdenP. J. Murray, Esq., P.M.
 32. GayndahM. Airey, C.P.S.
 33. GosfordThomas C. Battley, C.P.S.
 34. GoulburnWilliam Chatfield, Esq., J.P.
 35. GraftonW. C. B. Wilson.
 36. GundagaiDavid Smith, C.P.S.
 37. HartleyRobert Rygate, Esq., surgeon.
 38. IpswichWilliam Hendren, storekeeper.
 39. Kiama.....W. D. Meares, C.P.S.
 40. LeichhardtW. H. Wiseman, Esq., C.C.L.
 41. Liverpool.....J. Lindé Jones.
 42. M'Donald River...W. C. Hawkins, schoolmaster.
 43. MaitlandDaniel Carter.
 44. MaryboroughWm. Richardson, schoolmaster.
 45. M'Leay River...William Hy. Thornton, Esq., J.P.
 46. MoamaM. A. McKenna, C.P.S.
 47. MolongAndrew Ross, Esq., M.D.
 48. MorpethJohn Keating.
 49. MoulameinEdward T. Lindsay, C.P.S.
 50. MudgeeJ. W. Allpass, schoolmaster.
 51. MurrumbidgeeHenry Wheeler.
 52. Muswellbrook ..{ John Berriman Haskew, school-
 master.
 53. NewcastleJohn Burrowes, storekeeper.
 54. OrangeW. T. Evans, C.P.S.
 55. ParramattaPercy Simpson, Esq., J.P.
 56. PatersonB. Newbury.
 57. Patrick's Plains ..A. L. Forbes, schoolmaster.
 58. PenrithGeorge Thomas Clark, Esq., J.P.
 59. PictonWilliam R. Antill.
 60. Port CurtisJohn Score Powe.
 61. Port Macquarie ..Frederick Becke, C.P.S.
 62. WinghamJasper Creagh, C.P.S. (Assistant).
 63. Port StephensHenry Skillman.
 64. QueanbeyanChas. Edward Newcombe, Esq., P.M.
 65. Raymond Terrace..William Gloag.
 66. RichmondRichard Griffiths.
 67. RylstoneW. W. Armstrong C.P.S.
 68. RydeGeorge M. Pope.
 69. SconeJames Smith, Esq., P.M.
 70. ShoalhavenJames Aldcorn.
 71. SuratF. Westmacott, C.P.S.
 72. TabulamCharles Moore, C.P.S.
 73. TamworthGeorge Wilson.
 74. TenterfieldAlfred Canning.
 75. TumutHenry Hilton.
 76. UlladullaJohn Dowe.
 77. Wagga Wagga....Allan Bradley Morgan, Esq., surgeon.
 78. WarialdaGeorge H. Johnson.
 79. WarwickJohnathan Harris, schoolmaster.
 80. Wee WaaAlfred C. S. Rose, Esq., P.M.
 81. WellingroveJames Martin.
 82. WellingtonA. A. Davis, C.P.S.
 83. TambarooraThomas Paten (Assistant.)
 84. WindsorWilliam Walker, Esq., solicitor.
 85. WollongongG. P. Lambert, Esq., M.D.
 86. WollombiJohn McDonald, C.P.S.
 87. YassJohn Stiles, C.P.S.

M.

Original Certificate of Marriage.

Christian and Surname
of Minister at full length.

I _____ being _____

Designation.

do hereby Certify that I have this day at _____

Church or place where
celebrated.

duly celebrated Marriage between—

HUSBAND.

Christian and Surname
of Husband at full
length.

Rank or Occupation.

Residence.

{ Condition, Bachelor
or Widower. }

Age _____ years. Birthplace _____

Father's Name and Rank
or Profession.

Mother's Name, Maiden
Surname.

Witnesses Names.

before _____ and _____

after Declaration duly made as by law required.

Dated this _____ day of _____ 185 .

Signatures of parties
to the Marriage.

Signatures of
Witnesses.

Signature of
Minister.

N.

57-1103.

Registrar General's Office,
Sydney, 9 October, 1857.

Sir,

15th Victoria,
No. 31.

With the view of rendering the Tables of Mortality, prepared under the provisions of the Registration Act, as accurate as possible, I do myself the honor to solicit the support and co-operation of the Medical Board of New South Wales.

2. The value of these Tables to the diagnosis of disease, depends mainly upon the precision with which the "Cause of Death" is recorded; and although I have to acknowledge with thankfulness the support which has been accorded to me in this branch of my duty by many members of the profession, there are still very many cases of mortality tabulated solely on the information of *unprofessional persons*.

3. It is obvious that as an aid to medical science every case so recorded must, to a certain extent, impair the usefulness of the Tables; I am, therefore, anxious to have the influence and weight which the recommendation of your Board will carry with it, to induce general co-operation in the very important object of their design, namely,—the promotion of practical medicine, and the diminution of human suffering in New South Wales.

4. Appended to the Circular, herewith transmitted, (a copy of which was addressed by me, in March, 1856, to every member of the profession in the Colony,) is a Nosological Table, prepared from that in use in England, compiled by Mr. Farr, the most eminent authority on the subject. It is upon this system of nosology that I have endeavoured to frame the Tables for New South Wales, and I am induced to believe that a recommendation as to its value and importance published authoritatively by the Medical Board will be the means of obtaining a much more general appreciation of the system, and of promoting a much more hearty co-operation amongst the profession in carrying it out, than my own unsupported appeal has been the means of securing.

5. Books of Certificates of the "Cause of Death" have been supplied to the medical men in every District of the Colony, and may always be had on application to this office, or to any of the District Registrars.

I have, &c.,

CHRIS. ROLLESTON,
Registrar General.

THE HONORABLE

JAMES MITCHELL, Esq.,
President Medical Board.9, Castlereagh-street, North,
22 October, 1857.

Sir,

In reply to your letter addressed to the President of the Medical Board, I have been desired to inform you that a special meeting was held to-day, to consider if there was any way in which the Board could assist in the very desirable object upon which you wrote.

The opinion of the members present was, that the Act under which they were appointed (2 Vic. chap. 22,) so clearly defined the Board's province, that it had no power to publish anything unconnected with its immediate functions.

I have, &c.,

J. BURGON,
Secretary N. S. W. Medical Board.

C. ROLLESTON, Esq.,

Registrar General.

1858.

Legislative Assembly.

NEW SOUTH WALES.

REGISTRATION OF DEATHS IN SYDNEY.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 25 May, 1858.

RETURN shewing the number of Deaths registered in the Office of the Registrar for the City of Sydney, from 1st March, 1856, to 31st March, 1858, distinguishing those cases in which the causes of death have been recorded on the certificate of a legally qualified medical practitioner.

	Males.	Females.	Totals.	Number certified by medical practitioners.
1st March to 31st December, 1856	608	484	1,092	*
1st January to 31st December, 1857	732	585	1,317	*
1st January to 31st March, 1858	236	217	453	*159
Total recorded from 1st March, 1856, to 31st March, 1858	1,576	1,286	2,862	.....

*N.B.—The medical certificates received in the years 1856-7 not having been filed, the actual numbers cannot be given, but the number received in the first quarter of the present year was 159, besides 37 coroners' certificates.

CHRIS. ROLLESTON.

Registrar General's Office,
25 May, 1858.

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1858.

Legislative Assembly.
NEW SOUTH WALES.

TRANSFER OF REGISTERS OF BISHOP'S REGISTRAR TO OFFICE OF REGISTRAR GENERAL.

Ordered by the Legislative Assembly to be Printed, 14 May, 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 Correspondence, Minutes, Memorials, and other
“Papers, which may be in possession of the Government, upon
“the subject of the transfer from the custody of the Registrar
“of the Bishop of Sydney to the Registrar General of the
“Colony, of Registers of Baptisms, Marriages, and Burials,
“which may remain in the custody of such Registrar.

SCHEDULE.

No.	PAGE.
1. Registrar General to the Colonial Secretary, respecting the Church of England Registers of Baptisms, Marriages, and Burials, kept by the Bishop's Secretary, 20 January, 1857; with Minute for further report	2
2. Registrar General to the Colonial Secretary, reporting more fully on the subject, 2 February, 1857	4
3. Under Secretary to Secretary to Crown Law Officers, for their opinion on the legal bearing of the question, 5 February, 1857	6
4. Same to same, 22 June, 1857	6
5. Messrs. Norton, Son, and Barker, and other Solicitors, to the Colonial Secretary, drawing the attention of the Government to the necessity for adopting measures for securing these Records, 25 June, 1857	6
6. Minute thereon	7
7. Under Secretary to Messrs. Norton, Son, and Barker, in reply, 2 July, 1857	7
8. Mr. Norton to the Colonial Secretary, forwarding a Memorial from the Bishop's Secretary, relating to the transfer of the Registers, and claiming compensation, 9 July, 1857	7
9. Secretary to Law Officers to the Colonial Secretary, stating that a Bill to transfer the Documents in question to the Registrar General, and to compensate the Bishop's Secretary, has been prepared, 14 July, 1857	10
10. Secretary to Law Officers to the Under Secretary, on same subject, 15 July, 1857	10
11. Under Secretary to Mr. Norton, forwarding the Bill for his observations, 27 July, 1857	10
12. Mr. Norton to Colonial Secretary, in reply, 30 July, 1857	11
13. Under Secretary to Secretary to Law Officers, on the subject of the measure being introduced to Parliament, 1 August, 1857	12
14. The Bishop's Secretary to the Under Secretary, urging a settlement of the transfer, 1 October, 1857	12
15. Messrs. Norton, Son, and Barker, and other Solicitors, to the Colonial Secretary, in continuation of their letter of 25 June, 1857, (No. 6.) 6 November, 1857	12
16. United States Consul to the Colonial Secretary, stating that he is unable to obtain a Certificate of the Registration of the Birth of a child, pending the negotiation for the transfer of the Registers to the Government, 4 November, 1857	13
17. Messrs. Norton, Son, and Barker, and other Solicitors, to the Colonial Secretary, in continuation of their letter, of 25 June 1857 (No. 20)	13

TRANSFER OF REGISTERS OF BISHOP'S REGISTRAR TO OFFICE OF REGISTRAR GENERAL.

No. 1.

THE REGISTRAR GENERAL to THE COLONIAL SECRETARY.

*Registrar General's Office,
Sydney, 20 January, 1857.*

SIR,

16 Dec., 1856. I do myself the honor to transmit, for the consideration of the Government, a letter addressed to me by the Registrar of this Diocese, accompanied by a Minute, on the subject of the Church of England Registers now in the possession of the Bishop's Secretary, and their proposed transfer to this Department.

2. As I thought before submitting this Minute it was desirable to have some distinct proposition as to the amount of remuneration which Mr. James might consider himself entitled to, I requested Mr. Norton to make such proposition,—which will be found in his letter dated 15th instant, also transmitted.

3. I have seen the Registers in question. They appear to be very carefully preserved and accurately indexed, and would, undoubtedly, be a great acquisition to the Records of this Office.

I have, &c.,

CHRIS. ROLLESTON.

THE HONORABLE

THE COLONIAL SECRETARY.

MINUTE of the Colonial Secretary.

This is a matter of serious consideration, and Mr. Rolleston should report more fully upon the subject, whether the Registers are indispensably necessary, and if so, whether, considering the requirements of the laws under which they have been kept up, the claim of Mr. James is one entitled to be complied with.

H. W. P.
24 January, 1857.

[Enclosure 1 in No. 1.]

Sydney, 16 December, 1856.

Sir,

In consequence of the repeal of the Act 6 Geo. IV., No. 21, which provided for the Registry of Marriages, Births, and Deaths celebrated by the Church of England, and the establishment of the Registrar General's Department, I have the honor to transmit you a Minute of the circumstances under which those Registers were arranged, indexed, and kept by Mr. Henry Kerrison James, the Bishop's Secretary and my Deputy-Registrar.

I have, &c.,

J. NORTON.

To Charles Rolleston, Esq.,
Registrar General.

[Sub-Enclosure in No. 1.]

MINUTE.

By the Act 6 Geo. IV., No. 21, (1826), it was enacted, that Returns of the Baptisms, Marriages, and Burials registered by the Church of England, should be furnished, annually, to the Registrar of the Diocese, who was charged with their preservation, and was required to make Indices of the same for public reference and examination, upon payment of certain fees.

From the passing of this Act until the year 1834, the duties imposed upon the Registrar were (according to the design and intention of the then Legislature) performed under his direction by the Clerks of the Church and School Corporation.

On the dissolution of the Corporation, in the year 1834, an establishment, consisting of a Clerk and Messenger, was formed to carry on the requirements of the enactment. This establishment was maintained at the public expense, and continued until the return of Bishop Broughton from England, in the year 1836.

On the return of the Bishop the Government gave up the establishment, without providing for the performance of the duties imposed by the Statute on the Registrar. The like duties on behalf of other religious denominations were, by Legislative enactments, performed in the Office of the Supreme Court of the Colony.

It

It was, of course, impossible for the Bishop's Registrar, at his expense, to provide an office, and clerical labor and attendance for the accommodation and service of the public, the only emolument derived from the registration being a small and very inadequate fee for occasional searches and certificates.

From the abolition of the Government Office, in 1836, to the present time (upwards of twenty years), the important duties referred to were performed by the Bishop's Secretary, who, at great personal inconvenience and expense, collected the Registers, wrote up the Indices, and continued to perform the duties contemplated by the Act. The records are now extremely voluminous, and afford the only satisfactory evidence of the matters recorded, from the foundation of the Colony.

The Registers commence with the foundation of the Colony, in the year 1787, extending over a period of sixty-eight years. They include upwards of 150,000 records, the Indices alone filling eleven volumes.

The Act of 6 Geo. IV., No. 21, having been repealed by the Act 19 Vic., No. 30, which substituted a general registration for the Colony, I feel it my duty to draw the attention of Government to the foregoing facts.

As the Registers of the other religious communions have been transferred from the Supreme Court to the Department of the Registrar General, it concerns the public interest that those of the Church of England, numerically by far the most considerable, should be transferred to the same office.

To effect this object it will, of course, be necessary to satisfy the equitable claims of the gentleman to whose great diligence the public is indebted for the preservation of the documents now in his custody.

It may be proper to observe, that whilst the saving to the Government for twenty years in salaries, and other expenses, cannot have been less than £3,000, the utmost amount of fees received under the Act has not exceeded £500,—a sum totally inadequate to meet the expenses actually incurred by the Bishop's Secretary.

J. NORTON,
Registrar.

16 December, 1856.

[Enclosure 2 in No. 1.]

Sydney, 15 January, 1857.

Sir,

I had the honor to receive your letter of the 17th ultimo, in reply to mine of the 16th, enclosing a statement of the circumstances under which the Registers of Births, Marriages, and Deaths, by the Church of England, had been kept up and preserved from the year 1836, and pointing out the importance of their transfer to the department placed under your control.

In compliance with your request, I now state the amount of compensation I think Mr. James entitled to receive for his services, and which I trust that the Government, in consideration of the great public value of these Registers, and of the probable augmentation of the income derivable by your department from their possession, will readily assent to.

I believe the expense actually incurred by Mr. James on account of this service to have been not less than £1,800. When the value of his own services is taken into consideration, added to the fact, well known to me, that during a very considerable part of the period that he sustained this outlay he was paying interest at the rate of ten per cent., I trust that the sum of £3,000 will not be deemed an unreasonable compensation.

I cannot doubt the desire of the Government to satisfy the claims of a gentleman who, at so much personal inconvenience, performed an act of the greatest importance to the interests of the Colony, especially as the amount at which he is willing to surrender the Records in question will, in all probability, become a profitable investment of the sum required for their acquisition.

I have, &c.,
J. NORTON.

Chas. Rolleston, Esq.,
Registrar General,

[Enclosure 3 in No. 1.]

ACT 6 GEO. IV., No. 21.—(1 Nov., 1825.)

Provided for the keeping of the Registers, "according to the rites of the Church of England, or as hereinafter mentioned."

Directed Annual Returns to be made "to Registrar of the Archdeacon's Court."

Registrar to make Indexes.

Did not require Registrar to circulate forms, nor to take any proceedings for collecting Returns.

Had not both these been done with punctuality and diligence, Returns would not have been obtained, and of course Indexes could not have been made. No penalty for neglecting to make Indexes.

Penalty on Clergyman for not making Returns, "20 Spanish Dollars: penalties applied in the same manner as in and by a certain Act of the Governor in Council, intituled,

"An

"*An Act to prevent the harbouring of runaway Convicts, and the encouragement of Convicts "tippling or gambling,"* is directed and prescribed."

It is obvious, therefore, that this imperfect and obsolete enactment must have remained inoperative, had not its provisions been voluntarily carried out; and it is understood that the Acts affecting other denominations have for the like reason signally failed.

This Act (6 Geo. IV., No. 21)—passed twenty-two years ago—was intended to apply to all the then denominations, but practically it applied to the then exclusively endowed and virtually established Church of England.

No Returns were ever made by other denominations to the Archdeacon's Registrar.

The Returns of the Church of England, thus nominally made to the "Registrar," were at the passing of the Act intended to be, and, in fact, were made for eight years to the Office of the Church and School Corporation, then an Ecclesiastical Establishment, maintained and supported by Government, and the duties appointed by the Act were performed under the cognizance merely of the Registrar, and free of all expense to him.

This Corporation was finally abolished in 1834, and the Officers discharged; but a Clerk was retained (as Clerk to the Archdeacon) specially to keep up the Registers.

In 1834 the Archdeacon went to England, and returned as Bishop in 1836, during which time the Government still continued the expenses of his office.

On his arrival, as Bishop, the Government discontinued this office altogether, and discharged the Clerk with a gratuity.

There was then no provision whatever made for the discharge of the duties required by the Act, and the same must have fallen into desuetude had not the Bishop's Secretary (heretofore the Archdeacon's Clerk), in anticipation of future recompense, under a conviction of the indispensableness and public value of the service, assumed the functions assigned to the Registrar, and carried out, at his own private cost, the intentions of the Statute.

In 1834 (the year of abolition of the Church Corporation) the Act 5 William IV., No. 2, was passed, regulating the Registers of the Presbyterians and Roman Catholics, requiring their Returns to be made to the Supreme Court.

In 1839 the Act 3 Vic., No. 7, was passed, being a corresponding enactment for the Wesleyans.

Returns to be made to the Supreme Court.

In the same year the Act 3 Vic., No. 23, was passed, imposing penalties on Roman Catholics, Presbyterians, and Wesleyans for non-transmission of Returns to Supreme Court.

Clause 2 provided for Church of England Returns to be sent to Bishop's Registrar, instead of Archdeacon's Registrar, but otherwise the Act 6 Geo. IV., No. 21, was unaltered.

In 1840 the Act 4 Vic., No. 14, was passed, being a corresponding enactment for the Independents.

Returns to be made to the Supreme Court.

All these Acts have been repealed by the new Marriage Act, 19 Victoria, No. 30.

The Registers of the other denominations filed in the Supreme Court, under the Acts before recited, having been compiled and indexed at the Government expense, and being therefore public property, have been transferred by Act of Parliament to the Office of the Registrar General.

No provision has been made respecting the Church of England Registers, which for twenty years have been maintained and kept at the private charge of the Bishop's Secretary, and these records are still in his possession.

No. 2.

THE REGISTRAR GENERAL to THE COLONIAL SECRETARY.

Registrar General's Office,

Sydney, 2 February, 1857.

SIR,

In accordance with your Minute upon the margin of my letter of 20th instant, requesting me to report more fully upon the subject of the transfer of the Church of England Registers to this Department, and of Mr. James' claim to compensation for his services in keeping them up, at his own cost, for the last 20 years, I do myself the honor to report as follows:—

£3,000.

2. It appears to me to be indispensably necessary that these Registers should be secured for the use of the public; for, although they appertain exclusively to the Church of England, they cannot but concern, in a very large degree, the interests of the community generally, as *establishing legitimacy, and affecting the titles and inheritance of the great bulk of the real estates in the Colony*; and it can hardly be doubted that the Office of the Registrar General is the proper repository for them. In consequence of the repeal of the Acts 6 George IV., No. 21, and 3 Victoria, No. 23, no provision whatever exists, either for the preservation of these Records, or for the use of them by the public; and although I am informed that the Bishop's Deputy-Registrar continues to allow the public the use of his office,

office, yet as this is not a public department, the accommodation may at any time be discontinued. It may also be questioned whether the certificates granted by him, not coming within the operation of the present Registry Act, are, like those issued by the Registrar General, cognizable in Courts of Law; whilst it will be readily admitted that the existence of two places of search must subject parties to great expense.

3. The circumstances under which the claim for compensation arises, as related by the Bishop's Registrar, are these. The Act 6 George IV., No. 21, (1826), provided for Annual Returns of the Births, Deaths, and Marriages in the Church of England, to be made to the Archdeacon's Registrar, who was charged with certain duties concerning them. It appears that at this time, and up to the year 1836, the Government defrayed the expense of clerical assistance, and provided an office for the performance of these duties. That when the Archdeacon became Bishop of Australia this office was discontinued, and a declaratory Act was passed two years afterwards, providing that the duties prescribed by the Act 6 George IV., No. 21, as pertaining to the Archdeacon's Registrar, should henceforth devolve upon the Registrar of the Bishop. These duties are thus stated—"That as often as copies of such registers and lists are transmitted to the Registrar aforesaid, they shall be safely kept from damage, and be so arranged as to be resorted to when required; and one general alphabetical list shall be made in books of the names of all persons and places therein, which shall be open to the public search at reasonable times." There was, however, no penalty for the non-performance of these duties, and Mr. Norton states in his minute,—"It was, of course, impossible for the Bishop's Registrar, at his expense, to provide an office and clerical labor and attendance for the accommodation and service of the public, the only emolument derived from the registration being a small and very inadequate fee for occasional searches and certificates." From this it may be inferred, that had not these duties been executed by the Deputy-Registrar they must necessarily have been unperformed.

4. Assuming, then, that when the Government assistance was withdrawn it was not compulsory upon the Registrar, who was a private officer of the Bishop, to continue his services to the public, involving the permanent employment of a clerk, and that the saving to the Government in salaries and other expenses has been as stated in Mr. Norton's minute; ^{£3,000,} assuming also the expenses actually incurred by Mr. James, and the inadequacy of the fees ^{£1,800,} ^{£500.} received by him, to be correctly stated, and considering the intrinsic importance of these records, and the satisfactory manner in which they have been kept up by the Deputy-Registrar, I am of opinion that the remuneration estimated for the period of twenty years is by no means unreasonable, more especially as they would immediately be a source of emolument to this office.

5. There appear to me, however, to be legal considerations involved in the question. Assuming these Registers to be public documents, of which there can be little doubt, the following points arise:—

- 1st. Is the Deputy-Registrar authorised to transfer, and am I authorised to receive, these Registers, without Legislative sanction?
- 2nd. What force in a Court of Law would certificates granted by the Registrar General upon these records have?

It seems to me, that without the authority of a Parliamentary enactment I could not receive the documents; and that certificates granted upon them would not have co-ordinate force with copies of the registers given by virtue of section 9 of the Registration Act, 19 Vic., No. 34. I would, therefore, respectfully suggest, that the Bill now before Parliament "for transferring to the Registrar General the duties of the Chief Clerk of the Supreme Court as Registrar of Deeds and other Instruments," may be amended to comprehend these Registers, and to give certificates granted upon them equal validity with those issued in pursuance of the 19th section of the Act aforesaid.

I have, &c.,

CHRIS. ROLLESTON,

Registrar General.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 3.

THE UNDER SECRETARY to THE SECRETARY TO THE CROWN LAW OFFICERS.

*Colonial Secretary's Office,
Sydney, 5 February, 1857.*

SIR,

I am directed to transmit to you the accompanying correspondence relating to a claim preferred by Mr. James, Secretary to the Bishop of Sydney and Deputy-Registrar of the Diocese, to compensation for keeping the Registers of Births, Deaths, and Marriages, in the Church of England, upon their transfer, should this be deemed expedient, to the Department of the Registrar General, and to request that you will bring the same under the notice of the Crown Law Officers, for their opinion on the legal bearing of the question, that is,—Whether the Registers referred to are such as may be taken to be public property, and the measures which may be necessary or expedient for rendering them available to the community as such?

2. I am to add, that this case is referred direct, instead of being submitted through the Civil Crown Solicitor, as one of an exceptional character, on which the special report of the Law Officers may be considered desirable.

I have, &c.,

THE SECRETARY TO
THE CROWN LAW OFFICERS.

W. ELYARD.

No. 4.

THE UNDER SECRETARY to THE SECRETARY TO THE CROWN LAW OFFICERS.

*Colonial Secretary's Office,
Sydney, 22 June, 1857.*

SIR,

Referring to my letter of the 5th February last, No. 38, I am directed to request that you will be good enough to move the Crown Law Officers to cause the Colonial Secretary to be furnished with their opinion as to whether the Registers of Births, &c., in the Church of England, therein referred to, are such as may be taken to be public property, and as to the measures which may be necessary or expedient for rendering them available to the community as such.

I have, &c.,

THE SECRETARY TO
THE CROWN LAW OFFICERS.

W. ELYARD.

No. 5.

MESSRS. NORTON, SON, & BARKER, AND OTHER SOLICITORS, to THE COLONIAL SECRETARY.

Sydney, 25 June, 1857.

SIR,

The Act 6 George IV., No. 21, relating to the Registers of Baptisms, Marriages, and Deaths of the Church of England, having been repealed by the Act 19 Victoria, No. 30, without any provision having been made respecting the future,—we beg leave to draw the attention of the Government to the urgent necessity for adopting measures for securing these important records for the use of the public.

Their value, as affecting the inheritance and legal transmission of a vast amount of real estate in this Colony for all generations, we consider to be incalculable. We are informed that they extend over a period of seventy years, to the earliest Colonial date, including many thousand entries, systematically arranged and alphabetically indexed, and are, we believe, in good preservation. Our respective firms can confidently testify to the great advantage and accommodation they afford to the community.

We

TO OFFICE OF REGISTRAR GENERAL.

7

We would, therefore, respectfully suggest that arrangements should at once be made for their future security, and for affording to the public the convenience of access to them.

We have, &c.,

NORTON, SON, & PARKER.
 HOLDEN & MCCARTHY.
 ALLEN & BOWDEN.
 WANT, ROXBURGH, & WANT.
 JOHN WILLIAMS.
 JOHNSON & JOHNSON.
 SPAIN & YOUNG.
 DUNSMURE & STAFFORD.
 PENNINGTON & HART.
 E. BURTON.
 BRADLEY & JAMES.
 GILBERT WRIGHT.
 TEALE & GARRETT.
 W. G. A. FITZHARDINGE.
 BRENNAN & RUSSELL.
 GURNER & ROBBERS.
 ROWLEY, HOLDSWORTH, & GARRICK.
 ICETON & POWNALL.
 M. CONSETT STEPHEN.
 JOHN DAWSON.
 MILFORD & CROFT.
 WAY & THOMPSON.
 STENHOUSE & HARDY.

THE HONORABLE
 THE COLONIAL SECRETARY.

No. 6.

MINUTE of the Colonial Secretary.

For the Law Officers, with reference to former papers.

H. W. P.

30 June.

No. 7.

THE UNDER SECRETARY to MESSRS. NORTON, SON, & BARKER.

*Colonial Secretary's Office,
 Sydney, 2 July, 1857.*

GENTLEMEN,

Your letter, under date the 25th ultimo, on the subject mentioned below, has been duly received and referred for the report of the Law Officers of the Crown.

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:—Respecting the necessity for adopting measures for securing certain Records of Births, Deaths, and Marriages for the use of the public.

MESSRS. NORTON, SON, & BARKER,
 Solicitors,
 Elizabeth-street, Sydney.

No. 8.

MR. NORTON to THE COLONIAL SECRETARY.

Sydney 9 July, 1857.

SIR,

I forward herewith a Memorial from the Bishop's Secretary relating to the transfer to the General Registry of the Church of England Returns of Baptisms, Marriages, and Burials, and of the Indexes compiled by him.

In this Memorial the Bishop's Secretary prefers a claim for his past services respecting these Records.

I have already stated my views upon the subject of this claim in a letter to the Registrar General, dated 16th December, 1856; and I now desire to repeat my opinion that it is founded in justice.

THE HONORABLE
 THE COLONIAL SECRETARY.

I have &c.,
 J. NORTON.

[Enclosure

[Enclosure in No. 8.]

To His Excellency the Governor General, and the Honorable the Executive Council of New South Wales.

The humble Memorial of Henry Kerrison James, Secretary to the Lord Bishop of Sydney,—
SHEWETH AS FOLLOWS:—

1. Your Memorialist is informed that a Bill will be introduced by the Government in the ensuing Session for completing the system of general registration, by transferring to the Registrar General the Returns of Baptisms, Marriages, and Burials, relating to the United Church of England and Ireland in this Colony.
2. These Returns are now in the possession of your Memorialist, and have been accumulating under his custody and care for more than 20 years.
3. During that period your Memorialist has bestowed great pains and attention upon the classification and indexing of these valuable documents, with a view to rendering them most easy of reference, and useful to the public.
4. The Returns commence with the foundation of the Colony in 1787, and now comprise above 150,000 records; the indexes alone filling eleven demy volumes.
5. The duties assigned by the Act 6 Geo. IV., No. 21, to the Registrar of the Archdeacon of New South Wales, were, as contemplated by the Legislature, performed under his direction by the clerks of the Church and School Corporation (then a Government Establishment) until 1834, when, upon the abolition of that department, a clerk and messenger were provided, at the Government expense, to carry out the requirements of the Act, and this continued till 1836.
6. The Archdeacon having gone to England in 1834, returned as Bishop in 1836; immediately after which the last mentioned arrangement altogether ceased.
7. In 1839, the Act of Council, 3 Vic. No. 23, provided that the duties which had been performed by the Archdeacon's Registrar should devolve upon the Bishop's Registrar; but it could not be expected that he should provide for the discharge of these duties at his own expense, and his only legal emolument was the extremely inadequate fee for occasional searches and certificates.
8. Upon the abolition of the Government Office in 1836, your Memorialist personally discharged the whole of the duties, and has continued to do so, and to keep the indexes complete up to the present time.
9. These Records are of inestimable public value, affording information upon questions of legitimacy, relationship, and descent, and deeply affecting the titles and inheritance of the greater portion of the landed property of the Colony; notwithstanding which, your Memorialist submits that they are not, nor have ever yet been, public property.
10. By the Act 19 Vic. No. 30, the Acts of Council 6 Geo. IV. No. 21 and 3 Vic. No. 23 were repealed; a General Registry Office was established, to which the Registers of all other religious denominations in the Colony were transferred, and by the Act of last Session, 20 Vic. No. 27, all the Registers of the Supreme Court were also transferred to the same department.
11. It is no doubt of great importance that the Church of England Returns, which are the subject of the Bill now in contemplation, should be transferred to the Registrar General, in their present complete state of arrangement and classification, together with the indexes compiled by your Memorialist.
12. Your Memorialist annexes a calculation, marked A, of his actual outlay upon this work during the last 20 years, amounting to nearly £3,000, and an Estimate, marked B, of the fees received on account of the same, according to the scale fixed by the Act, which have not during the same period exceeded the sum of £500.
13. Your Memorialist respectfully refers your Excellency and the Executive Council to letters from the Registrar General, dated respectively 20th January and 2nd February, 1857, accompanied by letters to him from the Bishop's Registrar, dated respectively the 16th December, 1856, and 15th January, 1857, and also a letter dated 25th June, 1857, from a large body of the Solicitors in Sydney, all addressed to the Honorable the Colonial Secretary.

Your Memorialist humbly prays as follows:—

That your Excellency and the Executive Council will recognize and affirm the claim of your Memorialist to pecuniary compensation for his past services, and that upon the transfer of the records to the General Registry, a grant may be awarded to your Memorialist of such an amount as may be considered just and reasonable.

And your Memorialist will ever pray, &c.

H. KERRISON JAMES.

A.

CALCULATION of Estimated Expenditure incurred by the Bishop's Secretary on account of the Registers of Births, Marriages, and Deaths, of the Church of England, during the periods undermentioned:—

1837 to 1845.—From the 1st January, 1837, to the 31st December, 1845, being 9 years, Clerk, salary at £50	£450	0	0	
Interest thereon, at the rate of 5 per cent.	360	0	0	
				810 0 0
1846.—One year Clerk's salary, 1st January to 31st December ..	65	0	0	
Interest at 5 per cent., average time 11 years	35	15	0	
				100 15 0

TO OFFICE OF REGISTRAR GENERAL.

9

1847 to 1854.—One year's salary to Clerk from 1st January to 31st December, in each year, 8 years at £78	624	0	0
Interest thereon from the average date, 1st January, 1851, 6½ years at 5 per cent	202	16	0
		826	16 0
1855 and 1856.—One year's salary to Clerk in each year, being 2 years, at £208 per annum	416	0	0
Interest from average date, 1st January, 1856, 1½ year, at 5 per cent	31	4	0
		447	4 0
1857.—One half-year's salary to Clerk, from 1st January to 30th June, 1857, at £208 per annum	104	0	0
Interest for the average period of 3 months	1	6	0
		105	6 0
Amount of Salaries with Simple Interest at 5 per cent. per annum	£2,290	1	0
Postages, Stationery, and Contingencies, for 20½ years, at £5 each year	102	10	0
Interest thereon, for the average time, 10½ years	52	10	7
		155	0 7
The Interest on the Outlays is calculated above at 5 per cent. only, but at the rate actually paid, viz., 8 per cent., the same would amount to the additional sum of		410	3 11
TOTAL	£2,855	5	6

NOTE.—The above is exclusive of remuneration for the Secretary's personal services.

H. KERRISON JAMES.

The above computations have been verified by Mr. Archibald Campbell, Professional Accountant.

H. K. J.

B.

ESTIMATE of Fees received for Searches and Certificates according to the provisions of the Act 6 Geo. IV., No. 21, Sec. 6.

STATEMENT by Mr. LAWRENCE CURR, Chief Clerk in Mr. James' Office.

I have officiated as clerk to Mr. James for the last twelve years, viz., since 1845, with the exception of two temporary absences—during which time Mr. James engaged other assistants. During this period I have been chiefly employed, under Mr. James' directions, in compiling and indexing the Returns of Births, Marriages, and Deaths, attending upon persons applying for Searches and Certificates, and in the performance of other duties incidental to keeping up the books. I at first received a salary of one pound per week; soon after one pound five shillings per week; for a long period one pound ten shillings per week; and for the last three years (nearly) I have received four pounds per week, or two hundred and eight pounds per annum.

Since the first of January, 1855, an exact account has been kept of the fees received for Searches and Certificates, a Schedule of which is annexed.

Prior to that date the fees were comparatively inconsiderable, and no regular account of them was kept.

Mr. James has estimated the fees received for the antecedent years, thus:—

From 1837 to 1841, inclusive, at £15 per annum...	£75	0	0
" 1842 " 1846, " 20 " ..	100	0	0
" 1847 " 1851, " 25 " ..	125	0	0
" 1852 " 1854, (3 years) 35 " ..	105	0	0

From my personal knowledge and observation during the period I have been in the office, I can confidently state that the foregoing is a fair and equitable estimate, and my belief is, that it is rather over than under the amount actually received.

I am ready to make a solemn affirmation of the truth of the above statement, if required.

LAW. CURR.

Sydney, 1 July, 1857.

RETURN of Fees received from 1st January, 1855, to 30th June, 1857.

1855—Received	£37	18	6
1856 "	57	17	0
1857 " (1 January to 30 June) ..	46	13	0

LAW. CURR.

1 July, 1857.

H. KERRISON JAMES.

No. 9.

THE SECRETARY TO LAW OFFICERS to THE COLONIAL SECRETARY.

*Attorney General's Office,**Sydney, 14 July, 1857.*

SIR,

In returning you the within letter, received under B.C. 30th ultimo, respecting the necessity of adopting measures for securing the records of Births, Deaths, and Marriages, for the use of the public, I am directed to state, that a Bill to transfer the documents in question to the Registrar General, and to compensate Mr. James, the Lord Bishop's Secretary, has been prepared, with a view to its introduction into Parliament during the next Session.

I have, &c.,

W. E. PLUNKETT,

Secretary to Law Officers.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 10.

THE SECRETARY TO LAW OFFICERS to THE COLONIAL SECRETARY.

*Attorney General's Office,**Sydney, 15 July, 1857.*

SIR,

Adverting to your letter of the 3rd February last, No. 38, and subsequent communication of the 22nd ultimo, 197, requesting opinion whether the Church of England Registers can be taken as public property, and measures necessary for such purpose,—I have now the honor to forward herewith to you a copy of a letter addressed to the Registrar General on the subject.

I have, &c.,

W. E. PLUNKETT,

Secretary to Law Officers.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure in No. 10.]

*Attorney General's Office,**Sydney, 15 July, 1857.*

Sir,

In returning you the enclosed papers, from Mr. James, Secretary to the Lord Bishop of Sydney, respecting the transfer of the Church of England Registers to the Registrar General, I am directed to state, that the documents are of public utility, and of the nature of public documents, but the Attorney General does not think that they have been prepared, compiled, abstracted, and preserved, in such manner as to entitle the public to take them from Mr. James, without compensation.

2. A Bill has been prepared for the double purpose of transferring their custody to the Registrar General, and of compensating Mr. James, whose claim to £2,500, or thereabouts, seems well established.

I have, &c.,

W. E. PLUNKETT.

Christopher Rolleston, Esq.,
Registrar General.

No. 11.

THE UNDER SECRETARY to MR. NORTON.

*Colonial Secretary's Office,**Sydney 27 July, 1857.*

SIR,

With reference to your letter of the 9th instant, forwarding a Memorial from the Bishop's Secretary, relating to the transfer to the Department of the Registrar General of the Church of England Returns of Baptisms, Marriages, and Burials, and of the Indexes compiled by him, and to his claim for compensation for his past services in respect to these records, I am directed by the Colonial Secretary to enclose a draft of a Bill for the transfer of the documents in question to the General Registry Office, and to compensate Mr. James, which has been prepared under the sanction of the Attorney General, with a view to its introduction into Parliament early during the next Session; and to request that you will, at your earliest convenience, return it, accompanied by such observations as may occur to you upon the perusal of it.

I have &c.,

W. ELYARD.

THE HONORABLE

JAMES NORTON, ESQ., M.L.C.

[Enclosure]

[Enclosure in No. 11.]

21st VICTORIA, 1857.

DRAFT BILL

Intituled—An Act for transferring to the Registrar General all Returns of Marriages Baptisms and Burials relating to the United Church of England and Ireland, and compensating the present Officer.

Preamble.

WHEREAS it is expedient to transfer to the General Registry for New South Wales all Returns Registers and Indexes of Marriages Baptisms and Burials relating to the United Church of England and Ireland within the Colony and to compensate the Officer now in charge thereof Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Church of England Returns to be all deposited in General Registry.

1. Upon a day to be fixed by the Governor of which fourteen days previous notice shall be published in the *Government Gazette* the Secretary of the Bishop of Sydney shall deliver to the Registrar General all Returns relating to Marriages Baptisms and Burials within the said Colony made or transmitted by any Clergyman or Minister of the United Church of England and Ireland in New South Wales by virtue of the Acts sixth George Fourth number twenty-one and third Victoria number twenty-three and all Registers of such Returns and every Index of or to the same and the Registrar General shall take possession thereof and shall keep and deposit the same in the General Registry Office and may and shall grant Certificates or Certified Copies of the same in like manner as under the several provisions of the Act of Council nineteenth Victoria number thirty-four applicable to Registration of Marriages Births and Deaths or incidental thereto or consequent thereon in like manner as if the said several provisions had been repeated in this Act and hereby made to apply to the subject matter hereof.

Compensation to Compiler of Indexes.

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.

Certificates and Fees.

3. All Certificates or Certified Copies so granted by the Registrar General shall be of the same and the like force and effect to all intents and purposes as Certificates and Certified Copies of the Registers of Marriages Births or Deaths granted under the said last recited Act And the same and the like fees may and shall be charged and paid for the same respectively and for searches relating to any such Returns of the said United Church as are authorized by the same Act and contained in Schedule B thereto annexed.

19 Vic. No. 34 applied to 20 Vic. No. 27.

4. The provisions of the said Act of Council nineteenth Victoria number thirty-four shall also apply to all Certificates or Certified Copies of the Registers of Baptisms Marriages and Burials of other Denominations transferred to the Registrar General under the Act of Council twentieth Victoria number twenty-seven.

No. 12.

MR. NORTON to THE COLONIAL SECRETARY.

Sydney, 30 July, 1857.

SIR,

I have the honor to return the Draft Bill—intended to transfer to the Registrar General the Returns of Marriages, Baptisms, and Burials relating to the Church of England and Ireland, and compensating the present officer—you did me the honor to forward for my perusal.

So far as I am entitled to express an opinion on the Bill, it appears to me to be unobjectionable, and I trust the second clause will have the recommendation and support of the Ministers and the Law Advisers of the Crown.

I have, &c.,

J. NORTON.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 13.

THE UNDER SECRETARY to THE SECRETARY TO LAW OFFICERS.

*Colonial Secretary's Office,**Sydney, 1 August, 1857.*

SIR,

With reference to your letters of the 14th and 15th of last month, respecting the measures necessary for the transfer of the Church of England Registers of Marriages, &c., and for granting compensation to the Bishop's Secretary in respect to them, I am now directed to return the whole of the papers, including a further letter on the subject from Mr. Norton, in order that they may be laid before the Attorney General, with the Colonial Secretary's request that he will introduce the measure to Parliament as he has personally expressed to him his willingness to do.

I have, &c.,

W. ELYARD.

THE SECRETARY TO THE
CROWN LAW OFFICERS.

No. 14.

THE BISHOP'S SECRETARY to THE UNDER SECRETARY.

Sydney, 1 October, 1857.

SIR,

May I request you to bring under the notice of the Honorable the Colonial Secretary the correspondence and papers respecting the transfer of the Church of England Registers to the Department of the Registrar General.

The continuance of these Records in my charge is attended with much inconvenience and expense, and I fear that it will not be possible to afford the public the convenience of my services beyond the end of the present year. I contemplate an absence from Sydney, for urgent private reasons, when it will be out of my power, in the present uncertain state of the matter, to make provision for public access to the Registers, or the issue of Certificates.

I earnestly trust, therefore, that some terms of settlement may be adjusted during the Session of Parliament.

I have, &c.,

H. KERRISON JAMES.

THE UNDER SECRETARY.

No. 15.

MESSRS. NORTON, SON, AND BARKER, AND OTHER SOLICITORS, to THE COLONIAL SECRETARY.

Sydney, 6 December, 1857.

SIR,

With reference to a letter addressed on the 25th April last to the then Colonial Secretary, by nearly all the Solicitors of Sydney, representing the urgent necessity of securing, for public use, in connexion with the new Registry Department, the Indexes of Baptisms and Marriages of the Church of England, which the Bishop's Secretary has, for the last twenty years, kept at his own instance and expense,—we have now the honor to recal the attention of the Government to this important subject, as we find that Mr. H. K. James declines any longer to supply, from this source, those Certificates which have hitherto been available for purposes of legal investigation and evidence.

Without presuming to estimate the compensation which Mr. James is fairly entitled to claim on surrendering these valuable Indexes to the Registrar's Department, we can, without hesitation, state that the injury inflicted on the public by their loss or suppression would incalculably exceed any sum which he is likely to demand.

We have, &c.,

NORTON, SON, & BARKER.
HOLDEN & MCCARTHY.
ALLEN & BOWDEN.
R. J. & G. WANT.
JOHN DAWSON.
SPAIN & YOUNG.
DUNSMURE & STAFFORD.
TEALE & GARRETT.
GILBERT WRIGHT.
ROWLEY, HOLDSWORTH, & GARRICK.
ICETON & POWNALL.
E. BURTON.
BRADLEY & JAMES.
FITZHARDINGE & MACKECHNIE.
MILFORD & CROFT.
M. CONSETT STEPHEN.
WAY & THOMPSON.
STENHOUSE & HARDY.

THE HONORABLE
THE CHIEF SECRETARY.

TO OFFICE OF REGISTRAR GENERAL.

13

No. 16.

UNITED STATES CONSUL to THE COLONIAL SECRETARY.

*Consulate of the United States,
Sydney, N. S. Wales,*

4 November, 1857.

SIR,

Having received a request from the United States to procure and forward a certificate of the registration of the birth of a child, now resident there, but who was born in this Colony, I applied on the 2nd instant to the Deputy Registrar of the Diocese of Sydney (Mr. James) for the purpose of obtaining the required document.

I did not see Mr. James, but the next morning I received a note from him, in which he says, "that, pending a negotiation with the Government, I have discontinued furnishing such extracts, and regret, therefore, that I am unable to accommodate you." I afterwards spoke to the Registrar General of the Colony upon the subject, but was informed by him that it was not in his power to furnish me with the certificate.

As I infer from the letter of my correspondent that it is of considerable importance that the information sought for should be obtained, I therefore apply to you in the hope that you may be able to aid me in the matter.

I hardly need add, that, as interests of vast moment are frequently dependent on facts which can only be established by access to an authentic Register of Births (and I believe that in the present instance important interests are involved,) it would seem to be of consequence that every obstacle to the procuring of such facts should be removed.

I have, &c.,

J. H. WILLIAMS,

U. S. Consul.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 17.

MESSRS. NORTON, SON, AND BARKER, AND OTHER SOLICITORS, to THE COLONIAL SECRETARY.

Sydney, January, 1858.

SIR,

Not having been favored with any reply to the communications we had the honor to address to you upon the subject of the transfer of the Church of England Registers to the department of the Registrar General, we again beg to draw your attention to the matter.

In consideration of the very great inconvenience sustained by the public from the want of a legal right of reference to these records, we feel compelled to urge the importance of having them placed under the control of a responsible officer.

We trust therefore that the Government will take this subject into their early consideration.

We have &c.,

NORTON, SON, & BARKER.
HOLDEN & MCARTHY.
R. J. & G. WANT.
BRENAN & RUSSELL.
FITZHARDINGE & MACKECHNIE.
MILFORD & CROFT.
TEALE & GARRETT.
ROWLEY, HOLDSWORTH, & GARRICK.
STENHOUSE & HARDY.
ICETON & POWNALL.
JOHNSON & JOHNSON.
RODD & DAWSON.
WILLIAM DEANE.
BRADLEY & JAMES.
SPAIN & YOUNG.
PENNINGTON & HART.

THE HONORABLE

THE COLONIAL SECRETARY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

REGISTRATION AND PRESERVATION OF RECORDS.

PROGRESS REPORT

FROM THE

SELECT COMMITTEE

ON THE

REGISTRATION AND PRESERVATION OF RECORDS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

4 *November*, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

—o—
1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES NO. 17. FRIDAY, 23 APRIL, 1858.

5. Registration and Preservation of Records:—Mr. Owen moved, pursuant to amended notice,—

(1.) That a Select Committee be appointed to inquire into the Records and Registers in the Office of the Registrar General; the expediency and probable expense of procuring fire-proof premises; the condition of the Registers, and the best means of their preservation and restoration where found decayed or injured; the income derived from the fees of the Office, distinguishing those derived from registering deeds and instruments; the state and system of the indices, and whether any improvement can be made therein;—and also to inquire into and report on the substitution of paper for parchment in registering, and whether searches can be advantageously made by the clerks of the Registry Office,—with power to send for persons and to call for or inspect books and papers.

(2.) That such Committee consist of the following Members, viz.:—Mr. Jones, Mr. Smith, Mr. Hay, Mr. Weekes, Mr. Piddington, Mr. Flood, Mr. Williamson, Mr. Aldcorn, Mr. Gordon, and the Mover.

Debate ensued.

Question put and passed.

VOTES NO. 61. TUESDAY, 20 JULY, 1858.

22. Registered Instruments better Preservation Bill:—Mr. Cowper moved, "That" the Speaker do now leave the Chair, and the House resolve itself into a Committee of the whole for consideration of this Bill.

Mr. Owen moved, That the Question be amended by the omission of all the words thereof following the word "That" at the commencement, with a view to the insertion in their place, of the words "this Bill be referred to the Select Committee " on the Registration and Preservation of Records."

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

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

Whereupon Question—That this Bill be referred to the Select Committee on the Registration and Preservation of Records—put and passed.

VOTES NO. 114. THURSDAY, 4 NOVEMBER, 1858.

2. Registration and Preservation of Records:—Mr. Owen, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 23rd April last, to inquire into the Records and Registers in the Office of the Registrar General; the expediency and probable expense of procuring fire-proof premises; the condition of the Registers, and the best means of their preservation and restoration where found decayed or injured; the income derived from the fees of the Office, distinguishing those derived from registering deeds and instruments; the state and system of the indices, and whether any improvement can be made therein;—and also to inquire into and report on the substitution of paper for parchment in registering, and whether searches can be advantageously made by the clerks of the Registry Office,—with power to send for persons and to call for or inspect books and papers; together with the Minutes of Proceedings and Appendix, and the better preservation of Registered Instruments Bill (referred on 20th July last) as amended in Committee.

Ordered to be printed.

CONTENTS.

	PAGE.
Report	3
Proceedings of the Committee	5
Schedule of Amendments in " <i>Registered Instruments better Preservation Bill</i> "	2
List of Witnesses	9
List of Appendix	9
Minutes of Evidence.....	1

1858.

REGISTRATION AND PRESERVATION OF RECORDS.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on 23rd April last, “to inquire into the Records and Registers in the Office of the Registrar General; the expediency and probable expense of procuring fire-proof premises; the condition of the Registers, and the best means of their preservation and restoration where found decayed or injured; the income derived from the fees of the Office, distinguishing those derived from registering deeds and instruments; the state and system of the indices, and whether any improvement can be made therein;—and also to inquire into and report on the substitution of paper for parchment in registering, and whether searches can be advantageously made by the clerks of the Registry Office,—with power to send for persons and to call for or inspect books and papers;” and to whom, on the 20th July last, was referred the “Registered Instruments better Preservation Bill,”—have agreed to the following Progress Report:—

Your Committee having examined Christopher Rolleston, Esquire, the Registrar General of this Colony, T.J. Jaques, Esquire, Deputy Registrar, Professor Smith and others, on the state of the Records now deposited in the Office of the Registrar General in Castlereagh-street, in this City, and having personally inspected the Records, are of opinion that the Records copied on paper are in a fair state of preservation, perfectly legible, and exhibit no symptoms of effacement from time or otherwise; but some of those on parchment exhibit great obliteration, and in many cases can only be deciphered with much difficulty.

These defects appear to have been produced by the use of bad parchment, and in some instances by bad parchment and bad ink combined.

But it would appear that in no case will it be impossible to have these injured Records accurately re-copied; and the evidence of Professor Smith shews that the process of effacement going on is not so very rapid as to require very urgent and immediate action; but no unreasonable delay ought to be permitted.

Your Committee are of opinion that some change is necessary as to the parchment material now used for the Records, and that the preponderance of evidence is in favor of that material being paper, expressly manufactured for the Government, and distributed for Registration purposes by the Registrar General.

No positive evidence has been obtained as to the advisability of the substitution of vellum for Registration copies; it is, however, believed it would be a better substance than parchment, but its cost is considerably greater.

Your Committee having inquired into the system of Registration now in operation in this Colony, and having examined two gentlemen distinguished for their attention to various projected improvements, namely, Robert Richard Torrens, Esquire, now Registrar General of Adelaide, and William Henry Archer, Esquire, Assistant Registrar of Victoria, conceive that the further consideration of this branch of their inquiry can, with advantage, be deferred for the present, until the results of the new systems of Registration in South Australia and Victoria can be ascertained.

All

All the evidence taken as to the safety and adequacy of the present Registry Office in Castlereagh-street demonstrates that the present building is momentarily liable to destruction by fire, and is very insufficient for carrying on the business of the office.

Your Committee, therefore, strongly recommend that measures be early taken for erecting fire-proof and convenient premises.

There is the less reason for delay as the Revenue derived from the Registration of Deeds exhibits a surplus annually of upwards of three thousand pounds.

Your Committee have taken the evidence of D. B. Hutchison, Esquire, Chief Clerk of the Supreme Court, as to the place of deposit there of the Original Wills of the Colony, and as to the propriety of removing them to the Office of the Registrar General.

From his evidence it appears, first,—that these important and valuable documents are kept in a small closet on the floor of the Supreme Court, and are in no way protected from fire; and, secondly,—that they might with great advantage be removed to the Office of the Registrar General when proper premises are provided.

*Vide Schedule of
Amendments
appended hereto.*

Your Committee beg at the same time to lay before your Honorable House the "*Registered Instruments better Preservation Bill*," as amended by them.

ROBT. OWEN,

Chairman.

*Legislative Assembly Chamber,
Sydney, 4 November, 1858.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 4 JUNE, 1858.

MEMBERS PRESENT:—

Mr. Owen,
Mr. Hay,

Mr. Jones,
Mr. Piddington.

Mr. Owen was called to the Chair.

The Chairman having then informed the Committee that he had requested the Clerk of the Assembly to summon C. Rolleston, Esq., Registrar General, New South Wales, and W. H. Archer, Esq., Assistant Registrar General, Victoria, as witnesses, before the Committee for *this day*, and that these gentlemen were now in attendance in answer to such summons;—

Motion made and Question—"That C. Rolleston, Esq., be now examined"—*agreed to.*

Mr. C. Rolleston, Registrar General, New South Wales, examined.
Committee deliberated.

Motion made and Question—"That as the Committee will be unable to proceed to the examination of Mr. Archer this day, it is expedient that that gentleman should be summoned before the Committee, as a witness, for Thursday next"—*agreed to.*

[Adjourned till Thursday next, at *Eleven o'clock.*]

THURSDAY, 10 JUNE, 1858.

MEMBERS PRESENT:—

R. Owen, Esquire, in the Chair.

Mr. Jones,

Mr. Hay,

Mr. Aldcorn.

Mr. R. R. Torrens, late Registrar General, South Australia, and
Mr. W. H. Archer, Assistant Registrar General, Victoria, examined.

[Adjourned till Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 16 JUNE, 1858.

MEMBERS PRESENT:—

R. Owen, Esquire, in the Chair.

Mr. Jones,
Mr. Hay,

Mr. Flood,
Mr. Piddington.

Mr. Smith.

Mr. C. Rolleston further examined.

Mr. T. J. Jaques, Deputy Registrar of Deeds, examined.

[Adjourned.]

THURSDAY, 29 JULY, 1858.

MEMBERS PRESENT:—

R. Owen, Esquire, in the Chair.

Mr. Hay,

Mr. Smith.

By direction of the Chairman, Resolution of the House referring (to the Committee on 20th instant the "*Registered Instruments better Preservation Bill*,"—read by the Clerk.

The Chairman stated that this Bill had already passed the Legislative Council.

Dr. J. Smith, Professor of Chemistry in the University of Sydney, examined.
Committee deliberated.

[Adjourned.]

WEDNESDAY, 25 AUGUST, 1858.

MEMBERS PRESENT:—

R. Owen, Esquire, in the Chair.

Mr. Jones,	|	Mr. Hay,
	Mr. Piddington.	

Mr. D. B. Hutchinson, Chief Clerk of the Supreme Court, examined.

Committee deliberated on the "*Registered Instruments better Preservation Bill*," and being of opinion that it would be inexpedient to proceed to the consideration of its provisions before the evidence was printed, it was *Resolved*:—

"That the consideration of the Bill be deferred until a copy of the evidence has been transmitted to each Member of the Committee."

Mr. N. D. Stenhouse, Solicitor, examined.

Committee deliberated, and it was *Resolved*:—

"That sufficient evidence has now been taken for the present purposes of this inquiry."

Committee then considered as to the expediency of making a Progress Report to the House, recommending the immediate erection of a fire-proof building for the preservation of Records.

[Adjourned.]

FRIDAY, 22 OCTOBER, 1858.

MEMBERS PRESENT:—

Mr. Jones,	|	Mr. Hay,
	Mr. Piddington.	

Mr. Jones, in the absence of the Chairman, was called to the Chair.

Committee deliberated, and it was *Resolved*:—

"That in consequence of the absence of the Chairman, it is inexpedient to enter upon the further consideration of the '*Registered Instruments better Preservation Bill*,' until Thursday next."

[Adjourned till Thursday next, at *Eleven o'clock*.]

THURSDAY, 28 OCTOBER, 1858.

MEMBERS PRESENT:—

R. Owen, Esquire, in the Chair.

Mr. Jones,	|	Mr. Smith,
Mr. Hay,		Mr. Piddington.

The Chairman laid before the Committee a Draft Progress Report.

Draft Report read 1°.

The Chairman, at the request of the Clerk, then informed the Committee, that, in conformity with a Resolution agreed to on the 25th August last, a copy of the evidence had been duly sent to each member of the Committee for his information.

The Committee then proceeded to the consideration of the "*Registered Instruments better Preservation Bill*," clause by clause.

Preamble postponed.

Clause 1 read.

Motion made and *Question proposed*—"That this Clause, as read, stand part of the

"Bill."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.

No, 1.

Mr. Hay,	|	Mr. Piddington.
Mr. Jones,		
Mr. Smith.		

Clause 2 read.

Motion made and *Question proposed*—"That this Clause, as read, stand part of the

"Bill."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.

No, 1.

Mr. Smith,	|	Mr. Piddington.
Mr. Hay,		
Mr. Jones.		

Clause 3 read.

Motion made and *Question proposed*—"That this Clause, as read, stand part of the

"Bill."

Committee deliberated.

Amendment

Amendment proposed (Mr. Jones)—"That the clause be amended in line 2 thereof, "by the omission of the word 'already.'"

Question—"That the word proposed to be omitted stand part of the clause"—*negatived.*

Word "already" struck out accordingly.

Amendment proposed (Mr. Smith)—"That the clause be further amended in line 2 thereof, by the omission of the word 'partially,' and by the substitution of the word 'or' for and."

Question—"That the word proposed to be omitted stand part of the clause"—*negatived.*

Word "partially" struck out accordingly.

Question then—"That the word 'or' proposed to be substituted for the word 'and,' "be so substituted"—*agreed to.*

Word "or" substituted for word "and" accordingly.

Further amendment proposed (Mr. Jones)—"That the Clause be further amended in "line 7 thereof, by the insertion after the word 'be' of the word "deemed."

Committee deliberated.

Question—"That the word proposed to be inserted be there inserted"—*agreed to.*

Word "deemed" inserted accordingly.

Original Question then put and negatived.

Whereupon Motion made and *Question put*,—"That the Clause, as amended, stand "part of the Bill."

Committee divided.

Ayes, 3.

No, 1.

Mr. Hay,
Mr. Jones,
Mr. Smith,

Mr. Piddington,

Clause 4 read.

Motion made and *Question proposed*—"That this Clause, as read, stand part of the "Bill."

Committee deliberated.

Question put and negatived.

Clause struck out accordingly.

Clause 5 (now 4) read.

Motion made and *Question proposed*—"That this Clause, as read, stand part of the "Bill."

Committee deliberated.

Amendment proposed (Mr. Jones)—"That the Clause be amended in line 2 thereof by the omission of the word 'fresh,' and the insertion after the word 'Registry' of the "words 'under the provisions of this Act.'"

Question—"That the word proposed to be omitted stand part of the Clause"—*negatived.*

Word "fresh" struck out accordingly.

Question then—"That the words proposed to be inserted be there inserted"—*agreed to.*

Words "under the provisions of this Act" inserted accordingly.

Original Question then put and negatived.

Whereupon motion made and *Question put*,—"That the Clause, as amended, stand "part of the Bill."

Committee divided.

Ayes, 3.

No, 1.

Mr. Jones,
Mr. Smith,
Mr. Hay,

Mr. Piddington.

Clause 6 read.

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

Committee deliberated.

Amendment proposed (Mr. Jones)—"That the Clause be amended in line 1 thereof, "by the omission of the word 'June,' with a view to the insertion of the word 'January' in "its stead, and in line 2 thereof by the omission of the words 'fifty eight,' with a view to "the insertion of the word 'sixty' in their stead."

Question—"That the words proposed to be omitted, stand part of the Clause"—*negatived.*

Words "June" and "fifty eight" struck out accordingly.

Question then—"That the words, proposed to be inserted, in place of the words "omitted, be there inserted"—*agreed to.*

Words "January" and "sixty" inserted accordingly.

Original Question then put and negatived.

Whereupon motion made and *Question*—"That this Clause, as amended, stand part "of the Bill"—*agreed to.*

Preamble then read.

Motion made and *Question proposed*—"That this Preamble, as read, stand the "Preamble of the Bill."

Committee deliberated.

Amendment proposed (Mr. Jones)—"That the Preamble be amended in line 7 "thereof, by the omission of the word 'certain,' with a view to the insertion of the word "any," and by the omission of the word 'already,' and the insertion of the words 'injured or.'"

Question

Question—"That the words proposed to be omitted stand part of the Preamble"—*negatived.*

Words "certain" and "already" struck out accordingly.

Question then—"That the words proposed to be inserted in place of the words omitted be there inserted"—*agreed to.*

Words "any" and "injured or" inserted accordingly.

Original Question then put and negatived.

Whereupon motion made and Question put—"That the Preamble, *as amended*, stand "the Preamble of the Bill."

Committee divided.

Ayes, 3.

No, 1.

Mr. Smith,
Mr. Hay,
Mr. Jones.

Mr. Piddington.

Chairman requested to Report the Bill, *as amended*, to the House.

The Chairman then commenced to read his draft Progress Report 2°.

Committee deliberated, and it was *Resolved* :—

"That it is expedient that the further consideration of this Report be deferred
"until Wednesday next."

[Adjourned till Wednesday next, at *Twelve* o'clock.]

WEDNESDAY, 3 NOVEMBER, 1858.

MEMBERS PRESENT :—

Mr. Owen,

Mr. Piddington.

A Quorum of the Committee was not present.

[Adjourned till to-morrow, at *half-past Twelve* o'clock.]

THURSDAY, 4 NOVEMBER, 1858.

MEMBERS PRESENT :—

R. Owen, Esquire, in the Chair.

Mr. Jones,
Mr. Smith,

Mr. Piddington,
Mr. Hay.

Draft Progress Report, proposed by the Chairman, read 2°.

Committee considered, and *verbally* amended the same.

Motion then made, and Question proposed—"That this Report, as verbally amended,
"be the Progress Report of the Committee."

Committee deliberated.

Question put.

Committee divided.

Ayes, 3.

No, 1.

Mr. Smith,
Mr. Jones,
Mr. Hay,

Mr. Piddington.

Committee then considered the advisability of moving for the adoption of that portion of the Report recommending "that measures be early taken for erecting fire-proof and
"convenient premises" for the custody of Records,—and

It was *Resolved* :—

"That it is expedient, That the Chairman should move in the House for the
"adoption of that portion of the Report recommending the early erection of
"fire-proof and convenient premises for the custody of Records."

Chairman requested to Report Progress to the House.

SCHEDULE OF AMENDMENTS.

(*Registered Instruments better Preservation Bill.*)

Preamble—Page 1, line 7—*substitute* "any" for "certain;" after "parchment" omit
"already," and insert "injured or."

Clause 3, page 2, line 7—after "copy" omit "already;" after "is" omit "partially;"
substitute "or" for "and."

Clause 3, page 2, line 12—after "be" insert "deemed."

Clause 4, page 2, line 13—omit this Clause.

Clause 5, (now 4,) page 2, line 29—before "paper" omit "fresh;" after "Registry"
insert "under the provisions of this Act."

Clause 6, (now 5,) page 2, line 32—*substitute* "January" for "June."

Clause 6, (now 5,) page 2, line 33—*substitute* "sixty" for "fifty-eight."

LIST OF WITNESSES.

<i>Friday, 4 June, 1858.</i>	
C. Rolleston, Esquire, Registrar General, New South Wales	1
<i>Thursday, 10 June, 1858.</i>	
Robert R. Torrens, Esquire, late Registrar General, South Australia	9
W. H. Archer, Esquire, Assistant Registrar General, Victoria	15
<i>Wednesday, 16 June, 1858.</i>	
C. Rolleston, Esquire, (Second Examination)	29
T. J. Jaques, Esquire, Deputy Registrar of Deeds	36
<i>Thursday, 29 July, 1858.</i>	
Dr. J. Smith, Professor of Chemistry, University of Sydney	43
<i>Wednesday, 24 August, 1858.</i>	
D. B. Hutchinson, Esquire, Chief Clerk of the Supreme Court	47
N. D. Stenhouse, Esquire, Solicitor	49

LIST OF APPENDIX.

(To evidence given by Mr. W. H. Archer, Assistant Registrar General, Victoria,
on 10 June, 1858.)

APPENDIX A.

Explanation of the system of accounting for Public Moneys collected in the Registrar General's Office, Melbourne :—	PAGE.
1. Specimen copy of a page of the Journal	24
2. Specimen copy of a page of the Ledger	26
3. Specimen copy of a page of the Accountant's Cash Book	28

(To evidence given by Mr. C. Rolleston, Registrar General, on 16 June, 1858.)

APPENDIX A.

Estimate shewing Expense of Branch for Registration of Births, Marriages, and Deaths. (1857.)	33
--	----

APPENDIX B.

Propositions for amending the Acts 19 Vict., Nos. 30 & 34 :—	
(1.) Marriage Act	33
(2.) Registration Act	33

APPENDIX C.

Copy of Form—"Original Certificate of Marriage"	34
---	----

APPENDIX D.

Copy of Form—"Register of Births"	34
---	----

APPENDIX E.

Copy of Form—"Register of Marriages"	35
--	----

APPENDIX F.

Copy of Form—"Register of Deaths"	35
---	----

APPENDIX G.

Copy of Form—"Medical Certificate of the Cause of Death"	36
--	----

(To evidence given by Mr. T. J. Jaques, Deputy Registrar, on 16 June, 1858.)

APPENDIX A.

Copy of Form, shewing Table of Land Grants	42
--	----

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

REGISTRATION AND PRESERVATION OF RECORDS.

FRIDAY, 4 JUNE, 1858.

Present :—

MR. OWEN,
MR. PIDDINGTON,MR. HAY,
MR. JONES.

ROBERT OWEN, Esq., IN THE CHAIR.

Christopher Rolleston, Esq., called in and examined :—

1. *By the Chairman* : I believe, Sir, you are Registrar General? I am.
2. A portion of that department is the Registry of Deeds and Conveyances? It is.
3. A certain portion, I believe, of the registration is by memorials: to what date? To the year 1844.
4. From that period the deeds have been copied? From that period the deeds have been registered by copies deposited.
5. Copied on parchment? Copied on parchment.
6. Are the memorials bound up, or in files? The memorials are all bound up.
7. In volumes? In volumes, of 200 each.
8. Is there a general index, or an index to each volume? There is an index to each 1,000 deeds; that is, to each 5 volumes.
9. Is that found inconvenient at all? Well, I don't think it is.
10. Or is it an index to each year? There is an index to each 1,000 deeds, and then there is an extra general index up to the year 1838; but from the year 1838 to the year 1848 it has not been continued; they had not the clerical staff in the office to do it.
11. I asked you whether there was any inconvenience from the index being to each five volumes? No, I think not.
12. Reference is easy that way? Yes, I think quite easy.
13. Has the same course been pursued since the registration upon parchment? Exactly the same, I believe.
14. That is, an index, I presume, for each year? An index for each 1,000 deeds; each volume contains 200 deeds.
15. These, I believe, are kept on open shelves? They are kept on open shelves.
16. Open to the public and to the atmosphere? Yes.
17. They are not shut in? Not shut in.
18. With respect, Sir, to the paper memorials,—what is the state of preservation? In some few instances they are a little torn and faded, but they are generally pretty good.
19. Have the torn parts been caused by time, or carelessness, or by examination? By examination, I think; carelessness in turning over the leaves.
20. Are they legible, or otherwise? They are quite legible.
21. Are they quite perfect in the series? Quite perfect, I believe; I have not heard anything to the contrary.
22. Then the indexes are the same in both series—both the memorial system and the copying system of deeds? Quite the same—alphabetical.
23. Not divided into counties? No.
24. Now, with respect to the parchment series of registration, Sir,—what is the state of that, both as to the material on which the deeds are copied, and as to the writing? Many of the deeds are defaced so that they are totally illegible, and some are in the course of obliteration, either from a defect in the parchment or in the ink, which, I am not prepared to say.

C. Rolleston,
Esq.
4 June, 1858.

- C. Rolleston, Esq.
4 June, 1858.
25. You cannot form any distinct judgment at all whether one or both? I think it is in some cases the parchment, and in some cases the ink.
26. The office, I believe, has no control over the quality of the parchment—your office? None whatever.
27. It is supplied by the public? By the public. I believe we could reject a faulty sheet—a sheet with holes in.
28. Do you recollect if there is any authority in the Act for this? I rather think there is some authority which enables us to reject a faulty sheet; it has been done in one or two instances. Section XV gives the Registrar this authority.
29. Have you consulted any gentleman skilled in chemical application, as to either the preservation or restoration of the defaced or effacing parts? No, I have not; I brought the matter under the notice of the Government as soon as the volumes were transferred to me from the Supreme Court, but they did not authorise me to do so.
30. How long is that ago? Thirteen months; the 1st of May, 1857.
31. From your observation of the state of the records, does it appear that any defect has arisen from the mode of keeping them—I mean as to the house or the place of custody—from dampness or otherwise? I think not, because we have perfect deeds in succession to deeds that are almost obliterated, and if that had arisen from the place of deposit—from dampness, or whatever it may be—it would have affected all equally.
32. Are your indexes on paper or parchment? On paper.
33. Do you think that that is the best material for such a purpose? I hardly think so; they are liable to be torn and destroyed.
34. The searches of course are a great portion of the business of the office? A great portion.
35. By whom are they made? By the attorneys or their clerks.
36. Is there any mode adopted by which the office has a protection against alterations by persons left to examine the indexes and deeds? There is a man there whose special employment it is to look over the persons employed in the office in searching.
37. The registers themselves and the deeds are also subjected to the handling and examination of searchers? Yes.
38. From the mode of conducting that portion of the business of the office, do you think there is any risk of alteration? I think not; because it is done in a room where there are three clerks and the book-porter, whose duty it is to look after the registers, by constantly moving about among the searchers.
39. *By Mr. Hay:* That is the man of whom you spoke just now? Yes.
40. *By the Chairman:* That portion of your office does not come so much under your observation as under the observation of your head clerk, Mr. Jaques? Mr. Jaques, my Deputy Registrar, has the supervision of this branch of the office, and sits in the room where the searches are made.
41. Now, with respect to the registers of conveyance—there is one general register for the Colony? There is one general register.
42. There is not any distinction of locality? None whatever.
43. In your opinion, would any advantage be obtained by any other arrangement? I think there would be. If we could register by districts or counties it would be very much better.
44. Would you point out the advantages that would be obtained by that mode? I think we might have registers for each county or district, and every deed connected with a district put into its proper register. I think that would simplify registration very much indeed; but I doubt whether it can be carried out in the present state of the survey system.
45. I was going to ask whether the boundaries are not so defined that they might create some difficulty? I think so.
46. But otherwise such a mode would simplify and save trouble? Very much indeed.
47. And so with respect to the indexes? And so with respect to the indexes.
48. There would be less wear and tear and less search? Yes; the search would not occupy one quarter of the time.
49. The index being general, every search must be out of that one index? Out of that one index.
50. From your own observation in your office, or from any other source, has it occurred to you that there is any better mode of index? I have seen a scheme of Mr. Kelly's, the Registrar of the Supreme Court at Auckland, in which he has carried out there a system of numerical index, but I am very doubtful of its application to this Colony.
51. I believe his practice is to create as it were title pages? Title pages, as far as I understand it, with a numerical index.
52. Have you been at all able to judge whether this is practicable or likely to be safe in its operation? I think that a system of registration by title pages would be most advisable.
53. With respect to numbers—could they not be applied in the same way to our present system? I hardly like to give an answer in the affirmative, for I think there are many points connected with the change of system that would involve many difficulties, which I cannot see my way out of.
54. Then, having examined Mr. Kelly's system, you doubt its application to this Colony? I doubt its application to this Colony. If I may be allowed to explain: Mr. Kelly is the Registrar of a very small province in New Zealand, where there are very few transactions in land. He commenced his system with the first grant of land. Crown grants were not, I have been informed, issued until within the last three or four years; Mr. Kelly therefore commenced with a clean sheet, and carried out his scheme without impediment. With the thousands of deeds we have here, however, I almost doubt its practicability.
55. Having gone upon a different system, with an immense accumulation of materials you think it would be difficult to add one to the other? I think so—without a great alteration in the law of property.

56. *By Mr. Hay:* This Mr. Kelly—is he the Registrar General of the whole of New Zealand? Only for the province of Auckland.

57. *By the Chairman:* Then, instead of the indexes being upon paper, you recommend that they should be upon some more durable material? I think so, certainly.

C. Rolleston,
Esq.
4 June, 1868.

58. Now, Sir, with respect to the effaced or effacing state of the registers, can you suggest any, and what remedy? I think that the opinion of one of the best practical chemists here should be taken as to the means of restoring the writing, so that we may be able to transcribe it.

59. You recommend chemical inquiry as to the restoration, with a view to transcription? Just so.

60. Do you propose—or perhaps it has not been settled—to transcribe the deeds afresh upon paper? Afresh upon some paper of a durable nature.

61. Do you propose to affix the paper to the volumes, or to have some supplementary volumes? I think I would have a supplementary volume, referring to this or that deed.

62. That is, upon the face of the parchment in the volumes you would make a reference to the supplementary volume? Just so, and *vice versa*.

63. That is as to the restoration of the present deficiencies? Yes; and those that are in process of obliteration.

64. Now, as to future registrations—as to a future system—will you have the kindness to state to the Committee what you would suggest as to the best mode, or is there a difficulty in that until the chemical inquiry takes place? I think that, judging from the present state of the registers, and from the impossibility that the officers employed can be able to see at the time whether parchment is good or not, it would be advisable to have the copies of the deeds upon a particular kind of paper, to be ordered from England by the office.

65. Would you say paper, or such other material as might be suggested? Such other material as might be recommended in England by competent persons. There is a class of paper made at home containing a good deal of parchment, which I am told has been substituted in England, in some of the public departments, for parchment.

66. Do you know whether that has been tested for any considerable period of time? The invention is of too recent date, I think, to rely upon as a test.

67. Then, would you think it necessary to have the same size of registers—whether parchment, paper, or other material? I think it would be desirable to have an uniform size. You could not have them larger without their being too bulky and cumbersome; and if you had them smaller, they would form too many volumes. I think the present is as good a size as we could have.

68. Would you not recommend, supposing some legislative enactment were to pass, regard new material of this kind, or rather would you recommend any paper that could be at present obtained in the Colony? I should hardly like to do so.

69. I presume there would be a difficulty even as to size? There would.

70. Would you consider it desirable that in case of any alteration of that sort the material should be so lined as to compel an uniform and clear copy? Certainly; because, as we receive them now, some of the deeds are so closely written that it is very difficult to decipher them. It would take you an hour to read down a page. Others are written large, and the books do not look well.

71. The present system of the spaces is both illegible and very inconvenient? Very inconvenient.

72. Do you think it would be possible for the office, by virtue of any legislative enactment, to import a sufficient quantity of paper or material of the kind for distribution? I think the Government could do it, either through the instrumentality of the office, or through the Colonial Storekeeper.

73. How would you recommend that to be done with regard to distribution in reference to the interior? I think that if one or two, or three or four—or half a dozen of the most respectable stationers were made the medium of disseminating the paper all over the country, it would answer every purpose; and if registration were prohibited upon any other paper, I do not see any difficulty whatever.

74. You would recommend the authority to be vested in the Registrar General to reject anything not in conformity? Yes; that would be necessary.

75. Do you think that the paper could be conveniently distributed through the post offices—the country post offices? I think it might. There is a liability always to rubbing on the outsides, but I send all over the colonies the larger forms connected with the registration of births and deaths, and, protected by a proper wrapper, they go quite safe; no doubt there is a liability to injury from wet, and in swimming creeks the forms are sometimes injured, and I am obliged to send fresh ones.

76. But that might be corrected by some authority in the Registrar General's Office? Yes.

77. Then you think that, previous to deciding upon the material, it might be advisable to consult some person of authority? I think, certainly, in so important a matter it would be quite necessary to consult the best authorities we can upon the subject.

78. With regard to the indexes—I understood you to state that in the present state of the surveys the boundaries might not be sufficiently marked to make it safe to have districts? It would be quite impossible.

79. Could there be immediately any great division or divisions which would diminish the labor, without taking the minute districts? I think not, without an alteration in the law.

80. I am supposing, of course, that the Legislature will deal with it—I only want your opinion whether, supposing there could be any safe line adopted for the southern part of the country, or the middle part, or the northern part, it would operate so as to diminish the labor to a certain extent? Without the minute subdivisions I think it might.

81. That you think might be done? That I think might be done.

82. Would that be a saving? Yes, it would; anything in that direction would be an improvement.

- C. Rolleston, Esq.
4 June, 1868.
83. Not having thought of that, perhaps you cannot suggest any plan? I could not; I am not sufficiently acquainted with the boundaries of the southern and western divisions of the Colony.
 84. Your present office is in Castlereagh-street? In Castlereagh-street.
 85. That, I believe, is one of a range of buildings? It is one of five, known as Black's Buildings.
 86. In the middle of the building? In the middle of the building.
 87. Has it occurred to you that this is a position which is desirable with regard to contingencies of fire? No. I have represented to the Government, on two or three occasions, the insufficiency of the building, and its insecurity.
 88. What household protection is there to the property to guard it? There is a messenger and his wife.
 89. Residing upon the premises? Not in the house, but in a little back apartment.
 90. Do you allow any fires? Oh, yes; there are four or five fires every day during the winter months.
 91. Fires, in fire-places, with the ordinary construction of chimneys? Yes.
 92. Is the building made of such materials as to be in any way particularly preserved from fire? No; but the fires in the deeds' room are put out before the clerks leave.
 93. Is there any one to inspect that operation in particular? Yes; the Deputy Registrar takes care that the fires are put out before he leaves. He keeps the key of the office, so that no one can go into it.
 94. Is there any watchman? None.
 95. Now, would you think it desirable, having stated that there is a risk of fire, that there should be some building erected apart from other premises, and fireproof? I think it is certainly necessary.
 96. Do you think it essential to the safety of the records? Clearly so.
 97. What is the income, Sir, of the deed register department? About £3,000 a-year, and the copying of Crown grants about £2,000 more; for which the office has never been given credit, but which should be credited as part of our official income.
 98. From the department we have been speaking about? Just so; a little over £5,000 in all.
 99. Do you recollect the whole expenses of that department, including a portion of house rent and the proportion to clerks? About £1,800 a-year.
 100. Then there is a balance of about £3,000? There is a balance of £3,000 good to the public.
 101. With regard to extent of the premises, are they sufficient? Oh, dear, no; they are very insufficient.
 102. Insufficient for present purposes? Insufficient for present purposes.
 103. And the other portions of the records' office? Quite so.
 104. I believe there is some system upon a small scale, at present extant, for taking title deeds of persons for security, or wills? Wills are deposited with us.
 105. I mean original wills, before death? Original wills before death.
 106. Do you think it would be—without incommencing the office—would it be practicable and useful to the public if it were an avowed part of the duties of your office, and apartments could be set aside for the preservation of deeds of persons that might be absent or sick—deeds or wills? I hardly think it is necessary to tax the Government or the public with keeping records of that kind.
 107. But I am not speaking of the taxing—I mean, would it be useful to the public, and would it be practicable for your office to do it? Oh, yes, quite practicable.
 108. Would it not, in your opinion, be willingly submitted to, that persons having deeds in that way should pay a fee? I think so.
 109. That, therefore, would take away any expense to the public? Yes; in depositing wills the depositor pays a fee of 5s. If you will allow me to say, there are wills now in the office for which there are no claimants, and of an old date: I don't know what to do with them. I did call the attention of the Government to the fact, but have received no instructions as to their disposal. All parties connected with them are supposed to be dead.
 110. How many years old? Perhaps twenty.
 111. Might not the system adopted at the Post Office with regard to the Dead Letter Office, or something analogous to it, diminish the accumulation in that way of useless paper? Yes, certainly.
 112. Now, Sir, I beg to ask the favour of your attention to the searches. The searches for incumbrances, I believe, is now a very extensive portion of the duties done in your office? It is.
 113. They are made, I think you said, by the public? By the public.
 114. Do you think this is a convenient mode, or a safe mode, for the office? I think it leads to the destruction of the records at a much earlier period than otherwise would be the case.
 115. Is it within your knowledge that these searches are very long? Some of them are very long.
 116. And at considerable expense to the parties? It must be.
 117. Are you aware whether in certain registries on a large scale it is the business of the office to conduct searches? It is in Ireland, I believe. I am not aware whether it is in any of these Colonies.
 118. You are not aware whether it is so in Edinburgh? I am not.
 119. Do you think that from the superior knowledge of efficient clerks in that department, who would be more competent to lay their finger upon any particular searches of titles—would it not be a matter of great convenience to the public that they should be undertaken by your office? Unquestionably, very great.

120. By responsible clerks? By responsible clerks.

121. That, I presume, would ensure safety to the records, and economy in the searches, both as to time and money? Yes, clearly.

122. Judging from the number of searches that you observe daily, can you form any opinion what number of clerks would be necessary? It would take five or six, searching and making copies.

123. Searching and making copies? Copies of extracts, as the public may require. Two would be ample to make the searches, I dare say.

124. And in proportion as the duties may require, a further number of clerks for the copies? A further number for the copies.

125. Who makes the copies now? One of the clerks of the department.

126. From the books? From the books.

127. Is not that a very inconvenient mode? Sometimes it is done by the attorneys' clerks, when our own clerks are too much engaged. Sometimes they ask for copies by our own clerks; and sometimes they do them themselves.

128. You recommend, therefore, that that portion of the duties of the office should be done by your own clerks? I think every duty of that nature should be done in the office.

129. Would that be any expense to the public, or may the office not be regulated so as to defray it? Entirely to defray it; and the public would be exceedingly glad if such a change were made.

130. *By Mr. Hay:* I think you said, Mr. Rolleston, that there was an index to each volume, but that the general indexes were made up for the year? There is no annual index; the indexes are prepared for each book of 5 volumes containing each 200 deeds, *i. e.*, an index to each 1,000 deeds.

131. But that during one considerable period—from 1838 to 1848—the general index is faulty? The general index is very faulty for those years. If I may be allowed to explain: At the time when the Registrar General's Department was abolished by Sir George Gipps, the duties were transferred to the Supreme Court, and there was a disagreement between the Council and the Government as to the expense of the judicial department chargeable upon Schedule A, if you recollect; there was not a sufficient staff in the Supreme Court, and a rough index was made by a chance clerk whenever they could spare the time. The indexes are not to be relied upon at all, and in those ten years the chief obstruction in searching for titles arises.

132. The chief difficulty in making those searches now and the greatest delay is caused by the incomplete indexes of those ten years? Yes.

133. Have you made any suggestion for remedying this? I suggested, when the office was transferred to me, to the Government, that I should be allowed clerks to get up these indexes and make them perfect.

134. You do not find that you are able with your present staff of clerks to accomplish that? It is quite impossible.

135. There must be a greater loss, I suppose, to the public from the difficulty of making these searches than would compensate for the expense of having these indexes made perfect at once? Yes.

136. That is a work which would require to be taken up by itself and completed off-hand? Just so.

137. *By the Chairman:* That of itself would diminish the difficulty and delay of making searches, to a considerable extent? Very much indeed.

138. Has not that been partly done? It was done by Mr. Jaques up to the year 1838—from the time he joined the office to that date—and the indexes he declares are as perfect as they can be made. From that date, however, in consequence of the limited clerical assistance it was out of his power to keep up that work. The indexes were made by temporarily employed clerks until the year 1848, but from 1848 the indexes were again taken in hand by Mr. Jaques, and kept in a perfect manner, and have been carried out so to this day. From the year 1848 unto the present time he can declare that they are perfect.

139. In point of fact, the indexes are from the year 1838 to 1848 in the faulty state to which you have alluded? Yes. It is I believe in those years that the difficulties in searching arise.

140. And you think that two clerks, under the direction of the Deputy Registrar, would be able to do that in the course of how long? Twelve or eighteen months, I think, if they were efficient clerks—and they *must* be efficient. We *must* have men whom we can trust, and men of some legal knowledge and attainments, because in the registering of a deed it requires considerable legal knowledge to index properly the contents of that deed. Another great difficulty in indexing is, that by the present law we are not allowed to reject a deed appertaining to land of which there is no definite description in the deed. Some of them contain so many roods or acres, but they do not contain the name of the county or the district in which they are placed. It is utterly impossible, therefore, to index a deed referring to that land so as to show to what part of the country it belongs.

141. In point of fact, you do get deeds so indefinite in their description of the land that you cannot refer them to any district? Some are so indefinite that you cannot refer them to any particular lands whatever, and the space left for the description of the land is necessarily left vacant, so that you see nothing but the fact of land having been sold.

142. You say you have no power to reject deeds however indefinite in description? However indefinite. If the Committee will allow me, I will show them a deed which no registry office ought to be obliged to accept. It is a deed of sale by Mr. Polack; but it does not show whether Mr. Polack was the possessor of that land or merely the auctioneer. It gives no description whatever of the land. We cannot register the name of the vendor, because we do not know whether Mr. Polack is the vendor or the auctioneer.

143. Are you aware that in some instances deeds are granted for all the real estate of the grantor?

C. Rolleston,
Esq.

4 June, 1858.

C. Rolleston, Esq. grantor? They are, without describing what the real estate is. The Crown grants themselves, in some instances, do not give the name of the county, or the name of the district to which the grant refers.

4 June, 1858.

144. *By the Chairman*: That would make it very difficult—utterly impossible, in fact—to refer it to any district? Yes.

145. *By Mr. Hay*: Would you consider, Mr. Rolleston, that it is desirable the indexes should be such that any incumbrances affecting real property should be referred to at any time by any clerk who came into the office? I think so; they should be so clear that any person—man, woman, or child almost—should be able to comprehend them.

146. In the meantime it is not so? In the meantime it is not so; it requires legal knowledge to search for some deeds.

147. It requires familiarity with the character of the records? Very much.

148. So that a considerable amount of difficulty may arise from the loss of any particular officer in the public department? Yes.

149. You think, then, that you ought to have power by virtue of statute to reject deeds which are indefinite in description? Clearly so; to make the registration system perfect, that power must rest with the officer appointed to carry it out.

150. Are you aware whether it is of late that the practice of issuing Crown grants without describing the counties in which the land was situated has arisen? Of late I have observed it myself; I have been told by Mr. Jaques that in former times many Crown grants were faulty in that respect.

151. Did Mr. Jaques refer, do you know, to a period considerably antecedent to the present? I think not.

152. Such grants have been issued all along? All along; I get them every day.

153. You now get them every day? Yes.

154. Are you aware whether, in those cases, the land is within what are called boundaries of location, or beyond those boundaries? Generally beyond those boundaries, and in the intermediate districts where counties have been proclaimed.

155. *By the Chairman*: Even omitted there, where counties have been proclaimed? Yes.

156. *By Mr. Hay*: Do you know of any instance in which they have been omitted in such grants within the old nineteen counties? I cannot say, but I think so. To the best of my belief the name of the county has been omitted in grants referring to the old settled counties.

157. You have had a good deal of experience connected with the management of Crown Lands, though not in the Survey Department—can you see any difficulty standing in the way of Crown grants referring to the counties within which they are situated in every instance? None whatever.

158. If the Survey Department was properly carried on? I believe it is a clerical omission. When the deeds of grant are enrolled they are generally marked, to call attention to the absence of this part of the description.

159. Supposing that the boundaries of counties were laid out and proclaimed before the alienation of land, do you think there would be any difficulty in referring to the Crown grants, in every case, to the county in which it is situated? None whatever.

160. If that practice were carried out, would there be any difficulty hereafter in the deeds in each case transferred referring to the counties also? None whatever.

161. Would not that enable your index to be made out with reference to each county? Quite so.

162. And would not that greatly facilitate the service? Very largely indeed.

163. And save the wear and tear of the records very much? Certainly it would.

164. As to the question whether the ink or the parchment was most at fault in those cases of obliteration which have taken place lately, can you say whether in the paper records formerly kept the same defect is to be observed? No; the paper records of the earlier years of the present century are as perfect as on the day they were written.

165. There does not seem any such obliteration in those old paper records as there is in the parchment records? In some few memorials there is a fading of the ink, but not an obliteration in any one of them, and in all the Crown records—that is, written by any of the Government departments—the ink is as dark, and the writing as distinct, as on the day they were written.

166. In that case I presume you would come to the conclusion—although the ink might have something to do with the obliteration of the later records—still that that obliteration would not have taken place if paper had been used? I think not. I believe that either some acid is used in the preparation of the parchment, or that the parchment, having too much oily matter left in it, the severe pressure to which the volumes are exposed in binding, and the great heat, causes the oil to exude, and that it obliterates the writing.

167. Although not a chemist, you are generally aware that the action of ink is of a chemical nature upon paper or parchment? Yes.

168. And that that action may be different upon paper and parchment? Quite so.

169. Do you think it would be practicable for the office to distribute ink as well as paper? It is quite impossible to detect whether a deed was written with ink so supplied, or not.

170. You mean it would not be impossible to distribute it, but it would be impossible to ascertain whether the ink had been used? It would be difficult to distribute it, and quite impossible to tell whether the ink used was that ink or not.

171. *By the Chairman*: Could it not be distinguished by colour? I do not think so.

172. *By Mr. Hay*: I suppose it would be quite practicable to test the ink used by the office itself? Quite.

173. It might be advisable? It might be advisable. We use the best registration ink.

174. Do you think the fee of 5s. now paid on the deposit of wills for private persons is sufficient, or would you be disposed to fix a higher fee in case that system of the deposit of wills was carried out extensively? If the office is merely made a place of deposit, I think 5s. quite enough.

175. You think, at that rate of fee, you could afford to give every convenience to the deposit C. Rolleston, Esq.
of instruments of that kind? I think so.
176. Would that be sufficient to remunerate the office for the search necessary to its removal—
taking receipts, and so on? Well, perhaps not. I believe 5s. for the deposit, and a small 4 June, 1858.
fee for the searching would be sufficient.
177. Another small fee upon its being demanded? Upon its being demanded, half-a-crown
would do.
178. For something in the nature of a search necessary before it was delivered up? Yes.
179. Which would be more troublesome than the mere receipt? I think so.
180. But this fee on receipt would have to cover the expense of providing safes? Yes.
But I doubt whether much would be done in that way. We have not many wills. I do not
think we have one hundred wills in the office.
181. Do you not think, Mr. Rolleston, if it was known that you could provide proper safes
and fire-proof premises for wills, and deeds relating to private property, that the opportunity
might be extensively availed of by private individuals? I think it is very likely. At present
these instruments are generally left with the Banks.
182. In fact, the public have no confidence in your premises? They have no confidence; in
fact, they know that they are insecure.
183. The fee, then, will require to be sufficient to cover, not only the trouble of receiving
and searching before delivery, but also to pay the expense of providing a safe, and a propor-
tion of the expense of providing fire-proof premises. The fee would be required to be fixed
at a sufficiently high rate? I think so.
184. Perhaps you are not prepared to give an opinion as to what fee would be sufficient for
that purpose? I think the fee of 5s. for the deposit is ample, and if you propose 5s. for the
search and taking it out again, I should think it would cover every expense.
185. And with regard to the destruction of these wills you have spoken of remaining in the
office for a very long time, does it not strike you that that might be dangerous? I did not
recommend their destruction; not at all.
186. What would you propose to do with them? That some persons authorised by the
Government should open them and see the contents. They might change the holdings of
property most materially.
187. You would recommend that these wills should be opened under the authority of the
Government? Yes; by persons appointed by the Government.
188. There would be no necessity for destroying them at all, under any circumstances?
Certainly not.
189. With regard to what you have said, Mr. Rolleston, about the two thousand pounds of
income—that which the office had not got credit for? It never gets credit for the enrolment
of the grants; we have never got credit for the income derivable from this source.
190. That is not paid for at the office, is it? It is paid at the Treasury, and not at the
office; therefore, the Treasury take credit for it, which they have no business to do, because
the work is done in my office.
191. The fees are paid to the Government? They are paid to the Government upon the
surrender of the deed.
192. And the work, in consideration of which these fees are paid, is done in your office?
Yes.
193. *By Mr. Jones:* What precautions are taken, Mr. Rolleston, in giving up wills which
are deposited with you? An affidavit on the part of one of the executors, or some one
authorised by him, is taken, and they are then given up.
194. That is where the will is to be given up after the death of the testator? We can give
up a will on the application of the depositor; we do it repeatedly; there is one man that
makes a fresh will every year—some old man out at Newtown.
195. For instance;—supposing a person not personally known to you or to the department
were to deposit a will, and that he applied some seven or ten years afterwards to have this
will restored, what steps would you take to ascertain if the person claiming it was the
person that deposited it? We would require the affidavit of a respectable solicitor, or some
one who was acquainted with the man deponing, that he was the depositor.
196. *By the Chairman:* A proof of identity? A proof of identity.
197. *By Mr. Jones:* Such a proof as would provide against fraudulently taking possession
of it? Quite so.
198. *By Mr. Hay:* I wish to ask you, Mr. Rolleston, whether in case of the establishment
being so enlarged as to enable the public to have the searches made through the clerks in
the office, you would prohibit private searches being made? I would.
199. Do you not think that might be in some cases unsatisfactory? It ought not to be, I
think. Certainly there are cases where the parties themselves might have a desire to search
for themselves.
200. Do you not think it would even be advisable, as a check upon the efficiency of the
office, under all circumstances, that the power to make this private search should be conceded,
even if you were to make the fees somewhat heavy? In special cases I do not see any
objection to it; but, for the preservation of the records, I think it desirable that the searches
should be made in the office.
201. Don't you think the searches might be made on such terms in the office as—without
prohibiting searches altogether—would make it the custom to have them made in the office?
Yes.
202. Don't you think where large interests were involved it might give dissatisfaction?
Perhaps so.
203. *By Mr. Piddington:* With reference to the question just put by Mr. Hay upon the
point of prohibiting searches, are you aware whether the custom of absolute prohibition exists
in the United Kingdom? I am not aware.

- C. Rolleston, Esq. 204. I think you said paper memorials were preserved up to the year 1844? To 1844, I think.
- 4 June, 1858. 205. Have you any volume of those memorials? I did not bring one with me.
206. If it turns out that the ink is as much in fault as the parchment in respect to the illegibility alluded to, what security would paper afford to the public even if it were used in lieu of parchment? If the ink was faulty alone, I do not know that the paper would afford any greater security; but I think that the parchment is mainly at fault.
207. The proposed change—the use of parchment to that of paper—would of itself be no security against the effect produced by bad ink? I am hardly prepared to say that, because I think paper would not act upon ink like the parchment does.
208. That may be, but if inferior be used even upon paper, I presume there is a danger of illegibility, arising from the inferiority of ink? Undoubtedly.
209. And you are not prepared to say how far that injury may arise in the case of the use of paper and bad ink? I cannot say from experience. I can only judge from records in the office; and the records on paper are, on the whole, in better preservation than the records on parchment.
210. You have alluded to records on paper so far back as 1784? 1794 I meant; but I don't know that our records go so far back.
211. The Colony was only founded in 1788; it must have been '94. Were those original paper records of so old a date likely to be referred to as much as parchment records ten or twenty years old? No.
212. Then, would not the fact of the repeated references to the parchment records possibly account, in some instances, for obliteration? I hardly think so; because it is not in the parchment; it is in the writing—in the ink—the parchment is perfect. The paper records are thumbled; they have given way at the corners and at the creases.
213. Then, are there not instances in the case of paper records where the writing is illegible and faded? No; there are many cases where it is faint, but none in which it is illegible, that I have met with.
214. If vellum were used instead of parchment, do you not think that the obliteration would not be so perceptible? I am not acquainted with the nature of vellum, or the difference between vellum and parchment, sufficiently to say.
215. I think you stated that there were original wills deposited in your office? Some few.
216. Only a few? Perhaps one hundred.
217. Then they are not deposited in any fire-proof room or vault? No; they are in a small iron safe.
218. Is there any vault at all in your office for records of any description? None.
219. You stated that there were wills thirty or forty years old, supposed to have been made by parties since deceased? There are.
220. Are their names endorsed? The names are always endorsed, thus:—received from so and so, at such a date, and signed by the depositor and the Registrar.
221. Have any steps been taken by advertising for them in the public papers? None.
222. Do you not think such a course desirable? I suggested it to the Government some months ago, but I had no instructions.
223. *By the Chairman:* With respect to the question as to allowing private search where the parties desired, would not that lead to a continued infraction by solicitors—perhaps not in much business—to get up cases, and, in fact, a breaking in upon the rule? It might be abused.
224. Is there anything else you can state, in reference to this branch of your office, not adverted to? I think that I could suggest a new system of registration, which would obviate a great many inconveniences of the present system, but it is one that would require a complete alteration in the law of property, and it would meet with very great opposition, I think, from the lawyers, as it would do away, to a great extent, with their vocation; this is the system which was recommended by the Commissioners appointed in England, composed of the most able conveyancers and the most able statesmen. It is very similar to Mr. Torrens' system, which comes into operation in South Australia on the first of July; in fact, it is so similar that Mr. Torrens might have been accused of plagiarism if his system had not been made public before the other.
225. That, perhaps, would take up some time; have you drawn a paper up of the plan? I can give you a summary of the recommendations of the Commissioners in England.
226. Who is at the head of that Commission? Mr. Walpole; Mr. Lowe was one, Mr. Scully, Mr. Evelyn Denison, the present Speaker, and others; and with them were united some of the leading conveyancers of the day.
227. *By Mr. Piddington:* What was the Committee appointed for? To consider the subject of the registration of title, with reference to the sale and transfer of land.

THURSDAY 10 JUNE, 1858.

Present:—

Mr. OWEN,
Mr. JONES,Mr. ALDCORN,
Mr. HAY.

ROBERT OWEN, Esq., IN THE CHAIR.

Robert Richard Torrens, Esq., called in and examined:—

1. *By the Chairman*: You have, I believe, held the office of Registrar General at Adelaide? R. R. Torrens,
Esq.
2. And you have a full knowledge of the present system of registration carried on there? Yes.
3. Will you state what systems have been adopted and are now existing? There are three 10 June, 1858.
modes of registration in South Australia in force—one, registration by memorial, the second by enrolment, and the third by deposit of a duplicate of the deed.
4. By enrolment, you mean copies of deeds verified? Yes. The memorial is an abstract of the leading points in the deed; and the duty is imposed on the Registrar General of ascertaining that all the material facts stated in the deed are contained in the abstract.
5. That system has been abandoned? No; it is still existing in South Australia.
6. Then, people have the option of adopting that or the other modes you mention? The Act is such that, notwithstanding the deposit of the duplicate, or the enrolment, the memorial is also required. I may state that the Act is a most defective one.
7. *By Mr. Hay*: The Act at present in force? Yes. It is universally condemned.
8. With respect to the second system, that of enrolment, how has that operated? Both with regard to memorials and enrolments, the instrument has to be drawn out on parchment of a particular size with a margin of a specified width to admit of binding, and these are all bound up into volumes. The enrolment is brought by the solicitor, who declares to the accuracy of it as a copy of the original instrument, and the signatures of the parties have to be attested by one of the parties, or by an attesting witness to the original instrument. That has been found very cumbersome.
9. *By the Chairman*: Is the verification not by affidavit, stating that such names to the deed are in the handwriting of the parties? It is by an affidavit; but that may be either by the parties themselves acknowledging the correctness of the memorial, or by the clerk of the solicitor, or other person who was a witness to the original deed.
10. An actual witness to the original deed? Yes.
11. With respect to the duplicate, how is that brought in? Exactly in the same way as the enrolment.
12. Must there be a verification of its correctness? Yes, by the solicitor who prepared the deed.
13. Is it of necessity on parchment? Yes.
14. Of a prescribed size? Of a prescribed size with a margin for binding.
15. Has it been at all observed that there has been any defacing or defect by time in the writing on the parchment? No.
16. Your registers and records are all complete as to that? We have had no complaint.
17. You have not observed any disappearance of the writing? No. I would mention that some land grants recently have been lithographed instead of printed, and it was discovered that, through some part of the process of lithographing not being properly carried out—I believe it was because too much grease, or size, or some material, was used—the ink could be rubbed out with India rubber with the greatest facility; but that has since been rectified by more care in the lithographing.
18. With respect to your indexes, what is the system adopted? It is an alphabetical index. The name of each of the parties to an instrument in entered in the index.
19. The vendor and vendee, for instance? Yes, or trustees: so that the same instrument sometimes requires very many entries in the index book—as many as there are parties or trustees.
20. Is not that found cumbersome? Very cumbersome.
21. Do you consider it necessary? No. Originally it was not required that any memorandum should be made opposite the name, guiding the party making search as to what the nature of the instrument was, or as to what property it affected; so that a person making search would have, in fact, to examine every deed he found in the name of that person; and sometimes it has entailed a waste of time, amounting to three or four weeks, to examine in some names in the books.
22. Does that continue, or have you corrected it? I corrected that immediately I took the office, by setting up another index, which is, in fact, abstracted from the original one; but placing the name of the person once for all in the book, leaving a considerable space under that name, and opposite the name placing the reference number of each instrument that was registered in that name, with a memorandum describing the nature of the instrument, and the property affected thereby.
23. Is your index a general one, or divided into districts or counties? A general one.
24. Has it ever occurred to you that the index might be improved, and the labor of search diminished, by the country being divided into districts? I think it would be increased rather than diminished.
25. Will you state why? It will very frequently happen that the same instrument will refer to properties in several districts; and in that case the entries would have to be made in an index for each of those several districts.
26. Is that the only difficulty you see? That is the chief difficulty. But with respect to the system of registration by deposit of duplicate, I can see a very great difficulty, for if there were a Registry Office for each district—which, I presume, would be contemplated in that

R. R. Torrens,
Esq.

10 June, 1858.

- that case—a question would arise in which registry an instrument should be deposited which referred to properties in a great many districts; as, for instance, in the case of a will devising property in three or four districts, a question would arise where the probate, or duplicate, or original will, should be deposited.
27. I do not mean an office for depositing instruments, but an index for shortening search? I do not think search would be shortened by it.
28. With respect to the difficulty you suggest as to the property being in different counties, say three, with an index for each, would it not be practicable to enter the deed in the index for each county? Yes, quite practicable; but I cannot see any benefit to be gained thereby, because in one general index could be stated the number of the deed, the nature of it, the property which it affects, and the county or district in which the property is situated. It would be easier to search in one general index than in several, and easier for the office.
29. I presume that, in your experience, you have found that the great majority of deeds refer only to one property, excepting wills? A considerable majority certainly do.
30. Are the searches in the office made by the clerks, or by the public? Searches are made by the clerks of professional persons, as a general rule; but any person, upon paying the fee, can make a search.
31. Then it is a free search to the public, in fact? Yes.
32. Not at all restricted to particular persons? No; any person paying the fee can make a search.
33. What fees are paid on registration? I have left the office some time, and cannot charge my memory with the amounts. I have been two years out of the office; but I believe the Act can be found in the Library here. If I recollect right, the fee is half-a-crown for making a search.
34. The charge here is seven shillings on the acknowledgment of a married woman—does that bring it to your memory? I cannot charge my memory to state the fees. I think it objectionable to allow the clerks of professional men, and the public indiscriminately, to search, from the facility afforded to a fraudulent person of tearing out a leaf or making an alteration.
35. You would, therefore, recommend that searches should be made by properly authorized clerks in the office? Yes.
36. Have you had any instance of fraudulent attempt? Not in South Australia. I have heard of two attempts of the kind having been made in Western Australia.
37. Can you state the income of the office from fees at the time you left? I think it was about £7,000 a year. It greatly exceeded the cost of the department.
38. Do you recollect the cost? No. If I had had notice, I would have brought papers that would have shewn it. Reference to papers here will doubtless supply these facts. The Estimates of South Australia for last year will shew the cost. I think it was about £3,000.
39. Does the Registration Office at Adelaide comprise any other records except deeds and wills; for instance, births, deaths, and marriages? The two departments have recently been separated, under an Act which I drafted and carried in the Legislature.
40. Was it found inconvenient to embrace the two? There is no connexion whatever between the duties of the two, and it was found embarrassing to mingle them.
41. Is your registration building distinct from any other house, or fire-proof? No; it is attached to the Supreme Court, and is so inconvenient that it is almost impossible to conduct the business in it.
42. I believe some change or supposed improvement is proposed to be adopted with regard to registration at Adelaide? Yes; an Act has been passed by the Legislature, which comes into force on the first of July next.
43. Have you a copy of that Act? Yes; I beg to place it on the table. (*The witness handed in the same.*)
44. *By Mr. Jones:* What is the title of that Act? "*An Act to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land.*" It was assented to on the 27th January, 1858.
45. *By the Chairman:* The system authorized by that Act has not been in operation yet? No.
46. You cannot form any satisfactory opinion as yet whether it is likely to answer well? I have no doubt in my own mind it will.
47. It has not been tried? It has not been tried.
48. Will you have the kindness to state, in as short terms as may be convenient to you, the outline features of that Act, and how it originated? The Act originated—the idea of it—from my having previously been Collector of Customs in South Australia, and having been connected with the Customs of the Port of London, having the management of the law relating to the transfer of property in shipping. When I took the office of Registrar General, and saw the operation of the law relating to the transfer of property in land, it struck me that a very great benefit would be obtained by adopting the principles of the law relating to the transfer of shipping property for the transfer of property in land. The chief features of this Act are, that the act of registration alone should affect or encumber property in any way, and that deeds or other instruments in writing should have no effect whatever as giving a lien upon land. The next principle is, that whenever a fee simple is transferred from one person to another, the existing land grant should be surrendered, and a fresh grant issued to the purchaser, or other person succeeding to the property; in case of subdivision, a grant would be issued to each of the parties who became proprietors of a portion; and in case the entire property were not sold, a grant for the balance would be issued to the vendor of the property, or person subdividing it. The next feature is, that all titles so registered should be absolutely indefeasible, and that persons who might by the operation of the Act, be deprived of any inheritance or other right in the land, should receive compensation to the extent of the value of the property of which they were deprived. A small per centage is levied

levied on all properties brought under the Act, in order to constitute a compensation fund for such purpose; and, in the event of that compensation fund failing, the balance is proposed to be made good out of the general revenues. The object is to avoid a very great hardship which at present exists, namely, that a *bona fide* purchaser of land for valuable consideration, if the title is subsequently found to be defective, loses not only the land for which he has paid, but all the improvements he has put upon it; perhaps exceeding very much indeed the original value of the land. Many cases of that kind have occurred in South Australia.

R. R. Torrens,
Esq.
10 June, 1858.

49. How are these titles investigated? It is proposed that all lands granted after the day appointed for the Act to come into force shall be absolutely under the Act; and that with regard to all lands granted prior to that date it shall be optional with the proprietors to bring them under its operation, or not. The process is this: a Board of Commissioners are appointed, who are not to be legal men—the Registrar General to be Chairman—aided by the advice of two solicitors, who would report to them on each application. The party making application to have his property brought under the Act would be required to deposit with the solicitors of the Board his title deeds, together with an abstract of his title, to the correctness of which declaration should be made. Upon investigation of this title, if found a good one, or found defective, a certain advertisement, varying according to the nature of the case—that is, as to whether the title was more or less complicated—would be required to be inserted, in all cases, in the *South Australian Government Gazette*, and in at least one newspaper; and complicated titles, for the protection of parties, would require to be likewise advertised in the *Gazettes* of the Australian Colonies, and also in the *London Gazette*. A time would then be appointed by the Commissioners within which it would be lawful for persons to lodge a *caveat*, forbidding to bring the property under the operation of the Act. The parties lodging the *caveat* would be bound to take proceedings to prosecute their claim within three months, and the case would be tried in the Supreme Court, and directions given to the Registrar General which he would be bound to obey.

50. Can you state how many deeds, upon the average, came into the Registration Office at Adelaide at the time you were at the head of it? I think there were about eighty thousand deeds.

51. In what period? From the time of the foundation of the Registration Office—some sixteen years ago.

52. What is the weekly or monthly average? It is very irregular. During the period of excitement following the gold discovery sales of land were very numerous, and deeds came in, in great numbers. In periods of distress and panic there are more mortgages to record. The amount of business is very irregular indeed; but, speaking from memory, I should say the number of deeds might average seven thousand a year.

53. Would not the investigation of these require a vast amount of labor? Very much less labor than the present system. When the properties were brought under the Act the investigation would be once for all. At present that investigation takes place every time the property is dealt with. For instance, if a person purchases a property to-day, an abstract of the title is made out by a professional gentleman, and it has to be examined by the professional adviser of the purchaser. If that purchaser, next week, should require to mortgage the property, the solicitor of the mortgagee will require an abstract, which is furnished at very considerable expense, and the same investigation has to be gone through; and again, if the property is sold. The same expense and labor has to be gone through every time. I have known many instances in which, within a year or two, the legal expenses of transfer have exceeded the value of the property.

54. That amount of labor is shared in by a large number of persons? Yes; but under the proposed system the labor would be gone through once and once only; for, after the land was brought under the Act, retrospective investigation of the title would be cut off and made unnecessary, for each holder of the fee simple would hold direct from the Crown, and his title would be indefeasible, so that a purchaser need not go beyond the land grant. It is a necessary part of the system that every person holding the fee simple has a land grant; and the duplicate of that land grant is bound up in the Registry Book. Every mortgage, or lease, or other transaction affecting that particular property has to be registered, and a memorandum stating the fact that it has been registered is endorsed on the land grant in possession of the proprietor, and is also endorsed in the Registry Book under the entry of the land grant, so that any person desiring to lend money on property, or to lease or purchase it, sees at a glance everything that can affect the property, without the intervention of a solicitor to advise him at all. That which does not appear upon the Registry and upon the face of the grant is held not to exist as affecting the property.

55. Then, supposing this operation takes place this year, and two or three years elapse in which various changes are made, trusts created, devises under wills, and so on, in what way is it again brought up to the point of the grant? The person holding the fee simple can always sell his interest in the property, subject to the encumbrances that are registered against it. Any person purchasing purchases subject to all mortgages, settlements, or encumbrances otherwise incurred.

56. By Mr. Jones: Which are noted in the Registration Book? Yes.

57. But the property is quite free from encumbrances that are not registered? Yes; but any person can sell his interest, subject to all those limitations which depend on his interest.

58. And his interest depends simply on the registration? Yes. A person may have some jointure or annuity secured upon his property; and all such transactions would be made valid by an entry notifying the same in the Registry Book, and also on the land grant. The land grant is to represent exactly, in fact, a ship's register of the old form, on the back of which used to be endorsed all transfers of less than half the property of the ship, and all mortgages affecting the ship; and unless they were entered in that way, and signed by a Collector of Customs, they were not valid. It is not a new experiment; it is a system I myself

R. B. Torrens, myself carried out for years in respect of shipping; and it has been in operation for six hundred years in Hamburg, as to real property.

59. *By the Chairman:* Is it not the mode you mention, as to the encumbrance or transfer of shipping, of a comparatively simple kind, because it affects personal property? I conceive that the complication existing with regard to the title in landed property is not an essential characteristic of landed property, so much as it is a fictitious affair created by the English law of real property, which differs from that of every other country in the world, and is much more complicated. I consider all these matters to be the creatures of mistaken legislation—that we have made these complications and can unmake them.

60. *By Mr. Hay:* There is one cause of complication, the indefinite subdivision which may take place in land, which cannot take place in a ship? So far from that adding to the difficulty of dealing with land, I think the difficulties are on the side of the ship in that particular, because you cannot cut off a part of a ship and deliver it over to any person, nor can you give him the same kind of right over the fore-castle of a ship that you can give him over the eighth of an acre of land; you can allow a person to do what he pleases with the eighth of an acre of land, but you cannot do so with a portion of a ship. So far as any difficulties exist in the nature of the two things, the difficulties are greater with regard to shipping.

61. Does it not strike you that there may be greater difficulty in the identification of the particular portions of land into which an estate may be subdivided? No greater difficulty under the new Act than exists at present. That difficulty, so far as it lies, exists now. The solicitor employed in conveying a portion of an estate must depend upon the accuracy of the surveyor's measurement at present. The Act does not alter that in any way; but it proposes that the Registrar General should have power to demand of every person subdividing land to deposit in the Registration Office a map on a certain scale—sufficiently large to admit of accurate delineation—the accuracy of which is required to be sworn to; and purchaser and vendor are alike bound by that map.

62. *By Mr. Jones:* The new plan rather diminishes the chances of complication? It diminishes the chances of complication, inasmuch as the holder of each portion holds his portion direct from the Crown, and has nothing to do with other matters that might affect the title of the party originally holding the land.

63. While, under the existing system, he may derive his title from a dozen, or twenty, or more deeds, in each of which may be errors of description? Yes; each time the property is dealt with by sale or mortgage a fresh link is added to the chain of title; so that every transaction increases the cost of the next by another investigation.

64. And to a certain extent increases the liability to error? Certainly.

65. *By Mr. Hay:* Seeing that the State becomes guarantee for the correctness of all these titles, it will be requisite there should be some machinery for insuring their accuracy—what security do you propose to give the public in that respect? It is proposed in this Act that, with regard to all grants issued after it comes into operation, the original description should never be departed from. It is a defect I have observed in South Australia, that descriptions will vary in deeds intended to affect the same property. One description will not quite accord with another.

66. *By the Chairman:* Arising from errors? One description may be more minute than another. It is proposed that in making out the grants the descriptions should be given as correctly as possible. No doubt there is a difficulty with regard to the descriptions, but it is a difficulty which exists now. It is not an objection to an Act improving existing evils in many respects if there be one difficulty which it cannot get over. Surveyors and others may make errors in these matters. We must go on the principle *caveat emptor*, with regard to them.

67. *By Mr. Hay:* But here it is the State that must beware, because the State guarantees the title? I do not see that mistake is at all likely to arise with ordinary care.

68. Do you propose that there should be any intervention of officers of the Survey Department, or any security for the proficiency of the surveyors employed to prepare these maps? No. Each person will be allowed to employ his own surveyor to prepare his map, and he is bound to make a declaration to the accuracy of it, to the best of his knowledge and belief.

69. The owner or the surveyor? Either, as the Registrar General may require, or both. In practically working the thing out, it is not likely such a case could be made out as would involve any loss to the public. I conceive that the losses the public would have to make good, failing the party wrongfully in possession, would arise more frequently in cases of disputed heirship; for instance, in a case of supposed intestacy, a person inheriting as heir-at-law, and a will being afterwards found giving the property to another. It is more in cases of that kind that the insurance fund I have mentioned would be drawn upon.

70. *By the Chairman:* Then, if there be any errors, accidental or intentional, with regard to the surveys or the title, the public may become answerable to a large amount? It is not probable that the public would become answerable, for it is believed the insurance fund will be sufficient to meet all claims. It is proposed that, in the first instance, the remedy should be sought from the person who receives the benefit of the error; that is to say, if a person inheriting as heir-at-law, a will being afterwards found, or a person who through some mistake in a conveyance, or other conceivable way, is in possession of property belonging to another, that person would be proceeded against, in the first instance, to recover the amount of the value of the land which he was thus wrongfully in possession of.

71. Proceedings would be taken against the party committing the fraud? Fraud and error are treated separately. First of all, in case of error, the rightful heir will have to obtain a decision of the Supreme Court recognizing him as such. A jury will then be impanelled to assess the value of the property at the time the rightful heir was dispossessed. He would then be entitled to recover from the person wrongfully in possession; failing recovery from him, then from the insurance fund; and failing that, then from the general revenue. It is presumed, however, that such a case as the last will not occur. It will be left optional with the

the person wrongfully in possession to give up the property, instead of paying down the money assessed as the value of the property at the time the rightful heir was dispossessed. I would illustrate this point by a case which came under my own cognizance. A Mr. B— was possessed of some acres of land in the City of Adelaide; having gone to India, he there became insolvent; the Insolvency Court of India gave a decree sequestrating this property for the benefit of B—'s creditors; the property was sold under this decree to two different purchasers; and buildings to the amount of some £15,000 or £20,000 were erected on it, the value of the land itself not being more than £500 or £600. Mr. B—'s son claimed the property on the ground that the Insolvency Court in India had no jurisdiction over lands in Australia; and he therefore claimed all the buildings and all the property. Other cases of the same kind have arisen, and it appears contrary to justice and common sense that persons in such a position as the younger B— then was should receive all this large amount of capital expended on the property by *bona fide* purchasers. With this view, it is proposed to limit the amount recoverable to the value of the land at the time the error arose.

72. Has the system you have described been at all in operation in any country? In Hamburg almost the same system has been in operation for six hundred years. The principles are the same. And there law suits regarding real property are almost unknown. I have the assurance of a gentleman of large experience in dealing with property there that there was only one law suit in fifty years, and that the cost of a conveyance is only seven shillings and sixpence.

73. *By Mr. Jones:* To what do you attribute the infrequency of law suits? To the impossibility of fraud under this system of registration. I depart from the Hamburg system, by giving each person a duplicate of the land grant. In Hamburg the parties have to attend at the registration office, and one acknowledges that he sells and the other that he purchases. The name of the person who purchases is then entered in the book as the proprietor. All these difficulties, law suits, and expenses arise from deeds. If there were no deeds we would have none of these law suits. Doing away with deeds, we do away with that which has given rise to all the complication.

74. *By the Chairman:* Is it proposed in establishing this system to prevent persons from creating trusts? No; a form of bill of trust is given in the Act, which there is full liberty to vary and add to, according to the circumstances of the case. The bill of trust will be registered in the same way that I have described with regard to a mortgage. Notice of it will thus be given.

75. And in like manner trusts, contingencies, and remainders created by wills? Yes. The wills will have to be proved in the manner at present in force in the Colony, that is, by the production of the will, or the probate of it; and the particulars will be entered in the Registry Book. A person inheriting the fee simple will have to make a declaration, and satisfy the Registrar General as to his title; and on that being done, he would receive, on demanding it, a grant in his own name, in order to enable him to sell. It is not proposed to interfere in any way with the law of inheritance or descent, or with the law which regulates the transmission of property through Insolvency Courts, except in so far as will enable the Registrar General to enter the names of parties receiving, through inheritance, decree of Insolvency Courts, marriage settlement, or otherwise.

76. Are you aware of any publication in which the Hamburg system is described or illustrated? There is a little work, published in South Australia by a German lawyer, which gives an outline of the Hamburg system. I think it is entitled, "The Voice of Reason and History, applied to the English law of Real Property," or some title of that kind.

77. Could you suggest by what channel we could get that publication? I will send a copy of it myself to the Committee. I would state that, with regard to mortgaging, a totally new system is proposed in this Act. Instead of the fee simple passing to the mortgagee as at present, involving all the difficulties and incumbrances of the title, and the difficulties of release, it is proposed that the fee simple should still remain in the mortgagor, but that he should draw up a bill of mortgage, a form of which is attached as a Schedule to the Act, setting forth that further to secure a loan, specifying the amount, &c., he pledges the property described; and setting forth also the conditions of the mortgage, the rate of interest, the dates at which it is to be paid, the date at which the principal is to be repaid, and any other covenants that may be desired between the parties. If failure be made in any of these covenants, the mortgagee is required to give notice to the mortgagor, calling upon him to remedy the default; and after the lapse of three months from the service of such notice the mortgagor is entitled to sell the property. The Registrar General is directed to give effect to such sale in the same manner as if it had been made by the mortgagor instead of the mortgagee.

78. In the same way as if he had possessed the fee simple? Yes; but no transfer of the fee simple takes place, unless the mortgagor fails in the fulfilment of the covenants set forth in the mortgage. It is also provided that in case the mortgagee is absent, without the jurisdiction, at the date appointed for repayment of the principal sum borrowed, the mortgagor can pay the money into the hands of the Registrar General, who will cancel the mortgage upon receipt of the money. The object is to prevent the great loss and inconvenience which have been experienced, in South Australia at all events, by mortgagees absenting themselves from the Colony, and not leaving any person to grant a release. The titles to properties have thus been left in a defective state for a considerable period. It also obviates any inconvenience that might arise through the death of the mortgagee, and the circumstance of his representatives being minors. The Register Book is thus the foundation of the whole system. Each instrument that is outstanding will have on it a reference to the volume and folio of the Register Book in which the particulars of that instrument are registered; so that the index—which has been the great objection hitherto to registration, and the great difficulty—is altogether done away with, for every instrument is its own index.

R. B. Torrens, Esq.
 10 June, 1868. It might be considered by some persons desirable to keep up an index under names, with a view to ascertain what property belonged to a party dying intestate, or to a fraudulent insolvent desiring to conceal his property, or for other purposes. Some persons, however, wish that perfect secrecy should be observed with regard to people's possessions in land, and object to registration on the ground that such secrecy is thereby diminished. Under the system proposed in this Act, unless an index under names is also set up, there would be complete secrecy, for no one not in possession of some instrument affecting property would be in a position to find out the history of that property, as he could not give to the Registrar General the number and folio of the Register. I think I have now described the principal features of the Act. I would beg to add to the evidence I have given, that a Report was laid on the Table of the House of Commons on the 15th May, 1857, which was drawn up by a Commission of the most eminent conveyancers in England, and that report recommends identically what is carried out in this Act. Almost every provision of this Act is put forward as a recommendation of that Report. I beg to hand in a copy to the Committee. (*The witness handed in the same.*) The only way I can account for the extraordinary identity is that we both refer to the same source—the Shipping Act. The names of the members of the Commission are here set forth:—Horatio Walpole, Napier, Cockburn, the Attorney General, Bethell, the Solicitor General, Headlam, Scully, Lowe, well known in this Legislature, Lewis, a barrister, Drummond, Evelyn Denison, Wilson, and Cookson. Wilson, I think, is an attorney, and Cookson is a very eminent conveyancer. I regret to say the evidence taken by this Commission, which is of very great value indeed, is not annexed to this copy of the Report. It was not deemed by the Legislature of New Zealand, under whose order this reprint was executed, expedient to go to the expense of printing all the voluminous evidence.

79. Will you be kind enough to describe the New Zealand system, so far as you are acquainted with it? The valuable portion of the New Zealand system of registration, according to my judgment, consists in the index. A book, called the Title Page Book, is opened, and at the head of each page is placed a brief memorandum of the land grant, or other root of title, and at the foot a diagram of the property to which the grant or other instrument refers. On the same page are entered the numbers which refer to all instruments connected with that property. Thus every instrument brought to be registered is numbered, the numbers running consecutively; and there is a numerical index in addition to this Title Page Book. By referring to the number in the numerical index a reference will be found to the volume and folio of the Title Page Book, on which are set forth the numbers of all instruments registered affecting that particular property. By means of these numbers the instrument can be got at, and search can be made with greater expedition than in any other way with which I am acquainted; at least so far as ascertaining what instruments have been registered affecting the property. It would not, of course, do away with the necessity of examining these instruments to see that they are correctly drawn and do what they profess to do, nor with the necessity of inquiring into questions of heirship, inheritance, &c., which might affect the title. It is part of the practice in New Zealand, but one which I do not approve of, to copy the instruments brought to be registered into books. I object to it, because it throws a responsibility on the Registrar General and his clerks, which I think should rather be borne by the professional men who draw up the instruments, and because it makes the registration so costly and cumbrous to the public. The instruments in New Zealand are drawn on much shorter forms than either in England or any of the Colonies with which I am acquainted. There has been an Act passed in New Zealand to simplify conveyancing, and to establish those forms to which I refer.

80. Is that Act in operation now? It has been in operation for some time.

81. Are you aware whether it has been found difficult to carry it out? No. Mr. Whittaker, the Solicitor General, has told me it works exceedingly well. One feature of it is embodied in the Act which has been passed by the South Australian Legislature, namely, that of ceasing to transfer the fee simple to mortgagees. That part of the English law has been abolished in New Zealand; and that is one of the recommendations of the report of the Commission I have referred to in England.

82. By Mr. Jones: What were the difficulties which arose from the junction of the two branches of registration in South Australia—that of deeds affecting property, and that of births, deaths, and marriages? There was no difficulty; it was found convenient to divide them. The officers who were registering births, marriages, and deaths, were employed exclusively in that way. It was found better that they should be so, because they became more conversant with the business. One set of clerks were employed on the deeds, and another on the births, marriages, and deaths. I had to draw up a new system for registering births, deaths, and marriages; the existing one being found defective. If the Committee wish, I will describe the system now in operation:—The country was divided into districts, for the purpose of registering births, deaths, and marriages. In each district a Deputy Registrar was appointed, and there was a central office in Adelaide. No ministers of religion are paid by the State in South Australia; and in several sects the ministers were quite uneducated, and incompetent to perform the functions that are in England exacted from the clergymen of the Church of England. The consequence was, that there was the utmost irregularity in registering marriages. A form of marriage certificate was required by law, which has to be drawn up in duplicate, setting forth the names of the parties, their description, and residences, and the description and residences of the parents of the parties. These are signed by the parties witnessing the marriage, and by the clergyman. One of these certificates the minister of religion is bound to forward by the next post to the Registrar General; the other he is bound to forward to the Deputy Registrar of the district in which the marriage is performed. The parents of any child born, or the person in whose house the birth takes place, are bound to give notice of the same, in a particular form, to the District Registrar, who sends a duplicate of that form, signed by the parties, to the Registrar General. With regard to deaths, the person in whose house a death occurs, the coroner, or other person cognizant

cognizant of a death, is bound to give notice of such death to the District Registrar, and also to the Registrar General. These certificates, bearing the original signatures of the parties married, or of the parties certifying a birth or death, are bound up, both in the District and General Registration Offices, as permanent records of the transactions; and they constitute thus the best legal evidence, for they are all original documents. It was found expedient in this Act to depart from the previous system, which was, that baptisms and burials were registered as in England, whereas we now register births and deaths.

83. Do you see any inconvenience that is likely to arise from the two branches being conducted in the same establishment? None at all from their being conducted under the same head; but for despatch of business, regularity, and order, the clerks who attend to one should be separate from those who attend to the other. There is no necessary connection between the two.

84. The clerks should attend to their own branches exclusively? That is the idea. In fact, in South Australia, in the distribution of the patronage of the Government departments, the superintendence of the registration of deeds is placed under the Attorney General; but the registration of births, deaths, and marriages, with which is also combined the preparation of statistics, is placed under the Chief Secretary—one being a legal matter, and the other having nothing to do with the law. I would add, that the system I have described was sent home in consequence of a despatch—I think from the Duke of Newcastle; and it was there examined and reported on by the Registrar General of England, who expressed approbation of it as the best he had seen; and it has now been giving satisfaction in South Australia for some years.

85. *By the Chairman:* You are aware that the two branches of registration are carried on in one building here? Yes.

86. Are you aware of any objection to that, except as far as you have stated? No; I cannot see any objection whatever to that. It will be advisable, merely for official convenience, and to prevent interruption, that they should be in separate rooms.

87. For purposes of management and control, the business of both can be carried on quite as well as if they were in two distinct buildings? Quite as well.

88. Have you anything to add? Nothing occurs to me at present.

William Henry Archer, Esq., Assistant Registrar General of Victoria, called in and examined:—

1. *By the Chairman:* You have had some experience of the subject referred to this Committee? Yes, for about five years in Victoria. I founded the Registrar General's Department there. Originally it was contemplated merely to attach to it births, deaths, marriages, and statistics. It was early in February, 1853, that the then Colonial Secretary handed me the Act that had been passed, and which was to come into operation in about six weeks from that time. I found that no measures had been taken to carry it into effect, and it was necessary for me to arrange the whole system, to get all the documents printed, and to put the machinery in motion. The first thing that struck me was the great defect existing in the very schedules appended to the Act—

2. The Registration of Deeds Act? No; the Act for the Registration of Births, Deaths, and Marriages. I thereupon drew up new schedules, containing in them certain columns which had been recommended by a Committee of the Statistical Society in London, composed of the first statisticians of the day (among whom was my old master, F. G. P. Neison,) for a Registration Act intended to be passed for Scotland. These schedules were submitted to, and received the approval of, the Executive Council of the day. They contained all that was asked in the Act passed by the Legislature of Victoria; and the additional columns were allowed to be printed, to see whether the experiment would prove successful. It has been tried now upwards of five years, and it has been eminently successful.

3. Does it in any way differ from the system adopted in this Colony? It differs very much in some points.

4. Is there any publication which shows that? The Statistical Register of Victoria, a volume edited by me, and published by authority in Victoria about three or four years ago, contains a complete description of the machinery of the Registrar General's Department. It contains especially the schedules of which I speak; and the additions which I made are printed therein in Italics.

5. Is that publication to be obtained from the Government of Victoria? Yes; the Colonial Secretary here sent a few days ago to the Government of Victoria, and he told me this morning he had received several copies immediately.

6. Is the registration of births, deaths, and marriages carried on in the same building as the registration of deeds? Yes; but it differs from the practice pursued by the Registrar General of New South Wales in one very important particular. The Registrar General here is by the Act constituted Registrar for Sydney; hence he has, by one of his officers, to receive the information in cases of birth and death, which with us is deputed to a District Registrar, apart from the chief office altogether, who has an office situated in a different part of the City of Melbourne.

7. A District Registrar for Melbourne? Yes. It is inconvenient, I conceive, to have the registration by means of informants in the same building where the Registrar General carries on his duties. In the first place the officer who acts for him cannot be considered in any shape a clerk, inasmuch as he has strictly to attend to the public, who daily call there. The room that officer occupies is so much taken away from the Registrar General, and the amount of salary paid to that officer swells the estimates of the staff, though the Registrar General receives no benefit in the shape of clerical services. Then, again, there is another clerk who has to do entirely different duties in the same room where men and women are constantly coming

W. H. Archer,
Esq.
10 June, 1858.

W. H. Archer

Esq.

10 June, 1858.

coming to give information; and, as you may naturally suppose, it must be embarrassing to a person to be listening to the details there necessarily given while he has to perform quite other functions.

8. Then, you think a great improvement might be effected by subdividing? I would have an entirely separate District Registrar, or, perhaps, registrars in convenient positions in the City of Sydney and the suburbs, and I would pay them by fee, not by fixed salary: paying them by fee would be an incentive to exertion.

9. What are the fees paid in Melbourne? We pay half-a-crown an entry—you pay three shillings.

10. And for searches? Searches are half-a-crown with us, and five shillings for a certificate—seven shillings and sixpence for both.

11. *By Mr. Hay:* You have only one District Registrar in Melbourne? At present.

12. Do you think there ought to be more? Sooner or later the City will have to be subdivided. It seems to me however that Sydney in its local features is so very different to Melbourne that it needs division sooner, inasmuch as you have a number of straggling localities, such as Balmain, Pyrmont, Woolloomooloo, &c., and it therefore seems to me that it must be very inconvenient, and many registrations must be lost in consequence of parties having to come in from those distant parts to a central office in Sydney.

13. Does the District Registrar for Melbourne act for the suburbs also? In some instances persons come; but we generally discourage it, being desirous to keep each Registrar to his own district—in fact that is the law; but, rather than lose the registration, we wink at the occasional reception of extra cases.

14. Is there a District Registrar for St. Kilda? Yes; and also District Registrars for Collingwood, Prahran, Brighton, Sandridge, Emerald Hill, &c.—in fact we multiply them as much as possible.

15. Then the District Registrar for Melbourne has only to do with the city district, which is only a part of the city in reality? Yes, quite so.

16. *By Mr. Jones:* As I understand, your chief recommendation is that a District Registrar or District Registrars should be appointed for Sydney, in order that the subordinate business of registration should be carried on by persons in no way connected with the general staff? Yes; and who should be paid by fees. The officer doing the duty in the Registrar General's Office can have no possible inducement to hunt up cases of birth and death that may now be escaping.

17. He gets his salary whether he registers few or many? Quite so.

18. *By the Chairman:* With respect to the registration of deeds, what is the system now adopted in Melbourne? The registration of deeds was brought under the charge of the Registrar General at the commencement of this year only. The system which obtains now is the same as that which has obtained ever since the Colony has been in existence. In fact, in all its features it is identical, as far as I have seen, with that which exists in New South Wales; with this exception, that we get the memorials only of deeds, whereas you have copies of the deeds themselves, with the signature of one of the parties.

19. You are not aware that we have no memorial here now, excepting in cattle mortgages? I was not aware of that. There is an especial difficulty, as it appears to me, with regard to receiving the verified copy of the deed here. The clerk has to wade through very frequently several sheets of closely written matter in order to abstract the particulars he requires to register; that is, not only the names of the parties, but a description of the property. I find that in some instances there are ten or a dozen sheets to go through. This must entail a large amount of clerical labor, which would not be necessary if there were a simple abstract always furnished with the copy, showing precisely those particulars that ought to be fully registered for convenient public reference.

20. Are you aware, or not, that this is very rapidly done by the clerks? They do not index so fast as we do in Victoria.

21. *By Mr. Jones:* Which you attribute to the want of this abstract? To the want of some short abstract of the particulars to be indexed. And it also appears to me that you throw a responsibility on the officer so examining for the purpose of indexing that it is possibly not judicious to put upon him. In South Australia they have the three forms of registration—memorial, enrolment, and a copy of the deed.

22. *By the Chairman:* At the option of the party? I am not sure whether it is optional.

23. *By Mr. Hay:* You have only one? We have only one—the memorial.

24. Do you consider that a good system? I think that, under the present system of registration, it is perhaps as good a system as can be devised, inasmuch as it throws the responsibility upon the parties negotiating the transaction. But, practically, I think, from what I have observed in Victoria, the memorials are very loosely drawn up; and they are, therefore, anything but satisfactory, looking at them in the light of the public interest.

25. *By Mr. Jones:* They are not in that respect so satisfactory as copies of the title deeds? By no means so satisfactory, in the absence of correctness.

26. *By the Chairman:* Are your memorials and other records of that kind on parchment? On parchment of a certain prescribed size.

27. Have you found any defect with regard to the writing disappearing? In some instances the ink, I believe, has faded.

28. Not to any great extent? In some few instances, I believe, it has materially faded.

29. *By Mr. Jones:* So as to be scarcely legible? Yes.

30. *By the Chairman:* Has any remedy been suggested or tried? None whatever.

31. *By Mr. Hay:* Is the place of deposit dry—free from damp? Yes. On the registration of deeds being transferred to the Registrar General, at the beginning of the year, I was deputed to see that a large stone room, 41 feet long by 21 feet in width, was erected or made available for the reception of the deeds and other documents; and the existing premises were so altered as to be rendered tolerably secure from fire, and thoroughly so from vermin. I proposed that

all

all round the floors and up the skirting iron sheets should be placed, which was done. We have also placed in the receptacles for the various books and documents zinc partitions, so that rats cannot get to the interior. Then, with regard to the public when searching, there is a long desk, reaching almost from one end of the apartment to the other, and at each end of this is a clerk who is able to look down either side to see that the parties searching treat the books properly, and make no improper use of them. I found that the practice previously adopted in searching was to allow the searchers, who are generally the agents of professional men, to have pens and ink. I proposed that this should be done away with, and pencils only allowed; and this having met with the approval of the Registrar General, the suggestion was carried into effect. Instances had occurred where there had been ill treatment of the indexes, by blotting.

W. H. Archer,
Esq.
10 June, 1858.

32. *By the Chairman*: From carelessness? From carelessness on the part of the searchers.

33. Has there been any instance of fraud? I think on one occasion one document was abstracted some years ago, prior to that branch coming under the charge of the Registrar General; but I think such a thing is almost impossible now.

34. Do you think, as a principle, it is desirable to allow the public to meddle with the books? I think I should be disinclined to trust an ordinary Government clerk where property of mine was concerned. Of course you might have officers of such character and responsibility as to do away with that objection to a very great extent; but I really think people generally would like to have the right of search for themselves, either by themselves or through their professional agents.

35. You think that might be made compatible with the safety of the records? Decidedly. I think we are perfectly secure as we now stand.

36. *By Mr. Hay*: Do you think it might be made optional with the public to have the search made by themselves or their agents, or by the clerks of the office? Yes; that would meet the difficulty.

37. Do you not think searches could be made more economically by clerks appointed for the purpose? Yes, clerks acquainted with the matter would be able to do it more quickly. There is a great difference in the expedition of the various searchers; it varies in the ratio of their experience and natural quickness.

38. *By the Chairman*: You have only one general index in Victoria? One index for all lands in the Colony.

39. *By Mr. Jones*: For all deeds? Yes. The Registrar General's is the central office. There are no district offices.

40. *By Mr. Hay*: The index is not divided in any way? Not by districts, but by periods of time.

41. Is your index in a satisfactory state? It is anything but satisfactory.

42. *By the Chairman*: Could you suggest an improvement? In order not to deal hastily with the matter, the Registrar General of Victoria intimated to the legal profession that he was desirous to render the indexes more ready of reference, and invited suggestions for their improvement. Certain gentlemen accordingly made propositions to the Registrar General, which he placed in the Searching Room, for other parties to read and to note upon. And the different opinions expressed by the various lawyers and lawyers' clerks impress me with the notion that it is impossible, or next to impossible, to come to a satisfactory result so as to please all parties.

43. What occurs to your mind as the proper course? Under the present arrangements, I should propose that a general index, extending over the whole past period of registration, should be made. That would be a decided advantage to the public, inasmuch as they would not have to wade through so many books as they now have. We have something like eighty or ninety volumes to look through. Certain names, of course, are distributed through nearly all of them, the properties are frequently very indifferently described, and beyond that, I find that the descriptions in the indexes have never been examined with the memorials whence those indexes were made; so that searching may prove a most unsatisfactory process in very many instances after all.

44. Are the indexes on parchment? No; they were formerly made on paper. We are now having them done on parchment.

45. *By Mr. Hay*: I think you misapprehended one question I put, with reference to the fading of the ink, as to whether the place of deposit of deeds was dry. I alluded to the place where these deeds have been deposited for the last sixteen years? I do not think there was any damp.

46. You do not think it could be attributed to that? No. It strikes me that modern ink, so far as I have been able to compare it with ink anciently used, is decidedly inferior. Ink is now a chemical compound, in ancient days it was a mechanical mixture. I have seen manuscripts many centuries old in which the ink is fresher than the best ink used in modern times. Formerly they used powdered charcoal mixed with some mucilaginous material, and this made a kind of paint, which experience shows it is almost impossible to deface. In fact, there is a description of manuscript, called the palimpsest, the peculiarity of which is that the original writing is attempted to be defaced in order to insert other writing upon it; and there have been instances of manuscripts where three writings have been made on the parchment, and yet the original has been recovered. So that I think the use of good ink upon good parchment is the surest means of preservation. The ink that we use in modern days is made chiefly of sulphate of iron and galls; and that yellow color which we get from the faded ink is from the vegetable matter being too decayed, and a peroxide of iron left. Then, again, with regard to the paper: often in the bleaching they use an excessive amount of chlorine, and that has a tendency, it is asserted by some chemists, to destroy the permanency of the ink.

47. *By the Chairman*: Do you think it possible that any legal control could be obtained by

W. H. Archer, Esq., the Registrar General's Office as to the ink? If all the documents were prepared under the Registrar General's supervision, undoubtedly it could; but I do not see how you could insist upon the public using any particular description of ink, or how you could test it if you proposed to insist upon it.

10 June, 1858.

48. As to parchment, do you think such a quality of parchment could be obtained as would be a guarantee of permanency? We ought to be able to get it. I think vellum, which is the skin of very young calves, is perhaps the best.

49. That would be more expensive? Yes.

50. *By Mr. Jones*: Do you know the difference in the prices of vellum and parchment of the same size? I do not; in fact, it would not be safe to take Colonial prices. I would recommend that the articles should be got from home, and that we should be guided very much by the practice of the more important offices of record at home. Of late years much attention has been paid to the relative merits of the materials used for registration purposes; and I should say that by the Government here putting itself in communication with the Government at home, you would get the result of their experience.

51. *By the Chairman*: Are you aware that searches in some registration offices are confined to the officers of the establishment? I am not aware that they are so confined. I believe that in the General Registry Office in Edinburgh there are officers for searching, but whether it is compulsory to employ them, or not, I cannot say.

52. I think you were in the room when Mr. Torrens was describing the system about to be established in Adelaide? Yes.

53. Have you at all considered that system? I have. For some years past I have very frequently thought over the whole subject in connection with the law of real property in Great Britain, and having become aware of the nature of the laws obtaining in certain countries on the Continent, on making comparisons between them I came to the conclusion that it would be highly desirable that we should assimilate our mode of transfer of land to that which exists in certain parts of Europe. So long as five years ago I made the suggestion to Mr. La Trobe. I have also spoken about it on several occasions since, and within the last few months to the late Chief Secretary of Victoria; and I was very delighted to find on meeting with Mr. Torrens that not only had he in his own mind come to a similar conclusion, but that he had (which I was not before aware of) carried it into effect in South Australia, inasmuch as he has succeeded, as a Member of Parliament, in passing an Act which will come into operation on the first of July next in South Australia.

54. Do I understand that you agree with the principles of that Act? I most cordially concur in them. I think the tendency of all thoughtful men upon the subject, especially at home, would lead one to consider that the change is desirable. For twenty or thirty years past the subject has engaged the attention of the great legal reformers at home. Several reports have been issued from time to time bearing on the matter; and a very recent one has recommended similar measures to those proposed in Mr. Torrens' Act; therefore, I think it would be highly desirable that the united Colonies of Australia should endeavour to assimilate their modes of procedure to the recommendations made by the Committee on the Registration of Instruments at home, as well as to Mr. Torrens' Act.

55. Have you had any means of attentive observation of the system pursued in the United States of America as to registration? None, excepting by reading. From all I can learn it has given satisfaction there.

56. Is it in any way similar to that mentioned by Mr. Torrens? In some slight respects it is. There is not such a sweeping change, however, as that which I should like to see being carried out in America.

57. Do you think that any simplicity might be attained, or labor avoided, by dividing the Colony of Victoria, for instance, into certain districts for the purpose of the registration of deeds? Yes, I think so. I do not see why there should not be registration offices established in convenient parts of Victoria where persons could have all transactions in their respective neighbourhoods entered in indexes, to which they might appeal, without the trouble and expense of going to the metropolis.

58. In fact, local registrations? Yes. At the same time I think it would be necessary that the local registrars should be under the Registrar General, and should send duplicates to the Registrar General's Office in Melbourne, so that there might be a general central index as well.

59. *By Mr. Hay*: If the search were made by the clerks in the office it would not be necessary for parties to come up to Melbourne for the purpose? No, not if you made it a matter of compulsion.

60. Nor even if it were a matter of choice? If it were a matter of choice they could go if they pleased.

61. They could have the search made by the clerks of the office, and there would be no necessity for them to come to Melbourne, or to engage a solicitor in Melbourne, as it could be done by communication with the office? Yes, if they pleased; but unless you made it compulsory it would not meet the case of a person unwilling to trust the Government officers.

62. *By the Chairman*: Supposing several properties were included in one conveyance, do you see any difficulty that would arise from that circumstance in regard to these local registrations? They might register them in the central office, and in each district. I know that it frequently entails much expense and loss of time at present through parties having to come up from Geelong and other parts of the Colony in order to search for titles. The agents are detained in town some days, and, of course, very considerable expense is incurred.

63. The indexes must, I presume, have become so extensive as to require great employment of time to look down the letters? Yes.

64. That you think would be diminished by a subdivision of offices? I think it would.
65. *By Mr. Hay*: That might be accomplished in the General Registration Office, by a subdivision of the indexes, without any Deputy Registrars? It might.
66. *By the Chairman*: Either in the central office or in district offices a subdivision of the index might take place? Undoubtedly; but my suggestion to have District Registrars would be to enable parties living near to refer immediately without loss of time.
67. *By Mr. Hay*: Facility of conducting search might be attained by a subdivision of the index, without any district offices? It might be an advantage where parties knew exactly where land was situated for them to appeal immediately to the book relating to the district where the land lay; but I conceive that having a multiplicity of indexes for various districts in the Registrar General's chief office would entail much additional labor on the searchers, where they did not know the exact county or district in which the land they were searching for existed.
68. Would you have the whole index in each district? No; the memorials of the district only should be registered. Perhaps, however, it would be well, under such circumstances, to provide for a duplicate memorial to be sent to the central office, in the same manner as we have duplicate registrations of births, deaths, and marriages, where the District Registrar keeps one and the other is sent on to the head office, and both are originals, having the signatures of the informants attached.
69. You think it would still be necessary that complete information with regard to every property in the country should be registered at the head office? I think so.
70. The system of District Registrars would, of course, entail additional expense to the public? Yes; but I think it would be willingly borne for the sake of the convenience.
71. *By the Chairman*: What are the different fees charged in Victoria? The same as those received in New South Wales. The same schedules of the Registration of Deeds Acts apply to both Colonies.
72. Is our Registration Act of 1844 in force in Victoria? I do not remember the exact Act; but I could see immediately on reference to Callaghan.
73. The Act requiring verified copies? That was never in force as far as Port Phillip was concerned. A special Act was made with regard to Port Phillip, embodying a schedule of fees that, I think, are the same as those received in New South Wales. A memorial costs twelve shillings and sixpence; searches half-a-crown.
74. In your experience of the office, has any difficulty arisen with regard to the effect of priority of registration where property is subject to certain equities? None has come to my knowledge. But the system of indexing is getting every day more and more complex in practice, and difficult to deal with. Properties are constantly changing hands, new names come into the books, and apparently there will be no end to the confusion and complexity that will result. Hence my desire to see a new system altogether.
75. You think that in the course of a very few years the indexes will be perfectly unmanageable as a medium of reference for the public? Yes, as they are now made.
76. And that some change is absolutely required? Imperatively, for the general good; and the longer it is delayed the worse the case becomes.
77. Do I understand that your registration office is fire-proof in all respects? It is a stone building, covered with slates, and detached. A fire is allowed in the searching room during office hours, but very careful management of it is insisted on.
78. The floors are of wood? The floors are of wood; but the chances of destruction by fire are very remote. I may say, however, that it is only a temporary place we are now using, as we hope to have safe, thoroughly fire-proof, and otherwise suitable offices erected in the course of two or three years.
79. What is the income of the office? Between £10,000 and £11,000 per annum.
80. And the expenditure? In asking with regard to the income and expenditure, do you mean to include the whole department?
81. I would say, in the first place, the fees from the registration of deeds? From fees for the registration of deeds we get about £10,000 a year; and the officers employed are four clerks. The expense of that portion of the department, so far as the clerical staff goes, is about £1,200 a year.
82. Can you state the income from births, deaths, and marriages? The income from that source is very small. The fees are moderate, and the reference to the indexes is by no means so great as that which obtains in the deeds department. It is increasing, however; but I should think it will hardly ever be looked upon as a source of very great revenue. From an extract of our monthly cash-book I have here, I find that the birth, death, and marriage fees in the month of April last amounted to little more than £10, or at the rate of £120 a-year. But the advantages to be derived from a system of registration which has such an important effect upon questions of property, and matters of vital statistics, can hardly be measured by the amount of fees. The cost of the department for registering births, deaths, and marriages, and the statistics relating thereto, is also about £1,200 a-year.
83. What is the cost of the whole department, including the Registrar General's salary and all other expenses? In round numbers, about £6,000 a-year for salaries.
84. What other departments does the office comprise besides deeds and births, deaths and marriages? Vaccination, which involves a considerable amount of correspondence, the distribution of the vaccine lymph, and the keeping of accounts upon paying the Government vaccinators the fees allowed them, and the various District Registrars their fees: this engages much of the time of one clerk, whom, by the by, I have counted in among the staff appointed for births, deaths, and marriages. I may state here, that we pursue a system of endeavouring to make every one of our officers as much as possible conversant with the duties of his co-laborers, so that we should never be in any great strait, supposing one or more were suddenly to go away.

W. H. Archer,
Esq.
10 June, 1858.

- W. H. Archer, Esq.
10 June, 1858.
85. Comparing the general income of all these departments, and the general expenditure, what appears to be the balance? About £5,000, in round numbers.
86. In favour of the public? Yes; so far as salaries are concerned. There are many other duties which our various officers have to discharge: the enrolment of patents, keeping the models, allowing searches to the public, and copies to be taken of the patents so enrolled; also, the charge of the Electoral Rolls; the reception of all inquests throughout Victoria, which are frequently appealed to by the police detectives and others; powers of attorney also have, by a recent Act, been brought under the charge of the Registrar General; the original powers of attorney have to be deposited in the Registrar General's Office, and these can be referred to by parties and copied, and an index has to be kept of them; the Friendly Societies also have to send in their returns to us. There are very many other minor details which in themselves are not much, yet which all together render it necessary to have about three other clerks, at salaries amounting to £1,100 in the course of the year.
87. Is that sum included in the £6,000 you mentioned? Yes. To supplement the duties of the various other officers, there are also two for statistics, who are obliged to be experienced and competent men, and who receive £500 a-year each. The compilation of the Blue Book, a very heavy work, comes under the head of statistics.
88. How many persons are employed in the Record building altogether? At present we have thirteen.
89. Amongst your other various and numerous duties do you take charge of any original deeds or wills? Yes.
90. Is that found to answer? They are not very numerous. It is only occasionally made use of, but it is provided for by law.
91. *By Mr. Hay*: Have you been in the office of the Registrar General here? Yes.
92. What is your opinion of the building? Decidedly it is most unsuitable and unsafe.
93. And inconvenient? Inconvenient, as well as unsafe. You might have all your records destroyed in one night by the carelessness of a neighbour.
94. It is not well adapted for the general conduct of business? By no means; the Registrar General is perched at the top of the house, and any body who wants to see him has to go up about fifty steps.
95. You think a fire-proof building should be provided? Decidedly.
96. You have seen a good deal of the operation of the system pursued here? I have.
97. Besides the alteration of the building, is there anything with regard to the system, of a practical nature, that you could suggest as an improvement? I have already mentioned the propriety of getting rid of the registration of births, deaths, and marriages, now carried on in a room in which other, and in every respect different, duties are performed. Besides this, I would take leave to state that the rates of remuneration of the officers do not seem to me to compensate for the duties done. I have compared their relative receipts and the amount of labor they have to perform, and I must say there are not inducements held out to those employed to be diligent in their duties, and to look forward, hopefully, to something better. The classification seems to be bad, and there is no prospect of any advance, but a constant danger from year to year of perhaps a decrease in salary. I find one gentleman, Mr. Jaques, for instance, who does much of the work that the Registrar General in Victoria is compelled by law to perform,—who swears the parties who come before him, looks through the copies of the deeds which have to be deposited, has much correspondence, and also receives all moneys;—and, after being in the Government service for a great number of years—upwards of twenty, I believe—he receives £350 a-year. That seems to me to be hardly a satisfactory state of things.
98. *By the Chairman*: Are you aware that he does more than take an account of the deeds—is there not another officer who receives money? There is an officer who receives some money, but he has to hand it over to Mr. Jaques, who has it in his possession for a week, giving no security, which, by the by, as a general principle, is also unsound.
99. Do you think it is advisable to allow any officer of a public department like that to carry on professional business as a means of remuneration for his duties, in addition to his salary? As a general principle, if the performance of those professional duties does not interfere clearly with the duties he has to discharge as a Government officer, I really do not see why he should be prohibited. It depends upon the nature of the profession and the nature of the duties. If he should engage in private professional business during office hours, of course his superior would have to report or check him; but I do not see that the Government has any claim to a man's time after office hours.
100. Suppose his professional business is that of an attorney? I do not very well see how a man could attend to that without trenching on office hours; but my principle is this, answering generally,—that if a man does not by any act of his after office hours preclude himself from doing his duty efficiently within office hours, it does not appear to me the Government should be rigid about the matter. For instance,—my profession is that of an actuary, and I do not think for one moment they would in Victoria prohibit me from making any calculations for any Life Office in consequence of my being connected with the Government; but in the case of a medical man or a lawyer, at the first blush it seems to me very likely that in many instances the two positions are incompatible with the discharge of duties as a Government Officer. But as a general principle I should put this reservation, that it must be proved that attendance on private professional duties actually interfered with the discharge of public duties; especially when the rates of salary the Government give are so low. At the same time, of course, the Government has the power to make any regulation it pleases with regard to its *employés*, and it is for them to say whether they will accept the position or not.
101. *By Mr. Hay*: Do you not think that, generally speaking, the clerks employed in this office require to be quite up to the average in ability and education with those employed in other offices? Decidedly.

102. Do you think it would be possible to carry on the business for any length of time if the clerks of this office were underpaid in proportion to others? I think not efficiently.
103. Your opinion I think is, that the clerks in this office are underpaid? I think so, even by comparison with the Estimates of other Government Departments, and I would commence with the Registrar General himself. In proportion to its importance and the character of its officers, I think this department is altogether underpaid.
104. That of itself would lead efficient men to eke out their incomes in other ways? Decidedly. How you can get professional or any other able men to enter at such salaries at all is the difficulty to my mind.
105. Have you looked at all at the Act under which the registration of births, deaths, and marriages is carried on here? I have glanced at it.
106. Do you think it is open to objection? It is very defective; I think it ought to be entirely remodelled; in fact our own is defective also. The only way in which the existing efficient and comprehensive system of registration has been carried out in Victoria has been by the Registrar General and myself having determined not to be trammelled within the clauses of the Act, but that we should endeavour to supplement it by carrying out those plans of action that have been approved of as the best by the first authorities in the mother country.
107. In fact, to make the system effective, and to make the Act work well, you have been obliged to take many liberties with it? Yes, and to supplement it by every means which intelligence could suggest. We have made our work a labor of love, and not merely an official task.
108. I think you said that as it is you really carry out your system well? Yes; and I am also happy to say that Mr. Rolleston on his appointment put himself in communication with the Registrar General in Victoria, and obtained from us our forms, and adapted them and carried them out in a similarly efficient manner, so that in reality the two systems—so far as births and deaths are concerned—are nearly identical. Marriages are somewhat different. I hope soon to see all our Australasian Colonies acting on one uniform system. Uniformity is the great thing to be desired. It is engaging the attention of the first minds in Europe, Dr. Farr for example, who is in the Registrar General's Department in England, under Major Graham, was recently dispatched to a Statistical Congress at Vienna, where they proposed to recommend the carrying out of a uniform system throughout all the States of the Continent; and I have reason to believe that system will, in its main features, correspond with that which is working successfully in Victoria and New South Wales.
109. You think it would be a public misfortune if that system of registration were quashed? A great misfortune. It would be a step of retrogression in civilization.
110. You think it quite possible to have the statistics of the Colony combined with the registration? Yes, they are quite compatible with it. It depends a good deal on the officer, however. They were combined in Victoria simply because I had, as acting Registrar General, the superintendence at first of the registration of birth and deaths, and my profession made me familiar with the science of statistics. The office of the Registrar General is, from its very nature as an office of record, one in which the various fluctuations of the State from year to year can be mirrored; and the preparation of statistics therefore is not necessarily unsuited to its other functions.
111. You think it better that the Registrar General should be charged with the preparation of statistics than that they should be managed in the Colonial Secretary's Office? Yes, much better; inasmuch as the Registrar General is, in the first place, authorised to take the census periodically. That is one very important part of statistics, in fact the groundwork. Then, again, he is necessarily familiar with the country, in consequence of appointing registrars in the various districts, so that in questions relating to Electoral divisions, or for any other purpose, he would be the proper authority to refer to for the best local information that could be obtained. I think in every respect statistics may be very naturally associated with the department. The plan has worked well in Victoria, and the department has already become a place of reference for Members of the Legislature, who, I have good reason to believe, look up to it with respect, and also for the press and the public generally.
112. Have you had much complaint in Victoria as to the inquisitorial character of the registration of births, deaths, and marriages? Never.
113. And yet the questions put are much the same as those in this Colony? They are identical, so far as births and deaths are concerned. In regard to marriages, there is one very important defect in the questions put in New South Wales, which is a blot, viewed in a statistical light—the question as to the age of those married is left out.
114. You consider that a defect? A great defect, both legally and statistically.
115. You think it would be advantageous to have an improved Act? Yes; for both Colonies.
116. In order to throw unnecessary responsibility off the shoulders of the Registrar General? Quite so; and I think there would be less hesitation in passing an Act with the schedules I speak of, now that they have been tried five years in Victoria, and nearly two years in New South Wales. Members would see that it was practicable to obtain the information.
117. You do not see any incompatibility in combining the registration of deeds with that of births, deaths, and marriages? No; the same faculties of judgment and order which would suggest the best modes of indexing and affording facilities for public search would operate in both systems.
118. *By the Chairman:* Is there any other short point you could suggest? There is one very important feature in connection with the department in Victoria. We have for the last two or three years carried out a very complete system of collection of agricultural

W. H. Archer, Esq.
 10 June, 1858.

and live stock statistics; and this has been done with the concurrence of the Legislature, not merely by annual vote, but upon the recommendation of a Select Committee of the Legislative Council, appointed to take evidence in relation to agricultural and horticultural statistics. Every year the returns become fuller and fuller, and the people, who give the information voluntarily, seeing the object for which it is asked, furnish it readily. The publication of these returns has a tendency not only to enable importers of agricultural produce to see what are likely to be the requirements of the country, but it also stimulates persons to look after land in the best districts where crops are raised. We publish a complete report of every acre of produce, and also of horses, cattle, and live stock generally; and it has found much favor with the public. I believe Victoria is the only Colony where it is carried out on a thorough census system. It is not trusted merely to the police or to the Clerks of Petty Sessions. Collectors are engaged specially for the purpose; and their statements are submitted to magistrates or other persons of repute in the various localities, who testify, from their knowledge of certain portions, to the general accuracy of the returns. These collectors also give in a report of the progress of agriculture in their respective districts.

119. That is done irrespective of the police? Yes, by special agencies.

120. Is that expensive? It cost last year, for the whole Colony, about £1,200, and this year about £1,500, in consequence of the greater number of occupiers of holdings.

121. Does it come within your knowledge that the system of collecting statistics here by the chief constables and other persons is inaccurate? I have been given to understand that it is so, by persons who are aware of the means of obtaining information, and I can easily believe it, because my own experience in Victoria led me to the conclusion that such a system could not be relied upon.

122. *By Mr. Hay:* What class of men have you for collectors? Chiefly persons who have been connected with the agricultural interest. They go over large tracts of country in some instances to collect the returns, and it is proposed that the time of collection should be about the month of February.

123. How many of these persons have been employed? We have now about fifteen or twenty.

124. *By the Chairman:* Then they receive about £100 each? Yes, on an average.

125. For work taking up a few weeks? Yes.

126. Then they are, I presume, persons of a respectable class? Yes; but their horse and other expenses are heavy. There is one other point that perhaps you may be interested in: We have a very efficient system of check with regard to the receipt of moneys, and, in order that you may understand it I beg to hand in a description of the system in detail, with specimens of the forms of accounts used by us. (*The witness handed in the same. Vide Appendix A.*)

127. Is this account compiled by a different party from the party who receives the money? Yes, by our accountant. All the moneys are checked by him daily, and he pays them into the bank daily; he does not, as with you, keep them for a week. At the end of the month he brings his daily entry book and banker's pass-book to me, and I look at every one of the items at the foot and initial them, and also make it up at the end; so that by this means and the system of vouchers kept by the accountant he has a check on the parties receiving money, and the Registrar General, through my agency, has a check on the accountant by means of his pass-book and this daily statement, which, at one view, presents the income of the department under every head; the accountant, therefore, stands in a similar position to the officer of whom I spoke before in your own department. There are some points here which I made out in regard to indexing, thinking that they might be a guide for the Committee and for the Registrar General of New South Wales, as to the amount of work we get through in a day at the Melbourne Central Office. With regard to births, they are indexed at the rate of about 200 a-day; the system employed is full and efficient; persons searching can see, in a very few minutes, all the registrations for five years past. The names are indexed as in a dictionary, by carrying out the alphabetical arrangement to the very last letter—that is to say, Aaron would come before Abraham, and Arkwright would come still lower down; this point, although apparently so simple, has a remarkable effect in shortening the time of search. With regard to deaths, 250 can be entered in a day. With respect to marriages, the names of both parties have to be entered up, and 125 only can be indexed daily. They are the rough indexes of which I am now speaking; the fair copies made afterwards for permanent record, and for which there is an able writer employed constantly, are entered at the rate of 150 a-day; for births, 200; for deaths and for marriages, 100. With regard to the time when the indexes are available after final receipt of the register sheets—that is, after having been carefully gone through, and if any defect found in them sent back for correction, when they are in all respects satisfactorily completed—they can be referred to by the public so far as deaths are concerned in fourteen days; marriages take a month; and births—which we defer to the last, as not being so often referred to—are ready in about three months. Each index is for half a year only, and the number of entries is about 15,000. With regard to our correspondence, our regular correspondents are from 120 to 130 Deputy Registrars, nearly 100 public vaccinators, and from 200 to 220 clergymen. The Registrar General of New South Wales, however, has not to correspond directly with the clergymen, as we have. The number of letters we dispatch is about 4,400 per annum, the copies of which fill about 400 closely-written pages, of 40 lines each. I may mention that the Registrar General here has adopted the system, which seems to me to work satisfactorily, of using a copying machine; it saves the labor of one clerk, and I should like to see it carried out in Victoria. In fact, I gave evidence before a Parliamentary Committee there in favor of the general adoption of these machines. There are very many other details of interest which perhaps the Committee would like to have known; but I may state that we

are

are constantly communicating with Mr. Rolleston, who has always shewn the greatest desire to adopt any suggestions we find in our experience to be beneficial; and therefore the Committee may rest assured that anything found good and practical in Melbourne will be duly conveyed here, and that both the Registrar General of Victoria and myself will always be most happy to keep up a system of correspondence with your officers, so that they may be *au courant* with aught we may introduce. I hope, also, we shall have the full benefit of the experience of the officers of your Colony, for the more that spirit of co-operation is extended among us the more will the interests of the various Colonies be happily advanced.

W. H. Archer,
Esq.
10 June, 1858.

APPENDIX A.

EXPLANATION of the system of accounting for Public Moneys collected in the Registrar General's Office, Melbourne.

The fees receivable at the Registrar General's Office, Melbourne; are those connected with the registration of land, stock, wool, certificates of naturalization, powers of attorney, patents, births, deaths, marriages, vaccination, electoral expenditure, shareholders' lists, &c.

All fees are received in a recess near the general office entrance, where a window with a sliding shutter opens into a room connected with that of the Accountant. The money-taker is provided with separate receipt books for the business connected with the various branches of the department. On receiving the fee he fills up the receipt and counterpart with the amount thus paid, (opposite the word indicating the object), adding his initials.

The applicant takes this receipt as his voucher to the room where he has to transact business; there the clerk in charge is provided with a check register, for entering the number and particulars of each receipt coming into his hands.

The money-taker is provided with a "*Journal*,"* in which he enters consecutively every fee received in the respective column. At the close of each day he sums up the various columns, and hands the cash with his *Journal* to the Accountant, from whom he receives a printed receipt for the amount thus handed over.

The Accountant then compares the *Journal* with the "*Check Registers*" of the various branches of the department, and if the entries correspond he enters the day's receipts in his "*Cash Book*," and posts them also in the "*Ledger*,"† (from which latter the monthly return to the Treasury is copied), shewing on one page every day's receipts during one month under the various heads.

The Accountant lodges the fees daily in the bank, having the payments entered at the time by the Teller in the pass-book, which is in his charge. These payments appear, of course, also on the credit side of the *Cash Book*.

On the day appointed for paying the month's collections to the Receiver of Revenue, the Head of the Department draws a cheque for the amount. The Assistant Registrar General having first examined the pass-book, and seen that the Clerks in charge of the various branches have certified by their initials the various totals as given in a summary of the month's collections in the Accountant's *Cash Book*;‡ and having also initialed the leading amounts comprising the total receipts.

The money is then, with a certified return, lodged by the Accountant in the office of the Receiver of Revenue.

It will be seen that *pre-payment* of fees, and the production of vouchers for such payment previous to the transaction of business, is an indispensable basis of the check-system above described.

W. H. ARCHER,
Assistant Registrar General
of Victoria.

[Specimen Copy of a Page of the Journal.—

JOURNAL, JUNE

REGISTRY.

SEARCHES.

[illegible]

Registrar General's Office, Melbourne.]

30, 1858.

	BIRTHS, DEATHS, AND MARRIAGES.				POWERS OF ATTORNEY.		PATENTS.			MISCELLANEOUS.				
	Certificate.		Search.		Filing.	Search.	Search.	Extracts, Folio.	Register.					
	5/-	1/-	2/6	1/-	5/-	1/-	1/-	1/-	12/6					
M. 216	..	..	..	..	1	..	..	..	..	..	..	..	..	£ s. d.
" 217	..	..	..	..	1	..	..	..	..	..	..	..	..	0 5 0
B.D.M. 20	..	..	1	..	..	..	..	..	..	..	..	..	..	0 5 0
" 21	1	..	..	..	..	..	..	..	..	..	..	..	..	0 2 6
Registrar General's Office.....														0 5 0
Supreme Court.....														0 17 6
														33 16 0
														34 13 6
Same day paid Mr. Holm, Accountant														34 13 6

[Specimen Copy of a Page of the Ledger:—

FEE\$ COLLECTED BY

JUNE,

SUPREME COURT.

REGISTRY.

SEARCHES.

[illegible]

—Registrar General's Office, Melbourne.]

THE REGISTRAR GENERAL.

1858.

REGISTRAR GENERAL'S OFFICE.

	BIRTHS, DEATHS, AND MARRIAGES.				POWERS OF ATTORNEY.		PATENTS.			MISCELLANEOUS.				TOTAL DAILY RECEIPTS.
	Certificate.		Search.		Filing.	Search.	Search.	Extracts & Folio.	Regn.	Railway Shareholder's List.				
	5/-	1/-	2/6	1/-	5/-	1/-	1/-	1/-	12/6					
June 1	1	..	2	..	2	2	1	..	..	..	..	..	..	£ s. d. 1 3 0
2	..	..	1	..	2	1	..	..	..	..	..	..	..	0 13 6
3	4	..	..	..	..	..	..	..	..	..	..	..	..	1 0 0
4	1	..	..	..	..	..	..	..	..	..	..	..	..	0 5 0
5	1	..	..	..	1	..	..	..	..	..	..	..	..	0 10 0
7	..	..	..	..	1	..	..	..	..	..	..	..	..	0 5 0
8	7	4	3	4	4	1	..	..	..	..	..	..	..	3 11 6
9	..	..	..	..	2	..	..	..	..	..	..	..	..	0 10 0
10	1	..	2	..	2	..	..	..	..	..	..	..	..	1 0 0
11	3	..	3	..	1	..	..	..	..	..	..	..	..	1 7 6
12	1	..	1	..	..	..	..	..	..	..	..	..	..	0 7 6
14	2	..	3	..	1	1	..	..	..	..	..	..	..	1 3 6
15	..	..	..	..	1	..	..	..	..	..	..	..	..	0 5 0
16	..	1	..	1	..	1	2	..	..	..	..	..	..	0 5 0
17	2	..	1	..	1	1	..	..	..	1	..	..	..	0 19 6
18	..	..	..	..	3	1	2	..	..	..	..	..	..	0 18 0
19	..	..	..	..	1	1	..	..	..	..	..	..	..	0 6 0
21	1	3	..	2	1	1	..	..	..	..	..	..	..	0 16 0
22	..	..	2	..	1	1	..	..	..	..	..	..	..	0 6 0
23	1	..	3	..	3	..	..	..	..	..	..	..	..	1 7 6
24	..	..	..	..	1	..	..	..	..	..	..	..	..	0 1 0
25	..	..	2	..	1	..	..	..	..	..	..	..	..	0 10 0
26	..	..	1	..	1	..	..	..	..	..	..	..	..	0 7 6
28	..	..	1	1	2	..	..	..	..	..	..	..	..	0 13 6
29	1	..	2	..	3	..	..	..	..	..	..	..	..	1 5 0
30	1	..	1	..	2	..	..	..	..	..	..	..	..	0 17 6
BIRTHS, DEATHS, AND MARRIAGES.	Cert.	27	..	..	..	..	..	..	..	..	..	..	..	6 15 0
	..	8	..	..	..	..	..	..	..	..	..	..	..	0 8 0
	Searches	28	..	..	..	..	..	..	..	..	..	..	..	3 10 0
	..	8	..	..	..	..	..	..	..	..	..	..	..	0 8 0
POWERS OF ATTORNEY	Filing	..	35	..	..	..	..	..	..	..	..	..	..	8 15 0
	Search	..	12	..	..	..	..	..	..	..	..	..	..	0 12 0
PATENTS	..	5	..	..	..	..	..	..	..	..	..	..	..	0 5 0
RAILWAY SHAREHOLDER LIST	1	..	..	..	..	..	..	..	..	..	..	..	..	0 1 0
TOTAL, REGISTRAR GENERAL'S OFFICE..														20 14 0
TOTAL, SUPREME COURT..														981 13 0
£ 1,002 7 0														1,002 7 0

W. H. ARCHER,
Assistant Registrar General of Victoria.

REGISTRAR GENERAL'S DEPARTMENT, JUNE, 1858.

Cr.

W. H. ARCHER,
Assistant Registrar General of Victoria.

WEDNESDAY, 16 JUNE, 1858.

Present:—

MR. OWEN,
MR. PIDDINGTON,
MR. FLOOD,

MR. JONES,
MR. SMITH,
MR. HAY.

ROBERT OWEN, ESQ., IN THE CHAIR.

Christopher Rolleston, Esq., called in and further examined:—

1. *By the Chairman:* You have the custody and arrangement, I believe, of the record of births, marriages, and deaths? I have the custody of those that have been taken under the present law, and of the records of baptisms, marriages, and births recorded formerly in the Supreme Court, but I have not the registers of the Church of England—they still remain in the hands of the Bishop's Secretary. C. Rolleston,
Esq.
16 June, 1858.
2. Are your registers in books of the same description as the deeds? They are both bound in books of the same character and description, (my own registers—those taken since the year 1856.) Those transferred from the Supreme Court are bound differently.
3. Are they on paper? They are on paper.
4. From their recent formation, you cannot judge as to their lasting? No; the writing seems to be perfect.
5. From the experience you have had since the commencement of the present system of registration of births and deaths, have you observed whether it is sufficiently perfect as it is, or whether any improvement can take place in it? There are one or two points in the details of the management of the system that might be improved.
6. Will you state them, if you please? There is one imperfection with regard to the records of deaths, particularly as to the cause of death, which is a very important point to record, as showing the diseases which prove most fatal to the population. I am obliged to take the causes of death, in the majority of instances, from the mouths of the informants, who are often ignorant people, and cannot give them correctly. I should very much wish that the medical profession were required by law to give a certificate of the cause of death in those cases in which they have been attendant on the deceased.
7. Could that be readily carried out? It could be easily carried out.
8. Without expense? Yes, without expense. It could be carried out by requiring the informant (that is the person responsible now to give the information) to bring with him, when he comes to record the death a certificate from the medical attendant.
9. And that would enable you in your statistics to afford the Government valuable information? It would give the mortality tables a value which they now have not.
10. You therefore recommend in any future legislation that it should be enforced? Yes; and it is not a new feature in the registration of death. In the Registration Bill of South Australia a similar provision is introduced.
11. You mentioned that there were difficulties in two other matters, the removal of which would improve the system—what are they, Sir? I am exceedingly anxious to have the form of marriage certificate altered.
12. What is the defect? The defect is that it does not supply all the information which is necessary for statistical purposes.
13. In what respect? I was not aware you were going to examine me on the subject of births, deaths, and marriages to-day, and I did not bring the forms which I otherwise would have done; but the marriage certificate only supplies half the information I want for statistical purposes, the consequence is, my records are faulty.
14. Is there any other matter, Sir, you would suggest? There is another point, which has rather impaired the operation of the Act: it is, that the Registrar is forbid to register a birth after sixty days, except upon a solemn declaration of facts made by the parents or some person present at the birth. That has been found, in the country districts especially, to impair the operation of the Act.
15. Do you think that might be abolished? I see no use in it whatever.
16. No utility? No utility whatever, in its present shape. If a fine were fixed, supposing a parent omitted to register the birth within sixty days, and a fee of 5s. was attached to the taking of this solemn declaration, I could see a use in it—it would cause persons to give information within the time prescribed; but in reference to the registering of births, I think six months is too long a period, and, in the absence of a fine for neglect, the declaration is of no use, because it throws double work upon the Registrar, and has no penal action upon the parent.
17. Might not a fee deter people from coming without they were compelled in some other way? I think not. They are still liable to a penalty for not registering.
18. I suppose the records of that branch of the office are in the same building? Yes, in the same building.
19. Are they kept in open rooms? Yes.
20. Do the searches for the records form a branch of that part of it? They do: searches are made by my clerks.
21. Only by your own clerks? Only by my own clerks.
22. For which a fee is charged? Yes, for which a fee is charged of 5s. for the search, and 2s. for a certified copy of the entry.
23. Are the indexes so formed as to make the searches easy? Oh! yes; but the indices for 1857 are not yet even commenced.
24. How do the public ascertain from that what they want? It is a longer operation, for we have to refer to the temporary indices which are sent down quarterly by the different country

C. Rolleston, country Registrars, and to those which are made in the office for the Sydney district; therefore it is a very long business to search for any birth, death, or marriage for the last year.

16 June, 1858.

25. What is the reason of the delay? Not having sufficient strength. I have got up the indices (they are now perfect) for 1856 by working two of my clerks over hours, and paying them so much for their labors. That is the only way I have been able to get the work done; but it would have been impossible to commence the indices for 1857 until two months ago, because the returns from the country districts to the end of 1857 were not in until the end of the first quarter of 1858.
26. That is a delay of necessity? It is a delay of necessity, and therefore it is impossible to commence the indexing until the returns for the country districts are perfected for the year.
27. Is that delay of persons sending the returns from the country necessary? It is not necessary, but it is impossible for me to control it; some of them are very careless.
28. Are the returns sent quarterly? They are sent quarterly.
29. Would it not be much greater trouble to have them monthly? Oh! yes.
30. Would it answer any purpose? No, I think not.
31. What is the kind of index when made up—is it a general index? It is a general index for the year for the whole of the Colony—an alphabetical index, consecutive in each letter from the first letter to the last letter of the names.
32. Is that desirable? I think it is very desirable.
33. It must be a general index? Yes.
34. Would you just state at this part of your evidence the amount of the expenses incident to that branch of your office, including the payment of the country districts, and what is the proportional expense in the City of the head Registrar's office? About £3,000 a-year, I think. (*Vide Statement of the Expenditure for 1857—Appendix A.*)
35. Not including the Deputy Registrars? No; they are paid out of a contingent vote.
36. Exclusive of this £3,000? Yes. I would have brought the papers, but I was not aware that you were going to question me on this subject. I think it is about £3,000—the salaries are about £1,500.
37. But there are, of course, incidentals, such as proportion of rent, &c.? Yes.
38. What is the amount of fees received? They are very trifling—about £25 or £30 a-year, hardly that; they will increase every year, of course, as the records increase.
39. These records being in the same building as the deeds, I presume, are in the same jeopardy with regard to fire? Yes.
40. Can you, from memory, explain what are the particular defects of the marriage certificate to which you have alluded? The marriage certificate, as prescribed by the Marriage Act, 19 Vic., No. 30, requires the date and the place where the parties were married, the names of the parties and their designation; I think that is all.
41. Do I understand you to say that you require more? I require very much more to make the records perfect. In the first place, I think it is very necessary that the certificate should shew the condition of the parties, whether they are widows or widowers, spinsters or bachelors, and their calling, probably, *i. e.*, the rank or profession, also the age, also the names of their parents, father and mother, and their present and usual place of residence; these all form important items in the record of a marriage.
42. And it could be supplied with the greatest ease? It is supplied now to the clergy. It is my own records which are imperfect; they do not agree with the registers of the clergy. The registers of the clergy are perfect in all these particulars.
43. Do you mean the clergy of the Church of England? Of the Church of England and of all the denominations, so far as I have been able to ascertain. Mr. Cuthbertson told me the other day that he never had heard an objection made by any one he had married to furnish the whole of the particulars. I established the form of registration myself, but I could not alter the form of certificate which the law laid down, and that form does not convey to me the particulars I require to perfect the system of registration which I have established, but the Church registers in almost all cases supply all the information.
44. Have you seen these registers in the books of Mr. James, the Bishop's Secretary? I have.
45. Are they kept in that form? They are not; they are very imperfect in the information given, *i. e.*, compared with the new form of register.
46. I believe that they are extensive, and they run over a number of years? Yes; from the foundation of the Colony.
47. Do you consider it desirable that they should be placed in your office? I think it is very important that they should be, when I have a proper office to keep them in. There is constant running backwards and forwards between my office and the Bishop's Office now, to obtain information; and it is quite at Mr. James' option to give that information or not, and he can charge what he likes for the information he does give.
48. Does he afford every facility for obtaining this information? Yes, I think so.
49. Do you think it desirable that some measure should be taken to place these records under your control? It is, undoubtedly, for they are most important; the inheritance to half the property in the country may depend upon them.
50. I suppose personally you are not aware of the precise circumstances under which Mr. James holds these documents—he claims them, I believe, as part of his own property? I hardly think he does that; he merely puts an embargo upon them. He has prepared them himself at his own expense and labor for twenty years past, and at a time when they otherwise would not have been kept up at all; and he thinks he has a right to compensation for these twenty years of unremunerated labor which he has bestowed upon them.
51. Without these records your registers would be very imperfect? Yes. At present there is no very great practical difficulty (Mr. James allowing searches to be made); the inconvenience is felt by persons running backwards and forwards to obtain information.

52. *By Mr. Hay:* You consider this additional information in the certificate necessary, in order to identify the parties who are married, and make the records valuable? Yes, to identify them genealogically. At present it would be impossible to do so; there are so many Thomas Jones's, and people of the same common names.
53. Unless the identification is complete, the whole affair is comparatively worthless? Comparatively so.
54. *By Mr. Jones:* You think these additional particulars necessary for the purpose of identification? I do.
55. Have you pointed out to the Government the amendments you think necessary in the Registration Act? I have, in two Reports I have made to the Government since the office was established. I dwelt at some length upon both these points; upon that in reference to marriages particularly.
56. Are you aware whether the Government contemplate the introduction of any measure to carry out the improvements you think it necessary to be made? I am not; but Mr. Cowper said the other day that he thought some little amendment of the Act might be necessary in one point which I have not alluded to—that is, to relieve the central office of the duties of registering. In no system of registration that I know of is the central office made the actual registering office.
57. That is to put Sydney, in respect to the chief office, in the same position that the country districts are? Clearly so.
58. To separate the Registrar General's duties from the District Registrar's of Sydney duties? Just so.
59. *By Mr. Hay:* Have you heard any complaints as to the inquisitorial character of some of the questions put under the Act? I was charged the other day by Mr. Robertson, the Honorable Minister for Lands and Public Works, with asking very impertinent, and in fact insulting questions; but I told him that I was not responsible for them; that I merely adapted to the general registration of the Colony the forms of schedule which I found appended to the Registration Act which was put into my hands to carry out, and that every one of those questions had been recommended by a Committee of the Statistical Society in England. They had been adopted in the Registration Bill of Scotland, and they had been carried out in Victoria for the last four years. But the best answer to those objections is that the questions are answered in the fullest manner, with very few exceptions, as the registers will show.
60. Do you think it necessary, in order to establish the value of these records, that these questions should be asked? I do.
61. You think it would not interfere with the purposes for which the whole institution was established if they were not put? I think it would injure the value of the records if the registers were contracted.
62. Have you heard any considerable number of complaints with regard to them? No.
63. The Deputy Registrars, so far as you are aware, have not found any difficulty? No.
64. Have you had much difficulty in carrying out the Act, from the difficulty of finding persons in the country to take upon them the duty of registration? In the first instance I had very great difficulty on that account.
65. Difficulty in finding proper persons? Difficulty in finding proper persons.
66. And some difficulty, I suppose, in getting them to do their duty regularly—in breaking them in to the work? Yes.
67. Have you got over that difficulty do you think? To a very great extent.
68. The office has become more popular? Yes.
69. Do you think the whole thing is getting into good working order? It is getting into very good order now, and increasing in popularity.
70. No doubt it was a very troublesome office in the country districts, but people are now becoming familiar with it? People are now becoming familiar with it, and appreciate the advantages of a civil registry.
71. *By Mr. Piddington:* In the case of certificates of death, do you consider it absolutely necessary that a medical man should supply a certificate of the cause of death? I think it would add much to the value of the records if the cause of death was recorded upon the certificate by a properly qualified medical practitioner.
72. Is not the cause of death recorded under the present law? It is recorded, but it is generally taken from the mouth of the informant.
73. Is not that a sufficient authority in the great majority of cases? No, I think not.
74. Do you think it is of absolute importance to the State that there should be a specific description of the cause of death of every individual in society? I think it is very important, as giving a knowledge of the diseases which are prevalent in a country, and thus affording the means for diminishing the exciting causes of death by the application of remedial measures.
75. But would a medical certificate be an absolute authority—a conclusive authority upon the cause of death? Well, it is the best we can possibly get.
76. It would only be, probably, more correct; it would not be any conclusive proof of the cause of death, even a medical certificate, would it? It ought to be.
77. Without a *post mortem* examination? I think so, in the majority of instances.
78. Do not medical men differ as to the cause of death, without a *post mortem* examination? You do find it so in some instances, but it is the exception and not the rule.
79. But in cases where persons die without a medical attendant, how could the demand be complied with? That would be impossible. We must have many cases where we cannot be informed on medical authority.
80. Then the necessity of the certificate could not be made the rule by law? No; not in cases where there is no medical attendant.
81. In reference to marriage certificates—do you conceive it to be absolutely essential that the names of the father and mother of the party should be stated upon the certificate any more

C. Rolleston,
Esq.
16 June, 1858.

- C. Rolleston, Esq.
16 June, 1858.
- more than the names of the uncles and aunts? I think it is very important that the names of the father and mother should be recorded.
82. But is it not equally as important that the names of other relatives should be given—at least so near blood relationship as uncles and aunts? No, I think not. I think if you have the names of the father and mother it is as much as you can expect and require.
83. But do you think it desirable that the names of the father and mother should be given? Yes.
84. *By Mr. Jones*: With what view, Mr. Rolleston? As a proof of identity. I think without the parents' names the record is insufficient, in some cases, to prove identity. It is important that the record of a marriage should be so perfect as to establish the genealogical identity of the parties.
85. I presume in proving descent in cases of property? Yes.
86. *By Mr. Piddington*: Are any questions asked in reference to births that the Act itself does not warrant? None whatever.
87. As a general rule, do you think it is desirable to multiply statistics by asking questions which are not absolutely essential? As a rule I think not, speaking on the abstract.
88. If more questions are asked than are absolutely necessary is it not likely that the public will be disgusted with the law? Yes; but such is not the case with regard to the points under inquiry.
89. You have already had complaints in reference to questions that are supposed to be not necessary, or inquisitorial. Very few indeed.
90. But you have had them? I have had them.
91. But is it not dangerous either in cases of birth, marriage, and death, to multiply unnecessary questions? Certainly; but I do not agree with you that the questions asked are unnecessary. They are all considered to be most important.
92. *By Mr. Smith*: I take it that the effect of increasing the questions would not be to multiply statistics, but to render the records more complete? Clearly so.
93. But not to multiply statistics? Not to multiply statistics, certainly.
94. And the reason you desire a medical certificate in cases of death is, not that it can be absolutely depended upon, but because it is more likely to be correct than the mere information of the relative or party who brings you an account of the death? Because it is the best authority you can have—the best that the circumstances of the case will admit of.
95. Not, of course, infallible, but more likely to be correct? In nine cases out of ten it would be correct.
96. And in those cases in which, from the absence of a medical attendant, it is impossible to obtain a certificate, you would require some certificate to that effect? Merely the information of the informant, such as we get now.
97. Not a declaration from him? No.
98. You would take his word for it? If the informant did not know the cause we should enter the death under the head of "*unspecified causes*."
99. But you desire, if possible, to obtain in every case where it is practicable a certificate from a medical man as to the cause of death? It would give greater value to the mortality tables which are prepared from the Returns, which would in a few years become of very great value to medical science, and tend to reduce the amount of mortality and human suffering in this Colony.
100. You regard the insertion of the names of the parents in the marriage registers as important for two reasons,—to establish descent and to prove identity? It has been found so in England. The registers there afford that information, and so do the registers of Victoria.
101. *By Mr. Piddington*: If it is so essential to establish identity in cases of marriage, would not a personal description of the party about to be married be a better means of establishing identity, such as the color of the eyes, the height of the person, and the color of the complexion? A photograph would be better than all. There is another point, with regard to the age of the parties, which is most important, as we have no means of detecting whether minors are illegally married at present: the certificate does not convey the age, and it is impossible to exercise any check upon persons who perform the marriage ceremony, whether the parties to the marriage are under 21 or not; whether "under age" or "over age," ought certainly to be given in the certificate.
102. *By the Chairman*: You recommend that in the record of marriage the age should be stated as well as can be ascertained? I think so, clearly.
103. Is your general index upon parchment or vellum? Upon paper.
104. Upon paper only? Yes.
105. Do you think that is desirable? I would rather it was on parchment, as it would then last for ever; but the paper is the best I can get, and as the searches are made by my own clerks, I think there is a probability of its lasting for many years.
106. *By Mr. Smith*: Is there not a paper-parchment which is now very highly approved? there is.
107. *By the Chairman*: As far as your office arrangements go, do they approximate at all to the English requirements of registration? The system is identical with that which is adopted in England. It is taken from it, and is in every important respect a copy of the English system.
108. I omitted, Sir, to ask if you are aware whether all the original wills of persons deceased—wills proved—are kept at the Supreme Court? I believe they are: they are not in my office.
109. Do you think it desirable that within a proper safe building those records should be placed among the other records of your office? I think they should. I think the General Registry Office is the proper office for recording all instruments and documents connected with the public welfare, affecting the rights of property at all events.

110. Are you aware of the condition of these original wills, or where they are kept? I am C. Rolleston, Esq.
 111. Is there anything else which suggests itself to your mind in reference to this subject? No, I think not. I will furnish to the Committee in writing a statement of expenditure, and of the amendments proposed for the improvement of the registration system. (Vide *Appendices A and B*.)

APPENDIX A.

Branch for Registration of Births, Marriages, and Deaths, 1857.

SALARIES.			
Registrar General (half salary)...	...	...	350 0 0
Clerks ... ..	...	...	840 0 0
Total, Salaries ...	...	...	1,190 0 0
CONTINGENCIES.			
Allowances to District Registrars ...	...	...	2,326 0 0
Other expenses ... ..	...	...	682 7 3
Total, Contingencies ...	...	...	3,008 7 3
TOTAL EXPENSE OF BRANCH ...	...	...	£4,198 7 3

APPENDIX B.

Propositions for amending the Acts 19 Vic., Nos. 30 and 34.

(1.)—MARRIAGE ACT.

(Amendment of form of Certificate of Marriage.)

Section 7.—Form of certificate, "Schedule E," to be amended by the substitution of form given in Appendix A.

(2.)—REGISTRATION ACT.

(Power to be given to appoint District or Deputy Registrar for Sydney.)

Section 4.—Repeal the latter part, vesting the office of Registrar for Sydney in the Registrar General, and enact in lieu thereof the appointment of one or more District or Deputy Registrars.

Section 8.—Forms of Registration should be specifically laid down, the schedules D and E referring by mistake to marine births and deaths only. Description of forms recommended and in use as follows, viz.:—1. Births, Appendix B; 2. Marriages, Appendix C; 3. Deaths, Appendix D.

(Proof of Minister being what he represents himself to be.)

Section 11.—Power should be given to the Registrar General to require proof from a person demanding to be registered that he is an *ordinarily officiating Minister* of some recognised sect or religious persuasion.

Section 22.—I would recommend that for the neglect to register within 60 days, as provided by the previous section, a fee of 5s. shall be payable to the Registrar on his taking the declaration as to the facts of the birth. (This is done in South Australia.) The District Registrar, moreover, ought to be empowered in express terms to take the declaration, which, under the section as it stands, at present is merely assumed.

(Medical practitioner to certify cause of death.)

As to registration of "cause of death," I would recommend the adoption of the following section:—Every medical practitioner who shall have been in attendance upon any person deceased, or who shall have examined the body, shall deliver to the nearest of kin, occupier, or other person required by this Act to give information of the death to the District Registrar, a certificate under his hand, according to the form in the schedule hereto annexed (Appendix B), setting forth to the best of his knowledge and belief the cause of death, which certificate such nearest of kin, occupier, or other person shall, when notifying the death, deliver to the District Registrar.

APPENDIX C.
ORIGINAL CERTIFICATE OF MARRIAGE.

Christian and Surname of Minister at full length I _____ being _____ Designation. _____
Church or place where celebrated. _____

HUSBAND. Do hereby Certify that I have this day, at _____
duly celebrated Marriage between _____ and _____ **WIFE.**

Christian and Surname of Husband at full length _____ Christian or Surname of Wife, at full length. _____
Rank or Occupation _____ Rank or Occupation. _____
Residence _____ (Condition, Bachelor or Widower.) _____ Residence _____ Condition, (Spinster or Widow.) _____
Age _____ years. Birthplace _____ Age _____ years Birthplace. _____
Father's Name and Rank or Profession. _____ Father's Name and Rank or Profession. _____
Mother's Name, (Maiden Surname) _____ Mother's Name, (Maiden Surname). _____
Witnesses Names _____ before _____ and _____ Witnesses Names. _____

After Declaration duly made as by Law required. Dated this _____ day of _____ 185 .

Signatures of the Parties to the Marriage { _____
Signature of Minister _____
Signature of Minister _____
Signature of Minister _____

APPENDIX D.

185 .		BIRTHS in the District of			in the Colony of New South Wales,		Registered by	
No.	CHILD.		PARENTS.		INFORMANT.	WITNESSES.	REGISTRAR.	Name, if added after Registration of Birth.
	When and where Born.	Name, and whether present or not.	FATHER.	MOTHER.				
			(1) Name and Surname. (2) Rank or Profession of the Father. (3) Age, and (4) Birthplace.	(1) Name and Maiden Surname of the Mother. (2) Age, and (3) Birthplace.	Signature, Description, and Residence of Informant.	(1) Accoucheur. (2) Nurse by whom certified. (3) Signature of Occupiers or other Witnesses.	(1) Signature of District Registrar. (2) Date, and (3) where Registered.	
			(1)	(1)		(1)	(1)	
			(2)	(2)		(2)	(2)	
			(3)	(3)		(3)	(3)	
			(4)					

APPENDIX E.

185 . MARRIAGES Solemnized in the District of

in the Colony of New South Wales. Registered by

No.	When and where Married.	Names and Surnames of the Parties.	Condition of the Parties. (Bachelor or Spinster.)	Birthplace.	Rank or Profession.	Ages.	Usual Place of Residence.	PARENTS.	
								Names. (Mother's Maiden Name.)	Father's Rank or Profession.

Married in the _____ This Marriage was solemnized between us { _____ In the presence of us { _____

According to _____ By (or before) me _____ Officiating Minister or Registrar.

APPENDIX F.

185 . DEATHS in the District of

in the Colony of New South Wales. Registered by

No.	DESCRIPTION.			(1) Cause of Death, (2) Duration of last illness. (3) Medical Attendant by whom Certified, and (4) When he last saw Deceased.	Name and Surname of Father and Mother, if known, with Rank or Profession.	[1] Signature, Description, and Residence of Informant.	(1) Signature of District Registrar, (2) Date, and (3) Where Registered.	IF BURIAL REGISTERED. When & where Buried. Undertaker by whom Certified.	Name & Religion of Minister, or Names of Witnesses of Burial.	Where Born, and how long in the Australian Colonies, stating which.	IF DECEASED WAS MARRIED.	
	When and where Died.	Name and Surname, Rank or Profession.	Sex and Age.								(1) Where, and at what (2) Age, and to (3) Whom.	Issue in order of Birth, their Names and Ages.

APPENDIX G.

MEDICAL CERTIFICATE OF THE CAUSE OF DEATH.

To the Registrar of the District in which the undermentioned Death took place.

I hereby certify that I attended _____ aged _____
last birthday; that I last saw h _____ on _____ that _____ he
died on _____ at _____
and that the cause of h _____ death was—

	CAUSE OF DEATH.	DURATION OF DISEASE.	(Have the goodness to state the Primary and only the important Secondary Diseases.)
Primary Disease (a.)			Signed _____
Secondary Disease (b.) (if any.)			Proff. Title _____
			Address _____

Theodore James Jaques, Esq., called in and examined:—

- T. J. Jaques, Esq. 1. *By the Chairman:* I believe, Sir, you are Deputy Registrar at the General Registry Office? I am.
- 16 June, 1858. 2. How long have you held that office? I have held the office of Deputy Registrar under the present Registrar General since the establishment of his office, in 1857. I have held the same appointment since the year 1844 under the previous Registrars. I have been eighteen years and nine months in the department. Under the present Registrar I have the entire management of the Deeds Department.
3. We have had it stated that there are some very considerable defects in the present records, as to the effacing of the writing by the operation of time, or from other causes? I have pointed out several of them to the present Registrar General. I also brought it under the notice of previous Registrars. The fading of the ink on the parchment is much more than what it appears to have been on the paper memorials.
4. From your particular observation can you state what you deem the cause of this? I cannot say what is the cause of it—from the variety of parchments and the variety of ink: some have faded and others are perfectly legible. There is one deed, which I will show to the Committee, where there are apparently the best of parchments and the best of ink, written apparently at the same time, but still on some of the sheets the ink is materially faded, while on others it is perfectly legible. The cause I cannot in any way tell.
5. The result of your observation is, that you cannot state, with any certainty of truth, what is the actual cause? No, I cannot. I have also a deed which has not been bound up, but kept in drawers. That is faded too, although apparently written with the best of ink—so that it does not appear to be the binding that is the sole cause of it. There are also the Acts of Council signed in the Government ink—containing the Governor General's signature—that is also faded. The only cause that I can assign is the acid or lime which is used in the preparation of the parchment.
6. What do you think—having had so long an experience of these records—is the best remedy for these defects? I should recommend paper in preference to parchment, from my knowledge of the records in the office of old dates. The ink appears to last much better on paper than on parchment. There are the records of 1798, the old records from the year 1800 to 1824; they still appear to be in a perfect state, and they are written upon paper.
7. But they are liable to become faint? Yes, they are liable to fade, but not near so much as parchment.
8. Then, with respect to these extreme cases of effacement or disappearance of the ink, what would you think the best course to take for their present restoration? I should recommend that attested copies, certified by the Registrar, be made of all now legible or which can be rendered legible by chemical means, and that they should be deemed of the same value as the originally deposited copy.
9. By legal enactment? By legal enactment.
10. And those you would have bound up as supplements? Yes, with proper references on the original copy.
11. As far as your observation goes, do you think paper would be preferable? I think so; proper paper.
12. Approved paper? Yes, approved paper.

T. J. Jaques,
Esq.

16 June, 1858.

13. You keep the indexes I think? I have kept the indexes since the year 1848.
14. I believe that you have made some new indexes? To a considerable extent. During over-hours I compiled an index from the year 1825 to 1837, as I found that all the indexes from the year 1825 to the time I commenced indexing (1848) were defective in some respects. The index I compiled in over-hours was on a different arrangement to the present index, having a volume to each letter and a larger description of the property set forth, and so that all parties divesting themselves of any interest are indexed. I may observe, that at present Mr. Duff, one of the other clerks, is doing the indexing under my superintendence.
15. I was going to ask you whether there is a large amount of indexing to be renewed and perfected? To perfect the indexes, it requires those from the year 1837 to 1848 to be re-examined, and fresh indexes made.
16. Eleven years? Eleven years.
17. Will that be a very tedious and expensive compilation—how long would it take a single person? It will not be so very tedious. At that time it was principally by memorials, and the memorials are not so difficult to index as attested copies.
18. You recommend that the indexes should be perfected? I would recommend that the index I compiled from 1825 to 1837 be perfected to 1848, and that it shall still be continued, as opportunity allows, to the present date.
19. The great defect being in the descriptions of property? The descriptions of property and public deeds, such as sheriff's sales and bank deeds. Not having any definite mode of indexing, the duty devolving upon any clerk that had leisure at the time, and each having his own method, there is great difficulty in searching, and the indexes are likely to be faulty.
20. Then the indexes should be perfected under the eye of the head of the department? Yes; or one who thoroughly understood the indexing of deeds.
21. Have you sufficient force in the office to do that now? We never have had.
22. I suppose an additional clerk would do a great deal towards bringing up the arrears, under your supervision? One or two. It would occupy one clerk fully twelve months to perfect that index to the year 1848—perhaps more.
23. I believe the index is a general one that is kept in the office? Yes; a general one.
24. Has it occurred to you whether a division of the country into districts would at all save trouble? I would recommend that the Colony be divided into several districts, or a stated number of districts, and that in every case each deed should specify that the property was situated in a certain district or districts; and that power should be given to the Registrar to refuse to register such deed unless the property was described as in a certain district, or unless a surveyor's certificate to that effect was appended to the deed.
25. Defining the position of the property? Yes; that it was in a certain district of the Colony. Indexes and registers to these particular districts should be kept; there would then be an index and a register for each particular district.
26. How many divisions would you suggest the Colony should be divided into? From twelve to twenty districts. It might be divided into parallel lines of longitude.
27. Would not that be attended with considerable difficulty—longitudinal lines are not marked down with a thread? Or some defined boundary, so that parties or surveyors would know the locality in which land was situated.
28. You are aware that the country is divided into police districts? I believe it is.
29. Supposing there was an index having reference to each police district, would that be a desirable mode of division, or would it facilitate by combining a certain number of districts together? Yes; if it was laid down definitely what those districts were, and all conveyances stated the land to be situated in a certain police district, and if it was not so stated on the deed at the time of tendering for registration it should be refused until a surveyor's certificate was added, stating where it was; and the Registrar should be relieved from all liability by registering it in that particular district, and if there be any error the Registrar should not be liable on account of such error of description.
30. Could there be concurrently with that a general index, so as in case of any omission or error it could be a check? That would entail the present laborious system and the new system also—it would be very tedious to work. The object in dividing the Colony into districts would be to reduce the index so that parties searching would only search for a certain district.
31. But I mean in this way: we will suppose a person coming to search for property in a given district—he would in the main be correct that it was in a particular district, and then his search would be extremely short; but supposing he could not find what he came to search for, and had any doubt about the matter, would not the general index be a sort of stand-by? He would acquire the same information by searching through all the districts if he had a doubt.
32. Well, is that the mode, or is there any other mode different from the present mode of indexing that you recommend? I would still recommend the alphabetical index for each police district. It might be that mortgages, leases, annuities, and deeds of a temporary nature should be kept in a separate register, and that upon the mortgage or other temporary estate ceasing, the Registrar should have power to mark off those as satisfied—to cancel, erase, or destroy them. This would materially reduce the records.
33. Then one would be an incumbrance-book? Yes, for deeds of estates which ultimately cease. The other I should recommend as the absolute transfer-book.
34. Do you possess any index to record judgments of the Supreme Court which, under certain circumstances, affect property? We have not. They are not recorded in our office.
35. Would it be desirable that these indexes of judgments, as made up, should be transferred to the general registry? I think so, I think that all judgments or instruments affecting real estate should be in the one department. I would also recommend that all temporary estates, such as mortgages and other contingent estates, and annuity deeds, should be considered as expired and paid off, unless re-registered at intervals, say of twenty years. You would then only have to search back twenty years.

- T. J. Jaques, Esq.
15 June, 1858.
36. That would be a re-registration? A re-registration of all temporary estates.
37. In default of which they should be assumed to be discharged? Yes.
38. That, in fact, would be creating a Statute of Limitations upon these records? Yes.
39. I believe the Chief Justice introduced it into the Upper House some time ago. There is also one recommendation with reference to the registration of conveyances and mortgages I wish to make. I think they might be shortened. If the deeds stated that there were certain covenants, such as for further assurance, for peaceable possession, for the production of title deeds as set forth in the schedule, and that mortgages stated covenant to pay interest at a certain rate, quarterly, on days named, and the principal on a certain day—power for mortgagee to sell in case of default of payment of interest or principal—this should be deemed to embrace the full covenant as now set forth in the deed.
40. Are you aware that a species of abridgment was attempted to be dealt with by an Act with regard to leases? It has been, and I find it adopted in most of the leases registered.
41. In your experience of registering you find a number of leases in that abridged form? In the abridged form.
42. Do you know in what proportion? I think it is pretty generally adopted with regard to leases registered, excepting where they are printed forms of leases, such as in the case of the Point Piper Estate, and other large estates—I mean adopted in leases of short duration, say under twenty-one years.
43. Are you aware that very profound conveyancers have some difficulty in adopting these abridgments? I am alluding to the registration copy, and not to the original. If those words were put in the registration copy, it should be deemed in law that in the original the full words were set out. This is in order to do away with the lengthy registration copies. It seems to me to be useless that in every book the same words should be repeated so many thousand times.
44. *By Mr. Jones:* So as to reduce the registration copy, in fact, to a sort of abstract? As to covenants, not an abstract of rentals. It is where the same words are so frequently repeated.
45. *By the Chairman:* Would there not be this difficulty, Mr. Jaques—that in case of a person having to act upon a particular covenant, in any given transaction, the abstract would not give him the precise terms of the covenant? But if in law it was considered that it did, or that the original included the precise and full terms, he would have the same remedy—the legal enactment makes it evidence that there was a covenant for such and such things on the registration copy, and that those should be considered as set out at full length on the original deed.
46. You are aware, I believe, that the Bishop of Sydney's Secretary, Mr. James, has in his custody a large proportion of the registers of births, marriages, and deaths? I believe he has all relative to the Church of England prior to the passing of the General Registry Act.
47. Do you conceive it important that these should be kept in the General Registry Office? I consider that all registrations of births, deaths, and marriages should be in one department; that even those which we have in the Deeds Branch department should be handed over to the Registrar General, to be included with his own records of births. The public may now, perhaps, on searching for a birth, have to search in three different offices—that is, in the Bishop's Registry Office, in our portion of the Registrar General's Department, which has the records of all dissenting bodies from the commencement up to 1856, and then from 1856 to the present time they have to search in the Registrar General's branch.
48. Then you think it is highly desirable that all these should be drawn into one focus? Into one focus.
49. I believe you are well acquainted with the locality of the buildings of the Supreme Court? I am.
50. Are you aware that the original wills are kept there in some particular place? They are kept in a portion of the building at the foot of the staircase.
51. Have you looked to that with respect to its safety from fire? I have not inspected it minutely, but I see that it is a small place at the foot of the stairs, built of brick with a sheet iron top, and I believe it has a wooden door, but I am not certain.
52. You think that is likely to be affected in the case of any intense heat in the building? Doubtless; and the walls would be destroyed by the falling in of the other portion of the building.
53. It contains the whole of the wills of the Colony—the original wills of deceased persons would be destroyed? Yes.
54. What record would be then left with regard to the rights and properties of the public? As to wills?
55. As to wills—would there be any sort of record? None that I am aware of, except the probates. There is a book in which they used to be entered, but I believe that that has been discontinued.
56. An index of particular wills? An index of particular wills; but that would be destroyed with the building.
57. And therefore the general rights of the public, as far as they are affected by wills, are at the mercy of mere chance? Yes.
58. Do you think it desirable that these should be placed in safe custody in your office—that is, supposing your office was safe? Yes; but our office is far more likely to be destroyed by fire than the Supreme Court. Presuming, however, that we had a fire-proof building, and sufficient accommodation, I think all wills might be deposited in our office, especially if they related to real estate. I was going to recommend that all wills devising or dealing with real estate should be recorded in our registers.
59. Is that the case, do you know, in other registry offices? I believe so. I think that wills devising real estate are so recorded.
60. Where? I see that it is provided for in the Auckland Register, and also in the Tasmanian, and I believe in the English.
61. Supposing any one was to bring a certified copy of a will to your office could you register that?

- that? It is provided for in the present Act; but, not being compulsory, it is seldom done. T. J. Jaques, Esq.
 61. Then you would also recommend that, in addition to the wills, those instruments which affect real property in the Supreme Court in reference to judgments should also be transferred, or some duplicate copy? Yes. 16 June, 1858.
62. That would not be difficult, or very long, would it? I am not aware what the judgment record is. It comes more under Mr. Hutchinson's observation (Chief Clerk of the Supreme Court.)
63. Is your present building adapted, in point of size, to your business? It is in no way suitable for the purposes, neither as to accommodation or safety from fire.
64. Do you think it would be, in case of any neighbouring fire, in imminent danger? No doubt of it.
65. Of course you will come to the conclusion that it is desirable, at the nearest possible period, to have some proper and fire-proof building? Yes; that a proper building should be erected for the general registration of the whole Colony.
66. I believe you have the partial custody of original wills of persons not deceased? Yes; deposited for safe custody until the death of the testator.
67. That is merely a voluntary portion of the business—not at all a statute regulation? There is provision made in the Registration Act that they may be deposited.
68. The public are not generally aware, I believe, of that mode of custody? There are not very many wills deposited; between ninety and a hundred, perhaps.
69. But can you judge whether the public are aware that they may place their deeds or wills in the custody of your office? Only wills; they are not at liberty to place deeds there. I do not think it is generally known that such is the case.
70. Do you think it desirable that some public notification should be given to the public that they may place these documents there? I think it is desirable that it should be generally known, and that both original deeds as well as wills might be deposited, and that the deposit of deeds should satisfy the covenant for production.
71. The original deeds of a title might be deposited, with proper indexes for immediate reference, and that the due authentication of that should satisfy the covenant for production? Yes.
72. Would that be a desirable arrangement as to the public? I think so.
73. Both as to the parties covenanting and the parties to be protected by covenants? In both instances. Of course the production from our office should be deemed as evidence of the deed.
74. Of course that could not be done without an enlarged office? There would have to be a large room provided for that purpose, and unless it was a safe building the public would of course not deposit their deeds with the Registrar; but with a proper building I think it would be general—that the deeds of subdivided estates would be deposited.
75. What is the amount of your salary, Mr. Jaques? At present it is £350.
76. I believe you are an attorney? I am an attorney and solicitor.
77. Do you carry on a private practice? I occasionally prepare deeds for relations and friends; but that is in the evening, and does not in any way interfere with my duties at the office; and I wish it to be understood that the index which I compiled from 1825 to 1837 was entirely extra work. I felt an interest in the department, and I compiled that index by extra work, for which I had no remuneration.
78. Was it at your own suggestion? At my own suggestion.
79. *By Mr. Smith:* Do you know if the wills in the Supreme Court are in a dry state, or damp? I do not know.
80. Has it ever happened that you have seen those wills in the course of business? I have seen them, when I belonged to the Court, and they seemed to me to be in a dry state; but this was before they were put in the room at the foot of the stairs.
81. You have not been into the compartment in which they are now deposited? No.
82. You are not aware whether it is a dry or a damp place? No.
83. From its locality do you think it is dry? I should say not.
84. Is there any ventilation? None.
85. Is it below the pavement or above it? It is above the pavement.
86. Underneath the staircase? Underneath the staircase.
87. It is an iron roof? Yes.
88. And a wooden door? I cannot say: I think it is.
89. And no means of ventilation? No means of ventilation.
90. *By Mr. Hay:* Where were those registers that are now found to be fading—where were they kept previous to their removal to the present office? In a building between St. James' Church and the Court House. That building was very damp. I pointed out to the Chief Justice, on one or two occasions, the damp state of the records in that building.
91. *By Mr. Smith:* Do you mean the new wing? Where the Insolvent Court now is.
92. *By Mr. Hay:* Is the house in which they are now lodged perfectly dry? It is perfectly dry and warm where they are now kept.
93. Do you think any of the registers suffered from damp in the old building? Yes, I think many of them suffered from damp. But I would observe that the ink still fades, notwithstanding their being in a dry room; and even documents which we have received since we have been in Castlereagh-street it is perceptible that they fade.
94. *By Mr. Smith:* Do they all fade, or do some fade and others retain their colour? Some fade, and some only parts of them fade—apparently where the sheep has been diseased, or from some particular cause in the parchment.
95. Do you notice a difference in the deeds from different solicitors' offices, written with different inks? No; some from each office are faded. It appears to me that it is more the parchment than the ink, on account of our own ink fading. We are supplied with the best ink, and we find our ink fade as well as the solicitors'.
96. Are you aware whether any particular kind of ink is used in England for valuable records? I am not aware.
97. *By Mr. Hay:* You are not aware whether this ink, though supplied by Government, is in

- T. J. Jaques, in reality the best ink? I am not aware. I only presume so from the fact that it is supplied to the Government as the best ink.
- Esq.
- 16 June, 1868. 98. Are you not aware that Government stationery is very bad? I am quite aware of that.
99. *By the Chairman:* But you think the ink is an exception? No. It is only supplied to us as the best. I find that our ink fades as well as the solicitors' ink.
100. In some cases perhaps it fades more than in others? There is one deed you will observe written on ten or twelve sheets of parchment; some parts are faded and some legible. They were apparently written with the same ink, and at the same time.
101. Written at the same time. Where different inks are used one portion will fade where another portion written with another sort of ink has not faded? No, I cannot say that. The ink on certain skins is faded in places notwithstanding the use of the same ink.
102. I omitted to ask you about the present system of searching: that is, I believe, the right of the public at present? It is done by the public at present.
103. And certain precautions are taken to prevent any tampering with the records? Yes; but, notwithstanding that precaution, I think that the public, if they had an evil intent, could so materially alter the index that it would throw a searcher entirely off the title.
104. It could be done? It could be done.
105. And it might be done, and years pass over without detection? Yes, without it being detected. In one instance I discovered that such an alteration had taken place; it was in the name of Bluck, a person residing on the Surry Hills. The name had been changed by joining the top of the *u* and making it Black. There are many names—the public having free use of the index—that could be totally changed by a trifling alteration:—"Hill" to "Hall," "Peck" to "Peeck," "Hore" to "How," "Barber" to "Barker," and so on.
106. There is a risk of that, notwithstanding the utmost vigilance? Yes.
107. And that would cause considerable inconvenience? It would perhaps lead an attorney into a serious error.
108. Not only the attorney but the public? No doubt the purchaser would suffer.
109. Then what do you recommend as a change upon this? I should recommend that the searches be made by efficient parties appointed in the department. They would have to be competent parties, with some knowledge of the deeds they would have to inspect.
110. Would a person educated in that way search with greater facility, greater rapidity, and greater certainty than any casual searcher? No doubt; becoming acquainted with the indexes and registers he would make a search in a much quicker time than a stranger unconnected with the department.
111. Now, for instance, there are several extensive properties in this country I believe you could lay your finger upon in much shorter time than anybody else? In a much shorter time.
112. And so it would be with any competent person who made it a study? Yes; they would also keep a copy of every search they had made and then upon a subsequent requisition they would only have to continue the search. Though an extensive work in the first instance, it would gradually decrease, as they would have a copy-search against the large land dealers.
113. Do you think a fee would pay the expense of that? Yes; and I think the attorneys generally would agree to it; but I think power should be given and reserved to the public to make the search, accompanied by these searchers, in case they wished to inspect any particular deed themselves.
114. Then the office in that case of taking the searches would also have the right of furnishing copies? The office now furnishes all copies, but at certain times the copying clerk is so engaged that he cannot get it done sufficiently quick, and then the attorney sends an engrossing clerk, and we charge the same fee as if the copy had been made by the department.
115. Then you recommend that that course should be adopted? I think the searching should be done by the department.
116. And that it might be covered by the fees? By the fees.
117. There would, of course, be great responsibility—how would you arrange that? I should think that the Registrar or searching clerk should not be responsible unless carelessness were proved. You see, in searching the attorney is now acquainted with the title, either by abstract or otherwise, whereas the searching clerk, not having that knowledge, might conceive that the property did not affect the particular property for which search was being made, and might pass over where the description was so vague that he could not tell the precise locality of the land; but the attorney, having a knowledge of the locality from the abstract, and from conversation with his client, would know of these particular localities.
118. Then you think the office should not be responsible? Yes—not responsible.
119. Do you think the public would be satisfied with that arrangement? I think the public would be satisfied if competent persons were appointed, and the Government, no doubt, for their own credit, would do all they could to ensure careful searching.
120. But, in cases of gross negligence you think there should be a responsibility? Yes; for gross negligence or tampering the clerk should be responsible.
121. Do you not think it desirable wills should be also registered before probate was granted? Yes.
122. A simpler plan would be, I apprehend, to enact that all wills should be registered. There would be no objection to that course, would there? No, except from expense to the public. It should not be a very heavy expense.
123. *By Mr. Hay:* Wills relating to mere personal property would not be necessary? No.
124. *By Mr. Smith:* Do you not think it more likely mistakes would be made in the event of wills which convey or devise real estate only being registered, and those in reference to personal property not—if it were known that all wills must be registered there would be less liability to error? Yes, there might be.
125. And the expense would not be very heavy? No.
126. In fact, I presume, the expense would depend upon the length of the will? Yes.
127. A short will would be comparatively inexpensive? Yes.
128. Looking at the signatures you have seen from time to time of the various officials in public

public offices, do not you think it very desirable that caution should be given to these gentlemen not to blot their signatures, to prevent them fading away? Yes, but in cases such as my own signature, which is written sometimes sixty or seventy times a day, it would be impossible without incurring the liability of their being smeared. There are so many signatures at one time in a deed, that unless you blotted them you could not put the deed away; the affidavit being on one side and the receipt on the other, for instance.

T. J. Jaques,
Esq.
16 June, 1858.

129. It is beyond a doubt that blotted signatures fade more rapidly than those which are not blotted? I believe that some cause of the fading is too quickly blotting.

130. *By the Chairman:* Perhaps you have something more to state to the Committee? I was going to point out that the great difficulty we have now in the indexing and searching is from the want of a consecutive trace of the titles. It not being compulsory, many parties omit to register deeds, and the title is then taken up at a distant interval; so that I think registration should be compulsory, or that validity should be given to registered deeds over unregistered deeds.

131. Without retaining equities? Without retaining equities. Also deeds by endorsement are so frequently indefinite that it is impossible to tell who is the vendor or the mortgagor, and without reference to the deed upon which they are endorsed. There are also innumerable subdivisions of properties without defining the starting point, or the locality of the land.

132. *By Mr. Smith:* In point of fact, a property may have been re-conveyed by one of those deeds by endorsement, as you term them, and yet no proof of the re-conveyance may exist at the registry office; and a party going to the registry office would imagine that the person who possessed the estate by virtue of the original deed still possesses it? They could not tell whether the mortgage had been re-conveyed or not by the copy endorsement registered.

133. The mortgagee would still appear to be in possession? The mortgage would still appear to be outstanding. Then there is the case of single women. The females being married the conveyances appear in the name of the husband, and there is a difficulty we always have in searching, thus:—Ann Jones possesses property, and we would know where to find it, but she may marry Thomas Smith, and the transfer would appear in the name of Thomas Smith and his wife.

134. *By Mr. Hay:* You think it is necessary that there should be something to show the connection? Where a husband sells by right of his wife it should state, as in the case of Ann Jones, Thomas Smith and Ann his wife, formerly Ann Jones. If upon the deed it disclosed the fact that the husband was selling by right of his wife, and that she bore the name of the original proprietor, then we should be enabled to index it,—Ann Jones (now Smith) and Thomas Smith, with the consent of his present wife (Ann Smith). The difficulty is not knowing the change from the letter J to the letter S.

135. *By Mr. Smith:* But I apprehend you would have both the letter J and the letter S, and that in the case of Thomas Smith and wife (late Ann Jones) your record would be, on the one side Smith and wife, and on the other Ann Jones (now Smith)? Yes. I would also recommend that the deeds deposited or registered should be duplicates instead of copies, with the signature of either party, purchaser or vendor, because if it were the duplicate of the deed it would be future evidence against them. The copy deed now is signed by either party, either the purchaser or vendor, and of course the purchaser's signature could not be taken as evidence against the vendor.

136. *By the Chairman:* You recommend that it should be a duplicate? Yes; shortened in the way I formerly mentioned.

137. *By Mr. Smith:* Signed by all the parties to the deed? Signed by all the parties; and that in cases where they could not get a duplicate signed they should deposit a copy and the original. The copy could be bound up in the ordinary size and refer to the original. I would also mention, that in many of the original grants from the Crown the description is indefinite—not setting forth the counties or parishes, and that that same blank is perpetuated in all conveyances. That is a great difficulty also in searching. In other cases the land is situated in both counties, of which I have shewn a list here. (*Witness handed in the same. Vide Appendix A.*)

138. *By Mr. Hay:* In this case, at the time that land was granted it was not within any county—it was beyond the original boundary? Still there are instances in the known counties where they have omitted to put in the county or parish.

139. Do those instances occur of late? Some still occur.

140. *By the Chairman:* The parish would be unnamed in more than three out of four instances? Yes; but it is in the counties where the difficulty arises. You may search and find that the land is at Violet Creek, but you cannot get the information where that Violet Creek is.

141. *By Mr. Hay:* Did I understand you to suggest the division of the index according to the police districts? Either police districts or other defined divisions of the Colony.

142. You are aware, with reference to a great portion of the grants, that they have been described as in certain counties? That has been the rule hitherto.

143. The boundaries of those counties having been defined and proclaimed? Yes.

144. Then it would entail a considerable degree of inconvenience if with respect to the registry any other division were now to be adopted? To those past registers; but I am speaking of the subsequent registers taking the police districts or other defined boundaries.

145. You are aware that the survey has been conducted with reference to the boundaries of counties and not with respect to the boundaries of police districts? Yes; I am aware that it has been principally according to the counties.

146. The boundary of a police district as now proclaimed might go right through the centre of an estate? Oh! yes.

147. Of which there was but one grant? Of which there was but one grant, as it does now in some instances, going through counties, as illustrated in this Appendix, A—there are 1,900 acres of land part in the County of Bathurst and part in the County of Wellington.

148. In one deed? Yes.

149. There was no necessity for that? I do not know; but it was laid out by Government surveyors; that is the difficulty we should experience in keeping county registers.

150. You would have, I presume, to have all such deeds registered in the register for each county? Yes, where land lay in both counties, in each county, or each police district.

APPENDIX A.

GRANTEES.	LOCALITY OF LAND GRANTED, AS DESCRIBED IN GRANT.	QUANTITY.		BOOK.	PAGE IN BOOK.	REMARKS.
		a.	r. p.			
Black J. H.	{ Counties of Bathurst and Wellington, at junction of Frederick's Valley Creek, with } Blackman's Swamp	1,920	0 0	Grants of Land, B 5	164	
Broughton W. H.	At the Burroowa River	1,280	0 0	Grants of Land, B 3	29	
Campbell R. M.	Counties Camden and Argyle, at Wingello	603	0 0	Grants of Land, A 3	162	
Campbell J., and others	At Dungangera, on the Burroowa River	1,280	0 0	Grants, G 2	69	
Collits Pierce	At Coorindra, on the Belubula River	317	0 0	Grants of Land, B 3	130	
Dutton W. H.	At Cooradigbee, on the Murrumbidgee River	2,560	0 0	Grants of Land, B 5	36	
Green E. B.	At Bookham, on Bogolong Creek	5	0 0	Land Purchases, 10	162	
Green James	At Jugiong, on the road to Victoria	5	0 0	Land Purchases, 13	101	
Harrison Benjamin C.	At Downing, on the road from Yass to Victoria	2	0 0	Land Purchases, 10	3	
Hassall Rev. Thos., and another	At Congera, near Mount Connemumbola, on the Burroowa River	960	0 0	Grants, G 2	41	
Hatfield John R.	At Violet Creek	5	0 0	Land Purchases, 9	181	
Hughes John T.	Do.	10	0 32	do.	191	
Jamison Sir John	Counties Roxburgh and Hunter	1,920	0 0	Grants of Land, B 4	73	
Jamieson Hugh	Parish of Kaugerong, near Mount Martha, Colony of Victoria	5,120	0 0	Land Purchases, 12	8	Special Survey.
Lawson Nelson S.	At Bonyamurra or Harrison's Plains, on Coolaburragundy Creek	1,920	0 0	Grants of Land, B 3	172	
Lowe J. W.	At Bolaro, on the Talbragar River	1,280	0 0	do.	36	
Martin Robert.	At Cobborah, on the Talbragar River	1,280	0 0	do.	97	
Middleton James	At Reedy Creek, on Port Phillip Road	2	0 0	Land Purchases, 13	22	
Newcombe George W.	At Violet Creek	6	0 0	Land Purchases, 9	87	
Newton Joseph	At Bowning Creek, on the road from Yass to Victoria	5	0 0	Land Purchases, 10	245	

THURSDAY, 29 JULY, 1858.

Present :—

MR. HAY,

MR. OWEN,

MR. SMITH.

ROBERT OWEN, ESQ., IN THE CHAIR.

John Smith, Esq., M.D., Professor of Chemistry to the University of Sydney, called in and examined :—

John Smith,
Esq., M.D.

1. *By the Chairman* : Have you examined the records in the Registrar General's Office on parchment? Yes, certain of them. The Registrar General shewed me a great variety of specimens, and I think some of the most illegible he had in his possession.
2. Did you observe them generally as well? Yes; I looked over a number of volumes.
3. Did you find different degrees of legibility in the writing? Yes, from perfect legibility up to perfect illegibility. Some of the writing could not have been deciphered by the most practised eye.
4. I believe your previous studies have enabled you to judge what is likely to be the cause of this illegibility? Only, perhaps, to a limited extent. With regard to the action of parchment upon ink, I am not prepared to say what the peculiar action is. The general nature of the action is obviously this,—the organic acid of the ink has been destroyed.
5. *By Mr. Hay* : By what? I am not prepared to say. I cannot tell what particular action of the parchment should have caused that effect.
6. *By the Chairman* : Can you state whether the illegibility of the writing has arisen from the ink or from the parchment? In looking over the books at first I had great difficulty in making up my mind. In some places one would say, almost at once, that it must be the ink; in others, they would be equally inclined to say it must be the parchment. If one wanted to make out a theory either way he could get examples to bear it out. Upon the whole, however, I think the effect must be attributed chiefly to the parchment. I am inclined to think there are cases which you must attribute to the ink; but certainly there are cases where apparently the very same ink has been used, and where you have legibility in one case and illegibility in the other: so that I must attribute most of the effect to the parchment.
7. Have you observed the paper records of the office? Yes. I was shewn a number of paper records, some of them very old—fifty years old at least.
8. What is the result of your opinion from that examination? In some cases, certainly, the writing has faded a little, but not so much as to be illegible. The worst specimens I saw were perfectly readable.
9. And the worst specimens on the parchment — ? Were perfectly illegible. Those accustomed to such writing could not make out the words.
10. Looking to the paper as it has been used, without, perhaps, any particular selection of it, and looking to the parchment as it stands on the records, what is the result of your opinion as to the preferability of one to the other? My impression is that, upon the whole, paper will be safer than parchment. There are some specimens of parchment where the writing is as bright as when first written, but the greater portion of the writing is faded, more or less. None of the parchments I have seen are very old; and if the fading goes on the probability is that in the majority of cases the writing will become illegible in a few years, whereas in the paper documents, after fifty years, the fading has gone on to a very slight extent. The reason of the fading, as I have said, must be the destruction of the organic acid. Ink is a compound of gallotannic acid and iron. This gallotannic acid gets destroyed—I would not say in what manner, but we know that such organic acids are easily destroyed. Gallotannic acid is destroyed by most alkaline substances, and parchment is prepared, I believe—I do not know the actual process—by means of lime or chalk. Now, lime is an alkaline substance, and will destroy ink. If, then, we suppose that some lime has been left in certain specimens, while it has been thoroughly removed from others, that would be a very probable ground of the difference. In those skins where a little lime had been left, the action of that would destroy the ink. Further, with regard to parchment, I have noticed that those skins that are most illegible have a very smooth surface, and give you an idea of a slightly greasy surface. Now, grease is of an acid nature, chemically considered, or very liable to turn acid; and I could easily imagine, although I do not know that such an effect occurs, that the greasy or oily matter left in the skin might destroy the ink.
11. Those accustomed to write on parchment find a great difficulty in getting the ink to sink into greasy parchment—it seems to remain on the surface—have you observed that? The only thing in connection with that I can say I observed was, that in certain cases, where erasures had been made, where the original word had been scratched out, and a new word written in, the new word was much more legible than the others; shewing that where the ink had an opportunity of sinking into the parchment the writing was much more permanent.
12. You are aware that in writing upon parchment the writers almost universally apply some substance called pounce, cuttle-fish, or something of a limy nature, in order that the writing may remain? If any of these compounds used contained lime it would be in the state of carbonate of lime, and would not have the same injurious effect as quicklime. My impression is, that in the original preparation of parchment carbonate of lime is sometimes used, and at other times quicklime; the quicklime would probably be more dangerous if any of it were left in the parchment. What I have said about the action of these matters upon the ink refers only to writing ink; printing ink would not be acted upon by any of these substances that I speak of. Printing ink is perfectly indelible; there is no method known of destroying the black of which it is composed without destroying the fabric upon which it is printed.

John Smith,
Esq., M.D.

29 July, 1858.

13. *By Mr. Hay*: What is it composed of? The basis is lampblack, and inks have been prepared for writing with having a basis of lampblack, and that would be utterly indestructible by ordinary agency—by any that would not destroy the fabric.
14. *By the Chairman*: Even though it were written on inferior parchment? Nothing in parchment of any sort will destroy the black of lampblack.
15. *By Mr. Smith*: Is the lampblack writing ink made now? I believe it is, but it is not in common use; I believe the difficulty is in making it flow easily from the pen and getting it to sink into the paper. Various methods have been tried to make an indeible ink that will flow from the pen. I know some patents have been taken out for indelible inks, and many fluids have been tried to suspend lampblack; because you must have a fluid which will hold lampblack in suspension. One plan was to dissolve gluten of wheat in weak acetic acid, and then to mix lampblack with it.
16. *By the Chairman*: You are fully acquainted with the materials that compose paper? Yes. I do not know all the details of the process now-a-days.
17. Do you consider well made paper very lasting in its nature? Yes; pure paper is a very unchanging substance; it is a substance extremely little liable to change, and not likely to act upon any of the organic acids that common ink contains.
18. So that writing upon paper, under all circumstances, must be less liable to be rendered illegible than upon parchment? If pure paper were used that would be the case. The ink might still fade, from atmospheric influences or from damp, because other things will act upon the acid of ink besides the fabric upon which it is written. Ink made of logwood instead of pure gall nuts will be more likely to fade. With pure paper there would be no bad influence of the paper upon the ink, for the chemical substance that forms the pure paper is remarkably inert.
19. Will you have the goodness to state what pure paper should be composed of? Pure paper should be made from clean linen rags, and if bleaching substances be employed, they ought to be thoroughly washed out of it. I believe it to be possible to make fine paper without employing such bleaching agencies as would destroy the purity of the substance. For example, you might employ linen that has been bleached upon the grass in the sun, and where this natural bleaching process has been employed without any chemical bleaching agency you would have a pure substance, for clean pure linen is almost a pure chemical substance, being a specimen of almost pure cellulose. This cellulose you would obtain if you used no chloride of lime in bleaching, but simply the sun and air; and it is an unchangeable inert chemical substance, and is not known to act in any way upon the organic acids of ink.
20. Paper prepared in that way would be very durable—it would last for centuries? So far as we know, it would never of itself decay. There is nothing inherent that will cause decay, provided it be kept in a moderately dry atmosphere.
21. Then is it the general result of your opinion that paper would be preferable to parchment in records of this description? On the whole, I think it would be more easy to secure good pure paper than to secure good sound parchment, and good pure paper is more certain to retain writing than parchment.
22. And, therefore, if you had the direction of the material for these records you would prefer paper to parchment? That is my opinion. Arrangements could be made with a first class manufacturer to supply the paper especially for this purpose, in which no material should be employed that would be likely to have any action upon the ink; and I believe such papers are made for various purposes, where no chloride of lime is used, or where none is allowed to remain. Then the ink must be carefully prepared also; but I believe the best methods of making good writing ink are well known now, and a particular variety of ink might be obtained, such as I believe is now used in the Registrar General's Office in England.
23. Do you know what that is composed of? All the best black writing inks are composed essentially of an infusion of gall nuts and sulphate of iron, with a little gum to give a slight thickiness to it. When other things are put in it is generally to make the ink cheaper.
24. I presume there would be no difficulty in a manufacturer putting a mark upon the paper prepared in the way you suggest? No difficulty. What are called water-marks could be introduced in the preparation.
25. So as clearly to distinguish it as registry paper? Yes; there would be no difficulty; it could easily be distinguished from all other.
26. *By Mr. Smith*: I judge from your evidence that you think it would be most essential that the Government here should import the best paper for registration purposes, and also the best ink? I have heard that suggestion made, and I think, on the whole, it is a very good suggestion. I think that would secure a supply of the finest paper, and certainly it could be no hardship upon those who prepare deeds that they should have to apply to a certain office for the necessary paper.
27. It might be done in this way: The Government might import the paper, and place it in the hands of agents, in the same way as postage stamps, for sale—the Registrar General being instructed to receive no deeds for registration but those written on this paper, bearing the stamp of the office? I think, upon the whole, that would be a good plan, and it would be an additional check upon the genuineness of these documents if none were legal except those written on the authorised paper.
28. Without this precaution, even if we decided that paper should be the substance on which these deeds should be written, the registered copy would always be liable to obliteration when the paper was bad? I think that liability would be very small, because paper, as a general rule, now-a-days is so good; but still a little extra precaution would be highly desirable; and this might be taken by getting the paper made expressly for the purpose by a first class manufacturer.
29. No private inconvenience would result from that cause, as it would be very easy for lawyers or law stationers to get a supply of this paper from the Registrar General's Office? I think there

there would be no inconvenience. I do not think it would be a very expensive process, for very fine paper is not much dearer than inferior paper.

30. The difference of cost would be almost infinitesimal? Upon individual documents it would be very trifling.

John Smith,
Esq., M.D.

29 July, 1868.

31. In looking through the books in the Registrar General's Office have you noticed that two deeds written on the same day, within a few hours of each other, and bearing Mr. Jaques' signature, signed with the same ink, there is a great difference with regard to the legibility of the writing—does not that case shew that it is the parchment that has affected the legibility, and not the ink? That is one of the cases which shew that the parchment is in fault.

32. Are there cases where on the same sheet of parchment there are different inks in different states of preservation? There again the fault might be attributed to the ink—certain descriptions of ink may be more likely to be acted on by the deleterious ingredient in the parchment than others.

33. Upon the whole you think the parchment is more in fault than the ink? That is my general impression, from looking over a great many pages.

34. *By Mr. Hay:* In examining these paper records did you observe any cases of fading in them? Yes, of fading, but not to a great extent; the worst writing I saw upon paper is quite readable.

35. Does paper or parchment suffer most from damp? I cannot answer that question, for I do not know the action of damp upon parchment. Paper is not liable to great injury from moderate dampness; it will stand a damp atmosphere for a long time.

36. Do you know what is the substance of the most ancient M.S. that have come down to us, and of those of the middle ages? I have not considered that matter.

37. You are aware that there are very old parchments and vellums on which the writing is in a state of very great preservation? It is a matter I have not gone into, but it is likely they used inks with a permanent black basis—lampblack, or some other carbonaceous basis—like the China ink of the present day. This is an indelible ink, because the black basis is carbonaceous.

38. Is there not a difficulty in getting paper of sufficient tenacity to stand the wear and tear of much handling? Ordinary paper, of course, would not stand the same amount of handling as parchment. Paper can be made very tenacious, about as tenacious as parchment; but that involves manipulations that might injure the paper with relation to the ink. I know one method of producing very strong paper, but that would cause doubt in my mind as to the advisability of using it. If paper is drawn through diluted sulphuric acid, and washed thoroughly in clean water, the chemical nature of the paper is changed, and it becomes nearly as strong as parchment; but I would not say that it would be safe to use it with common writing ink.

39. You think there might be a danger of injuring its quality as a recipient of ink? I think there might be a danger. If there were the least speck of acid not washed out it would injure the ink.

40. Is there any method of chemical analysis by which the quality of the paper could be easily ascertained? It would be difficult, because a minute quantity of matter left in the paper, which could scarcely be detected by analysis, might, in process of years, act upon the ink. We know that these infinitesimal quantities of matter which we can scarcely detect or estimate will, if they have plenty of time, produce very obvious effects.

41. Do you think you might in this way ascertain if the paper were really unfit for the purpose—if it were decidedly bad, would the quantity of the injurious matter be so small as to render it difficult to detect? In case the paper were decidedly bad I think the chemical tests would ascertain it.

42. With regard to ink, is it easy by analysis to find out whether it is good or bad? No, it is very difficult; you must try the ink, or trust to the manufacturer.

43. Might not a quantity of the ink used in the office be always kept on hand for the purpose of testing any fresh ink before the latter was used? You could scarcely test it; age is the only satisfactory test.

44. Is there no way, by exposure to the atmosphere, or to damp, to anticipate the gradual effects of age? I do not think so. You might in the case of very bad ink accelerate the change by some contrivance, and see, in the course of a very short time, that it is liable to fade; but I think that would be the case only with very bad ink. I do not think you could, in a limited time, imitate the effect of long exposure to the air.

45. You do not think exposure to a very unusual extent to the air would produce the same effect as the usual exposure for a long continued period? I do not think it would.

46. In one of these books, if not very much used, there can be very little exposure to the air? In a chemical point of view they are exposed to the air. The gases permeate in a remarkable way between the leaves, and if this obliteration is caused by an oxidizing process, which is not at all unlikely, enough air would get between these leaves to produce that oxidization. The quality of the ink might perhaps be determined by the use of weak bleaching agents, but I would scarcely venture to propose that as a means of testing it. Common writing ink is easily bleached.

47. *By Mr. Smith:* I think you said that in the Registration Office at home they do use a particular kind of ink? I believe so.

48. Would it not be the safest plan to use the same here? I think so. No doubt they have taken means to ascertain what is the best ink.

49. *By the Chairman:* You have been in the Registry Office? Yes, examining the documents there.

50. Is it sufficiently aired and warmed, do you suppose, for the ordinary purpose of preserving deeds—is it so situated, or is the house so constructed, as to be the best adapted to preserve them from damp? I would not like to give an opinion upon that subject. The house I think is well enough situated; perhaps the ventilation might be improved; but I merely

John Smith,
Esq., M.D.

29 July, 1878.

went into the house for a special purpose, and I did not pay much attention to the arrangement. I think a place where written documents are kept should be well ventilated, and that means should be taken to keep it reasonably warm. A moderately warm dry atmosphere I believe to be most favorable to the preservation of written documents.

51. Have you been in the Will Office at Doctors Commons? No; but I have seen statements that many documents in the Registrar General's Office in England have been destroyed by being kept in a damp cellar.

52. In the construction of a building for the preservation of records, will you state of what indestructible material it should be built—whether the prevalence of iron would be at all injurious? I think the prevalence of iron would not be injurious. I think ordinary fire-proof materials, stone or iron, might be used without any risk. No doubt, if the place were damp, iron would rust, and might communicate stains and other damage to the books, but on the supposition that the building was kept dry and reasonably warm, I think there would be no risk from the use of iron.

53. It should be well drained? Yes, and ventilated, and means should be taken for keeping it properly warm in cold weather, not that I attach much importance to the state of the temperature, but I would keep it warm in order to keep it dry.

54. *By Mr. Smith:* If it were built of stone a fire would draw from the stones any damp that might be in them? Yes. There is a method of plastering houses here which I have not seen elsewhere; I refer to the plaster being put upon the stone without laths. I think, in building a registration office, the rooms should be lathed as well as plastered.

55. Do you not think the room would be better if there were merely bare walls without plaster? I think that might be better, excepting that here you have the disadvantage of porous stone.

56. Do you not think it would be desirable to build the Registrar General's Office on a plan of this kind:—To have an inner room surrounded by an outer wall to withstand the weather, with a space between the outer and inner walls, and to place a layer of cement and slate between the ground and the upper courses, to prevent the damp from the ground rising through the walls? I have no doubt, with fires inside to keep the place warm, such a building would be perfectly dry.

57. *By Mr. Hay:* Is it not necessary with the usual building stone of Sydney to paint the walls, in order to prevent damp from penetrating? Some impervious material ought to be put on, and paint is the most convenient. They are now employing in England a kind of glaze or silicated varnish.

58. *By the Chairman:* Might not wooden shelves be so prepared as not to be destructible by fire? I believe wood can be rendered, not indestructible by fire, but so that it will not easily take fire.

59. That it would not be very liable to ignition? It could be made so that it would not be liable to ignition.

60. Would that be a dry material for shelves for books to rest upon? I would prefer wood properly seasoned, and not so prepared. If the office were in a stone building like what has been spoken of, there would be no possibility of external fire touching it. Shelves of well-seasoned wood, without further preparation, would be quite sufficient.

61. Would they be preferable to stone shelves? I think so; stone shelves would take up a great deal of space, and I think it would be preferable to have wood as shelves, with which the leather binding of books would come in contact.

62. Have you any further information to furnish the Committee with respecting the matters upon which you have been examined? Nothing further occurs to me at present.

63. Will you have the kindness to look at the Bill now before this Committee, which has passed the Legislative Council, called "*An Act for the better preservation of Registered Instruments.*" The preamble of this Bill mentions that at present the law requires deeds and other instruments registered to be on parchment, and states that "it is expedient that the law in this respect should be altered, and that copies for registration should hereafter be on paper, and that fresh copies on paper should be substituted for certain copies upon vellum and parchment, already partially obliterated." Is it your opinion that this is expedient? I think on the whole it is expedient.

64. I think you have stated that some of the records are quite illegible, and that others are nearly so? Yes.

65. I believe you have made some small experiment as to the restoration of the writing so as to render it more legible? Yes. On examining the worst specimens I found there was still a faint trace of the oxide of iron left from the ink,—the organic acid had gone, the black color had gone, but there was a faint trace of the iron basis. I then went on the supposition that we might restore the original acid, and accordingly I moistened a corner where the writing was perfectly illegible. I could make nothing out of it myself, even using a lens I could not read a word or recognize a letter. I then moistened a portion with an infusion of gall nuts, which contain the same acid that was in the ink. In this particular case the original ink had been blue, so that I do not think this quite so favorable a trial as it would have been if the original ink had been black. I painted the corner with this infusion, and allowed it to remain for a short time, and the writing became quite legible. Although not accustomed to read this particular kind of writing, I can read every word that has been written here.

66. Do you think the same application would be successful in the other cases you have observed in these books? I have almost no doubt that this process would render any portion of these volumes sufficiently legible to be re-copied. I do not think this revivification would be permanent, but sufficiently permanent to enable clerks to recopy the writing.

67. But in any case this application could not make matters worse? The writing could not be any worse for the moistening; the parchment would be physically worse, because if you wet parchment it will shrivel, but the writing would be none the worse.

68. Could that be done by any common hand, or should it be done by a chemical gentleman? Any clerk could do it. All that it would be necessary to do would be to prepare the infusion and apply it with a broad camel's hair brush over the page. John Smith, Esq., M.D.
69. What is the proportion of gall nuts to water? I made the infusion at random, and I was satisfied with this preliminary trial, but if I were to go into the matter, I would try solutions of pure gallic and tannic acids of different strengths. 29 July, 1858.
70. *By Mr. Smith:* Whatever infusion is used, would it not be better that it should be prepared by a chemist? It would be better that a chemist should prepare it, but it could be applied by any clerk.
71. *By Mr. Hay:* It could be prepared by any practical chemist? Yes.
72. Do you think that if these records are left for some time without anything being done to them, will it not be impossible, even by the process you have now tried, to make the writing legible at all? I would scarcely venture to speak positively on that score. My impression is that it might be revived a few years after this. I do not anticipate any such rapid process of destruction going on; in fact, I believe this might be done after any length of time, because I think the oxide of iron will remain, and so long as you have oxide of iron you may revive it by the application of gallotannic acid.
73. *By the Chairman:* In the meantime the records might be required, and the process you mention could be employed harmlessly? It could be employed harmlessly; still I think it should not be used until the documents are to be re-copied. That is to say, I would recommend that the books should not be gone over as a whole, but should be prepared within a few days of their being re-copied.
74. Would you recommend that anything should be placed between the leaves after the application of this solution? I would treat only one leaf at a time, and protect the next sheet by a few sheets of paper or a board.
75. Would you protect it in this way permanently, or only until it was dry? Only until it was perfectly dry. When perfectly dry it will have no effect upon the neighbouring page. A portion of the deed to enable the clerk to ascertain the nature of it might be revived, and the rest might be done when required. But what I have particularly in view just now is, that supposing you moisten a sheet with the infusion, and then lay it aside without re-copying, if it were left so long as to fade the second time it might not be so easy to revive it again.
76. The third clause enacts, that "whenever it shall appear to the Registrar General that any certified copy already registered in his office is partially injured, and in danger of obliteration, he may cause a true paper copy thereof to be made." That clause seems to be framed in accordance with the suggestion we have now received from you,—that the restoration be made as required only, and immediately after being painted? Yes.
77. Have you any further suggestion to make to the Committee? None.

WEDNESDAY, 25 AUGUST, 1858.

Present:—

MR. HAY,
MR. JONES,

MR. OWEN,
MR. PIDDINGTON.

R. OWEN, Esq., IN THE CHAIR.

David Bruce Hutchinson, Esq., called in and examined:—

1. *By the Chairman:* I believe you are Chief Clerk of the Supreme Court? I am.
2. Are the original wills of the Colony deposited in the Supreme Court? They are.
3. Are they kept in a separate room? They are kept in a small chamber; in a species of recess in the wall on the ground floor of the Supreme Court.
4. Is it a well-aired chamber? No; there is no ventilation whatever, except when the door is opened.
5. I believe they are all the original wills that have been proved from the commencement of the Colony? Yes.
6. Are they in such a position as to ensure their safety? No; I think they are very unsafe indeed, in case of fire or accident; the walls of the chamber are but of brick and plaster, and the roof is of cased iron, and the door is also iron; this is the only safeguard against fire.
7. The roof appears to be like a sheet of iron? It is of sheet iron, but whether the iron is double or not I do not know.
8. You think that would be no defence against fire? No; I think it would rather tend to the destruction of these documents in the event of fire, as the iron would become red-hot.
9. Are these wills copied—are there duplicates made? At present they are very much in arrear—for nearly ten years I should say.
10. So that the wills are only represented by themselves? Yes; and if lost, the record of a large number of them would be lost to the Colony altogether.
11. I need not ask you whether it is of great importance that that should be prevented? Of very great indeed; the misery, expense and trouble such an event would bring upon a large number of persons interested under the wills cannot be estimated.
12. You think it therefore important that they should be removed to some place of safety? Every day's delay in such a matter is important; if there were a fire, and these wills were destroyed, the loss would be, to a very great extent indeed, irreparable. Titles to large properties are involved in these records, and if these were destroyed the holders of property would perhaps in very many instances have no proof whatever of their title, which, if desirous

D. B.
Hutchinson,
Esq.

25 Aug., 1858.

of

D. B.
Hutchinson,
Esq.
25 Aug., 1858.

- of selling, or in the event of its being disputed, would lead to a great amount of litigation, inconvenience, and misery.
13. There are fires in the various rooms in the Court? Yes; and in the various offices.
14. And in the housekeeper's rooms? Yes; in fact the building is very liable to fire at any time; it is an old building, and there is an immense quantity of timber about it; if it were once to catch fire, it is my opinion that it would never be extinguished until the building was entirely destroyed.
15. It is peculiarly liable to fire from its construction? Yes.
16. I presume the wills are under the custody of the Prothonotary? Yes; but under my more immediate custody, as having the management of the Ecclesiastical Department.
17. Supposing they were transferred to a separate, safe building, could you suggest whether it would be necessary that the Supreme Court should have immediate reference to them? The Supreme Court should have the immediate control over them, with power of immediate reference to them.
18. They are frequently referred to? They are frequently referred to in connection with litigation. They are so essentially connected with the administration of justice that I think an experienced officer, who knows something about the nature of wills, should be able to see them with the parties searching.
19. I suppose you have the keys of this chamber? I have the key, which I keep in the strong-box up-stairs with a few of the wills in general use, for reference, perhaps half a dozen, and those that we are copying.
20. In case of a fire happening, how could these wills be reached and rescued from the danger? The bulk of the wills are kept in the chamber I have described, upon the ground floor, and from the back of the Court—the Judges' entrance as it is called—the iron door of this chamber is about four yards; but as the key is kept in my custody up-stairs, it would be necessary, in the event of fire, to break open the iron door, and before that could be accomplished the wills might be consumed altogether.
21. Then I presume you have a strong opinion that some immediate steps should be taken to secure these wills? Yes, as soon as possible.
22. Do you think they are in greater danger as they are now than they would be in the Registrar General's Office as it is? I have never been in the Registrar General's Office to see where the records are kept.
23. What would you suggest to be done for their safety?—Would it be advisable to have them removed to a place of safety, and to have the premises contiguous to, or in the neighbourhood of, the Supreme Court, in order that the wills as they came in might be placed in the new depository? It would be very necessary that the new Record Office should be near the Supreme Court, because I suppose there may be ten or twelve, and sometimes more searches in a day—sometimes there are only one or two. These searches are frequently very long, and it is necessary that either myself or one of the clerks should attend the party searching. If there is any difficulty, I go myself, and explain the wills to the parties. There is a difficulty in the searching of wills which there is not in the search of other documents: you can see on the face of a deed the nature of it; but in the case of wills there may be amongst the papers informal documents which the Judges may have set aside, and if a person who came to search had no one with him who understood the matter he might go away with false information; for instance, a will may not be executed according to law, and, therefore, informal; yet, we keep the document impounded with the papers, that no improper use may be made of it.
24. How are the wills placed? They are tied up as soon as the petition to the Judges is granted, or motion is made in Court, when the officer sees that all is correct, and the judicial act is passed, they are then sown up with the affidavits and other documents, with a piece of tape or ribbon, and each separate will is then folded up and tied in strong cartridge-paper. The wills are tied up in convenient bundles, and put on deal shelves within this building or chamber.
25. How do you index them for reference? I keep an index thus—"Smith John, No. 426, "Thompson James, 432," and so on; and I keep a Probate Act Book in which is entered various particulars, such as the date of the probate, the names of the executors, and so on, and whether there is any informality in the will, or the wife being a dissipated character the administration has been given to the eldest son in preference to her, and whether there are any erasures or other particulars affecting the will. If any one desires to see the will I refer to the index-book in which the wills are numbered from 1 to upwards of 4,000, and the wills being likewise numbered in the bundles, it is easily found.
26. Are there upwards of 4,000 wills? No; there are 4,100 wills and administrations together: there are more than 2,000 wills altogether.
27. Are the affidavits and other documents attached to the wills? Yes; and that would also render it important that the Court should have control over them.
28. It follows that wherever they may be placed they should be convenient to the Supreme Court? Yes.
29. As it should be only with a responsible officer, like yourself, that the parties should be permitted to see them? Yes, or a responsible clerk under me. We see the wills arranged and placed before the party, and during the search a watchful eye is kept upon it: it is never taken out of sight. Either myself or a clerk goes with the party to the will-room, and one or the other remains till the search is completed.
30. In what state are these wills? They are in a very good state of preservation.
31. Are they chiefly on paper? Chiefly on paper—some are on parchment; but sometimes they are on very small slips of paper, and generally speaking on very bad paper. Those wills which are made up the country, where the testator can have no legal assistance, are written on all kinds of paper, and with bad ink. They are generally put with the affidavits, and preserved in the way I have before described.

32. For how many years have the arrears been accumulating? I think we are about ten or twelve years in arrear. The work increased so heavily upon us, and as the Legislature took a couple of clerks from the Common Law to the Equity branch, we found it to be impossible to keep them up.

D. B.
Hutchinson,
Esq.

25 Aug., 1858.

33. There are fees paid for each will? The fees were very heavy until about six years ago; but Mr. Wentworth thought them too much, and brought in a Bill to reduce the fees upon probate to 30s., and if above £10,000 the maximum fee is only 40s. So that the highest fee received by the Colony is 40s., and that covers the filing and swearing the affidavits, and all other incidental matters.

34. That is beneficial to the public? Yes.

35. How many wills do you average in the week? I think there were about 350 probates and administrations during last year. There is a return which I gave to the Chief Justice of the wills and administrations for the year 1857.

36. Do you recollect the amount of fees received in the year? It was very small indeed, because the fees commence at 7s. 6d. and 10s. for £50; 10s. for £100, and so on.

37. Perhaps the average would be 15s.? Between 10s. and 15s. The revenue derived from wills is very small now, because the affidavits, and everything done in connection with them, is supposed to be covered by the 30s. or 40s.

38. Would it occupy more than one clerk to keep up the work, supposing the arrears were conquered? If the whole attention of one clerk were devoted to it, it could be done; but I would suggest that the same practice should be adopted as that which is pursued with respect to deeds—that a copy, verified by some responsible person, should be made when a will is brought in, and that these copies should be of a certain size, and bound up for reference—that would be a very good record.

39. The copy to be made upon paper or parchment of a certain size? Yes, similar to that used in the registration of deeds. I do not suppose it would cost a party more than 10s. or 15s. in a small estate—not even that.

40. Wills in general are not of great length? No, except in such cases as those of William Hutchinson, or Robert Campbell, and some few others, were the wills extended over to some ten or twenty sheets.

41. So that if the arrears were overcome, these copies might be kept by a very small additional strength, and without any direct expense to the Colony? Yes, but we should need no additional strength.

42. And you would recommend that? Yes, and then the records would be perfect.

43. Into what kind of books are the wills copied? Into books of demy size.

44. Are they in a good state? A pretty fair state.

45. Are they on paper? Yes.

46. And each volume indexed? No, the one index I keep for the wills and administrations refers to everything. If I find a certain will is numbered 500, I refer to the book in which that number is kept and I find the copy.

47. Have you any other records of original documents? Nothing but the judgments and copies of bills of sale, which are not original. There is nothing the loss of which would cause any great inconvenience except the judgments, and we have lots of old process and other rubbish; perhaps it would not be a very bad thing if some of the latter were burned.

48. *By Mr. Jones*: There are no wills deposited here for safe custody? There were about half a dozen old ones, but I think they have been sent to the Registrar General.

49. *By the Chairman*: Does it come within your knowledge that many probates are lost? The probates themselves? I do not think more than three or four. We give an exemplified copy of the probate when lost.

50. Does it happen through people's carelessness that probates are lost? No; they have never come to us to remedy the loss, except in four or five instances.

51. Is there anything else you wish to state to the Committee? No. The only thing I desire to impress upon the Committee is that it would be very inconvenient if the wills were taken away from the control of the Supreme Court.

52. It would scarcely be necessary that the Registrar General should have any connexion with the inspection of them? I think he should not, unless by memorandum from us; because if he had there would be two responsible parties placed over these important documents, and if there were any tampering with them it would not be known upon whom the responsibility should be laid. In the event of the Legislature deeming it necessary to have the arrears of the wills copied, I would recommend that it should be done by contract. Law stationers would willingly undertake the duty, and they would do it cheaper and better than clerks paid according to the time they are employed.

Nicol Drysdale Stenhouse, Esq., called in and examined:—

1. *By the Chairman*: I believe you are a Solicitor of the Supreme Court? I have been a Solicitor here for about eighteen years. I also served the apprenticeship necessary to qualify me for becoming a Writer to the Signet, and practised for some time as a Solicitor in the Supreme Courts of Scotland.

N. D.
Stenhouse,
Esq.

25 Aug., 1858.

2. You conducted business in Edinburgh? Yes.

3. In the course of your business at Edinburgh, I suppose you had occasion to be at the General Register Office? Frequent.

4. Is it called the General Register Office there? It is called the General Register House.

5. Are original deeds deposited there? In some cases, the original deeds, but generally transcripts or abbreviates. No title to land is thoroughly secure without being registered in the form prescribed. The originals of the great national charters and documents are deposited in the General Register House. There are also some classes of deeds, of which the originals

N. D.
Stenhouse,
Esq.

25 Aug., 1858.

originals *may*, and others of which the originals *must* be so deposited. These, which relate principally to personal obligations, are registered either for the purpose of preservation, or of obtaining execution. I have had occasion to make very extensive searches, not only in the registers kept for sasines, but also in the register for special retours.

6. How are those searches made? In my time they might be made by legal practitioners or their clerks, or by the keepers of the respective offices, or their assistants. On one occasion I searched for the purpose of discovering what are called temple superiorities, all the special retours in Chancery from the latter part of the sixteenth century, down to the commencement of the eighteenth.

7. Did you search yourself? I did. Those retours are all written in Latin, or what is so called, except during the time of the Commonwealth.

8. Are these searches made by the solicitors who go to make them, or by any official parties in the office? In the case of Chancery records, I have no recollection of having seen any official certificates of search; it was usual, I believe, for the legal practitioner himself to search, or to employ a clerk, or in matters of antiquity, some person who had acquired a knowledge of the Latin language, and of ancient and Chancery handwriting.

9. But searches in the ordinary course of business are made by official persons? In my time, they might be made either by solicitors themselves, or by any one whom they authorised, generally a clerk, or by the keeper of the records.

10. Which is found to be the most convenient mode? Solicitors generally preferred what is called a certificate of search from the keeper; it relieved them from all responsibility.

11. As well in Edinburgh as in the country? I cannot speak particularly of the country, as I never practised except in Edinburgh. But I have no doubt that in the country also a certificate was preferred.

12. Are the names of the parties to the instruments in an index? Yes; at least in the offices kept for sasines. But what in this Colony is called an index, or at all events, its equivalent, is called in Scotland a minute book; and the entry in the minute book used to be much fuller, and much more calculated to preclude errors than the entry in our index.

13. The particulars of the deed, a sort of outline? Yes; I speak of the registers kept for sasines. The keeper entered in the minute book a note of the day and hour when the instrument was presented; and such an abstract or epitome of the instrument itself, as to shew distinctly what persons and lands it referred to. The conveyance or disposition on which the instrument of sasine was founded did not require to be registered; but, by the Ancient Acts of the Scottish Parliament, it was imperative, at least, in order to secure priority of right, that the instrument should be registered within sixty days from its date. After being entered in the minute books, the instruments, according to their order of presentation, were transcribed in registration books kept for the purpose, and were then returned with indorsed certificates of such transcription, mentioning the page of the volume. A note of the day and hour of registration was indorsed on the instrument, at the time of the entry in the minute book.

14. Are these annual indices? If I recollect aright, there was no break in any of the minute books at the end of a year. But, as the number of annual entries might vary considerably, it was the practice, I think, to fill up each successive volume before a new one was commenced. I do not remember whether or not an index accompanied each volume.

15. They run on continuously? They run on continuously.

16. There are no indices as to counties or divisions? Registers of sasines were in my time divided into two great classes; first, the general register of sasines in which instruments relating to lands in any county or district might be registered, and second the particular register of sasines or the special register, which was kept for every separate county or district, and in which no instruments of sasine, except those affecting lands in such county or district, could be registered. Sasines relating to land in *any* district might be entered in the general register. I ought also to mention, that a register was kept by each Royal Burgh for the registration of sasines affecting all lands belonging to it.

17. How is it when lands in different counties or districts happen to be under one conveyance? The instruments of sasine might either be registered in the general register or in the particular registers kept for the respective shires in which the lands were respectively situated. I know of a case in which an important question, and I believe important consequences arose from the registration of a sasine in a particular, instead of in the general register. It related to certain Temple superiorities claimed by Lord Torphichen, the lands being situated in a variety of counties or districts.

18. Is there any statute of limitations? There is an equivalent, affecting lands. It is called the negative and the positive prescription, and appears to have been founded on the Roman law. The undisputed possession of property, supported throughout by sasines, for 40 years gives a valid title; and neglect for the same period to interrupt the usurpation of a right involves its forfeiture.

19. Are the indices paper or parchment? Paper.

20. Do you recollect those of many years duration? The records in Chancery went so far back, I think, as about the middle of the 16th century. Those which I examined were well kept. There was little, if any important decay, though the writing was often very minute. The current manuscript character varied with the progress of time. The records written on paper were in a state of excellent preservation.

21. Was the paper manufactured especially for the purpose? I think not; I could not speak positively with regard to a matter of such remote antiquity. The caligraphy became less remarkable as time ran on. In Cromwell's time, the Chancery records, which I examined, were in English; and although the register was then very regularly kept, it was much inferior in beauty and excellence of penmanship to what it was during the earlier periods of its history.

22. Are the copies of the instruments upon paper or parchment? The copies of all instruments

ments were, I think, made on paper; but I speak with hesitation; it is not easy to call up on such a sudden summons recollections that are more than nineteen years deep.

23. With regard to the building in which these records are kept—is it fire-proof? I do not think that the whole building is so, but it is very substantial. I have never, so far as I recollect, been in the large central room.

24. I have seen it stated in Guide Books that portions of the building are fire-proof? Portions of the building are fire-proof, I believe.

25. It is an isolated building? It is an isolated building.

26. Are fires allowed? Yes; stoves, I think, were used.

27. Is the place well aired? It is.

28. Is there anything you recollect of the management of the office there, either as to the keeping of the books or as to the searches, you could suggest as applicable to registration here? Each register had a separate keeper. The minute books were kept in a most regular manner. The entries were written in a large hand; and the particulars were so distinctly specified that there could be little or no fear of any mistake or oversight in searching. Here the arrangements made for precluding errors are much less ample, and errors may consequently be more frequently committed. The index comprises merely the name of the grantor, the name of the grantee, and some general description of the land, such as—"No. 1 land at Petersham," so that much time is lost in referring to the register for an examination of documents unconnected with the purpose of a search.

29. A small synopsis would often save this reference? Yes, and it is very much required, for I do not regard the present index as immaculate.

30. Would that add much to the labor of the index writer? It would add considerably to the labor of the index writer.

31. It would require, perhaps, one, two, or three additional clerks? It would require ample assistance, being a matter of so much importance.

32. Is there anything you could suggest, from your practice in Scotland, that would facilitate the registration or the searches here? I think the index should go further back, be ampler, and be carefully revised. I cannot suggest anything that has not already occurred to those who have directed their attention to the improvement of the present constitution of our registers.

33. You are aware that the building in which these registers are kept is not fire-proof? Yes.

34. I suppose that is a matter of some apprehension at present? To many it may; but, after all, something must be left to a higher power, even if we have a fire-proof house. Every ordinary precaution ought, at all events, to be taken. The building should be substantial, and isolated, and provided with lightning conductors.

35. You would always leave a little to Providence? I would take every reasonable precaution, and be content to leave something.

36. You are aware where wills are kept in the Supreme Court? Yes; in a sort of stone niche or cell on the ground floor.

37. Do you think that a desirable spot? No; I should think they might suffer from damp. Great care is taken in Scotland to preserve the records from injuries arising from that cause.

38. *By Mr. Jones*: Which material do you consider to be the best for making these copies of deeds upon—paper or parchment? I believe that good stout paper is less liable to suffer from rumpling and frequent handling.

39. Would the writing be more likely to be obliterated on paper than on vellum or parchment? I think it is as unlikely to be obliterated from paper, if the ink and paper be of good quality, as it is from parchment. The temperature seems to affect the writing on parchment not less, if not more, than the writing on paper.

40. Were any of these old deeds you have spoken of, that were examined by you in Edinburgh, written on parchment or vellum? The deeds themselves were generally written on vellum or parchment. Those special retours, or evidences of relationship to a deceased person, to the records of which I have referred, were all transcribed in bound paper-books, and many of them in that minute character which one might suppose would increase the liability of the writing to injury from atmospheric and other causes; yet the state of preservation, notwithstanding the long periods over which it extended, was nearly perfect.

41. What was the comparative legibility of the writing on paper, and of that on parchment documents? I can only speak vaguely upon that point; I think, however, upon the whole, that the writing on paper was not less, if not more, legible than on parchment. If equally good materials were used in paper and parchment documents, bound in volumes, and both were much handled and subjected to attrition, I should say that the former would suffer less injury in the course of centuries than the latter.

42. *By Mr. Piddington*: Did I understand you to say that the records of Chancery in Scotland were bound in books, or kept in rolls? Those records which I examined were bound in books. In other cases, or more ancient times, some of the records may have been preserved in a tubular form.

43. Are you aware whether these old rolls were on paper or parchment? I have seen some on paper and some on parchment.

44. Are the minute books kept in Scotland, to which you have alluded, written on paper? On paper.

45. You have no experience of the state of writing upon parchment in the case of ancient records in Scotland, as compared with that of writing upon paper—you cannot charge your memory? I have seen both paper and parchment documents of very ancient dates. I have a recollection in particular of having seen in Scotland a small charter, written in France, about 400 years old, in connection with a demesne in that country.

46. Was that upon paper or upon parchment? On parchment.

47. Did you observe in the instance of this old writing any obliteration? No; it was written in a very fine character, and I think by an ecclesiastic. It was in a perfect state of preservation.

N. D.
Stenhouse,
Esq.

25 Aug., 1858.

N. D.
Stenhouse,
Esq.

25 Aug., 1858.

48. Have you had an opportunity of examining devotional M.S. missals written on vellum, five, six, or seven hundred years old? I think I have seen documents of as ancient a date as those, but not in the course of my professional duties, and I do not recollect what they were.
49. You have no recollection of the state of the writing upon old missals, upon vellum? My impression is, that the ancient writings upon vellum and parchment, which I have seen, were singularly perfect. I have observed, however, with regard to matters of later date, that, whether from the inferior quality of the parchment or of the ink or from defects attaching to both I know not, the writing on parchment has not retained its distinctness so fully as in older documents of that sort. I am inclined, at all events, to think that good paper, if combined with good ink, is the material best fitted for public records.
50. Have you in any search you have made in the Registry of New South Wales felt any inconvenience from the obliteration of the writing? I do not recollect.
51. *By Mr. Hay*: Have you searched lately in the office? Yes, frequently. I usually make the searches myself.
52. Have you observed any obliteration which has been more or less complete? Not in the records themselves; but in examining an index I have occasionally noticed obliterations or illegibilities arising from frequent handling—not anything irreparable.
53. You have not observed that a general obliteration has taken place in some cases from the fading of the ink? I have met with instances in which the writing had become so indistinct that it could not be read without a strong effort of the eye.
54. Do you recollect anything of that kind in any of the registers in the Register Office in Edinburgh? I do not.
55. Is effect given to the seisins you have talked of according to the priority of their registration? Yes, if both are free from every defect. Supposing two seisins are correct in every respect, priority is conceded to that first registered. To acquire priority every instrument of sasine must be registered within sixty days from its date.
56. *By Mr. Hay*: That is to say, supposing another instrument were registered within the proper time? Yes.
57. But of two instruments, each registered within the sixty days, the one registered prior to the other would in all cases be preferred? Assuredly.
58. *By the Chairman*: Is there anything of equitable notice in Scotland? No; all subtleties of that sort are discarded in matters of registration. The Judges of Scotland would shudder at the insecurity of the records here, as indicated by the construction put by the Supreme Court on some points in our Registration Acts, and at the necessity for the amendments introduced by the late Act passed on the subject. I do not express myself too strongly when I say that I have seen some of the old Scotch Judges evince a feeling approaching to horror when cases were brought before them involving *errors of principle* much less injurious to the community than numerous defects in our law which are viewed with indifference.
59. Do you partake of that same horror? I fear I have outlived my early sensibility in such matters.
60. *By Mr. Hay*: Do you think the people of Scotland generally value their system of registration? Very highly.
61. They would not like to exchange it for the English system? No; it has been found to be most beneficial. An Act framed by Lord Brougham, and passed, I think, about the year 1835, for obviating the effect of some clerical mistakes in registered instruments, added to the confidence with which the system of registration was regarded by the people of Scotland.
62. *By the Chairman*: Have you anything further to suggest to the Committee? I would recommend that an alphabetical index of the names of all *purchasers*, or *grantees*, should be made from the commencement of the records, and be regularly kept, referring to the other index for the names of the *vendors*, &c. An index resembling what I now suggest was for some time kept, but it has been discontinued. According to the present practice, a debtor may have lands which his creditor may not be able to discover without incurring the expense and trouble of a long speculative search. I should also mention that I have observed in a recent Edinburgh Almanack the following appointments to offices in the General Register House, which have been created since I left Scotland:—"Superintendent of Searches in the 'Literary and Antiquarian Department.'" "Official Searchers of Records for Incumbrances." I infer, therefore, that an official certificate of search may now, at all events, be obtained from every office—that is certainly a great advantage. Various improvements have, I believe, been made in details since my time; but the great principles of the registration system have not been altered. The important practical result of that system, briefly stated, is—that by refusing effect to all latent flaws and incumbrances, and by affording the amplest facilities for ascertaining the exact state of any title, it imparts the utmost possible confidence and stability to all transactions connected with real property. In addition to the suggestion I have already made, I would advise, in accordance with the principle on which adjudications and inhibitions, &c., are required by the law of Scotland to be registered, that no *lis pendens*, or order or decree in equity, *mere notice* of which may now affect purchasers or mortgagees, should be allowed to operate in any form as an incumbrance, until a memorandum of it should be entered on the general register. It occurs to me, on further recollection, that the *originals* of the *retours* I spoke of were written on parchment, and preserved in the Chancery office; but I searched only the books in which they were transcribed, and which were kept for reference. In the registers for sasines *copies* of the instruments—those copies being written, as I have stated, in books—were alone retained.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOVERNMENT PRINTING OFFICE.

(EXPENSES OF.)

Ordered by the Legislative Assembly to be Printed, 17 June, 1858.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 21 May, 1858, That there be laid upon the Table of this House;—

“(1.) A Return shewing the date of the establishment of the Government Printing Office, and the amount of the working expenses of that Office for each year during its existence.

“(2.) The number of persons in situations of trust or authority, the number of journeymen Compositors, the number of journeymen Pressmen, the number of Apprentices, and the number of other persons employed in that Office, in the month of July of the years 1850, 1852, 1854, and 1856, and in the month of April of 1858.

“(3.) The salaries paid to the persons in situations of trust or authority, and the rates paid to the working hands, at the respective periods mentioned.

“(4.) The total expenditure for machinery and material, and the total expenditure for repairs and erection of buildings, during the existence of the establishment.”

Nos. 1 & 4.

A RETURN shewing the Annual Amount of the Working Expenses of the GOVERNMENT PRINTING OFFICE, from its establishment, on the 14th December, 1840, to 31st December, 1857, and the Expenditure, during the same period, for Machinery and Materials, and for Repairs and Erection of Buildings.

No. 1.		No. 4.	
YEAR.	WORKING EXPENSES OF THE ESTABLISHMENT.	MACHINERY AND MATERIALS.	REPAIRS AND ERECTION OF BUILDINGS.
1840	21 15 4	.....	.....
1841	1,624 7 5	1,757 7 5	156 2 10
1842	1,809 11 4	133 6 7	.....
1843	1,589 2 0	357 7 0	53 4 11
1844	1,200 7 4	388 18 1	53 0 0
1845	1,257 2 2	137 0 11	34 15 6
1846	1,396 0 2	162 9 3	85 0 11
1847	1,449 1 6	543 12 0	65 1 4
1848	1,723 11 8	193 1 2	39 13 6
1849	1,906 18 0	455 3 6	131 15 9
1850	2,182 13 1	528 13 1	.....
1851	2,522 9 11	233 0 9	299 0 8
1852	3,366 5 3	1,136 16 0	73 0 4
1853	7,057 18 2	169 9 4	77 19 5
1854	7,911 13 5	615 18 11	18 17 9
1855	9,855 2 7	646 13 10	* 3,475 14 10
1856	11,135 19 2	404 8 4	* 3,351 1 3
1857	† 13,199 14 11	‡ 1,551 8 6	325 5 0
		9,414 14 8	8,239 14 0
		£17,654 8 8	

* Including payments to the amount of £6,000, provided for under 18 Victoria, No. 35, for the erection of a New Government Printing Office.

† Includes £786 8s. 6d. for the Bookbinding Department, first established in this year.

‡ Includes £852 5s. 3d. for Binding Tools and Materials.

Audit Office, Sydney, New South Wales,
7 June, 1858.

W. C. MAYNE,
Auditor General.

Nos. 2 & 3.

A RETURN shewing the number of persons in situations of trust or authority, the number of journeymen Compositors, the number of journeymen Pressmen, the number of Apprentices, and the number of other persons employed in that Office, in the month of July of the years 1850, 1852, 1854, and 1856, and in the month of April of 1858; with the salaries paid to the persons in situations of trust or authority, and the rates paid to the working hands, at the respective periods mentioned.

DESCRIPTION OF SITUATION.	July, 1850.			July, 1852.			July, 1854.			July, 1856.			April, 1858.		
	No.	RATE.		No.	RATE.		No.	RATE.		No.	RATE.		No.	RATE.	
		Yearly.	Daily.		Yearly.	Daily.		Yearly.	Daily.		Yearly.	Daily.		Yearly.	Daily.
Government Printer	1	£ 200	..	1	£ 250	..	1	£ 316 13 4	..	1	£ 466 13 4	..	1	£ 700	..
Overseer	1	.. 9/	..	1	200	..	1	300 0 0	..	1	350 0 0	..	1	450	..
Accountant	1	150	..	1	200	..	1	266 13 4	..	1	350 0 0	..	1	400	..
Compositors	3	.. 6/	..	..	..	..	4	.....	15/4	4	.....	15/4	4	.. 15/4	..
	6	.. 5/	..	16	.. 10/	..	11	.....	13/4	10	.....	13/4	10	.. 13/4	..
	..	..	..	..	..	..	6	.....	12/	14	.....	12/	15	.. 12/	..
	..	..	..	..	..	..	..	.....	..	..	.....	..	1	.. 10/	..
Pressmen	1	.. 6/6	..	6	.. 10/	..	2	.....	13/4	3	.....	13/4	3	.. 13/4	..
	2	.. 5/	..	..	..	..	4	.....	12/	..	.....	..	..	..	..
Readers .....	..	..	..	..	..	..	1	.....	10/	1	.....	13/4	1	.. 13/4	..
	..	..	..	..	..	..	..	.....	..	..	.....	..	1	.. 12/	..
Publisher	1	.. 5/	..	1	.. 10/	..	1	.....	12/	1	.....	12/	..	..	..
Machinists .....	..	..	..	..	..	..	..	.....	..	3	.....	10/	3	.. 12/	..
Assistants at the Machines .....	..	..	..	..	..	..	..	.....	..	..	.....	..	3	.. 10/	..
Apprentices and others	1	.. 2/6	..	2	.. 3/6	..	1	.....	8/	2	.....	8/4	2	.. 8/	..
	3	.. 2/4	..	..	..	..	3	.....	6/	1	.....	6/	1	.. 6/8	..
	1	.. 2/2	..	6	.. 3/	..	1	.....	5/4	1	.....	5/4	5	.. 5/	..
	10	.. 2/	..	..	..	..	6	.....	4/	3	.....	5/	..	..	..
	4	.. 1/10	..	..	..	..	4	.....	3/6	5	.....	3/6	1	.. 4/	..
	..	..	..	21	.. 2/6	..	4	.....	6/8	5	.....	4/	2	.. 4/6	..
	4	.. 1/8	..	..	..	..	4	.....	3/	4	.....	3/	1	.. 3/6	..
	..	..	..	..	..	..	..	.....	..	..	.....	..	10	.. 3/	..
	39	..	..	55	..	..	55	.....	..	60	.....	..	70	..	..
BINDING ESTABLISHMENT.															
Foreman of Binders and Publisher ..	..	..	..	..	..	..	..	.....	..	..	.....	..	1	250	..
Binders .....	..	..	..	..	..	..	..	.....	..	..	.....	..	3	.. 12/	..
1 Folder, 2 Stitchers ..	..	..	..	..	..	..	..	.....	..	..	.....	..	3	.. 5/	..
Apprentice .....	..	..	..	..	..	..	..	.....	..	..	.....	..	1	.. 6/8	..

NOTE.—In the years 1850 and 1852, the Government Printer, Overseer, and Accountant, had Quarters found them, with Fuel and Light; in the year 1854, the Government Printer and Accountant, and not the Overseer, had Quarters and Fuel; neither of the before-mentioned Officers now have Quarters found them.

The increase of wages to Compositors and Pressmen, from 10s. to 12s. per diem, commenced in June, 1856.

In the year 1856 Responsible Government was introduced, and the Printing for a second House of the Legislature commenced.

In the year 1857, the Binding Establishment and the Postage Stamp Printing Office were added to the Department.

1858.

Legislative Assembly.

NEW SOUTH WALES.

GOVERNMENT PRINTING OFFICE. .

(PAPER USED FOR PRINTING IN THE YEARS 1854, 1855, 1856, & 1857 RESPECTIVELY.)

Ordered by the Legislative Assembly to be Printed, 18 June, 1858.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, on 21 May, 1858, That there be laid upon the Table of this House—

“ A Return shewing the quantity and description of paper used
“ for printing, and issued by the Government Printer for the
“ various departments during the years 1854, 1855, 1856, and
“ 1857, specifying the names of the departments, and the quantity
“ and description of paper respectively printed for each.”

STATEMENT shewing the quantity and description of PAPER used for Printing for the various GOVERNMENT DEPARTMENTS in the Year 1854.

DEPARTMENT.	FOOLSCAP.		DEMY.				IMPE- RIAL.	MEDIUM.		POST.			ROYAL.				
	Double.	Single.	Colored.	Printing.	Ruled.	Writing.	Writing.	Ruled.	Plain.	Bank.	Quarto.	Printing.	Double.	Ruled.	Writing.	Super.	Cartridge.
	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.
1 Auditor General.....	11,795	3,942	....	....	....	937	201	156	81	....	....	154	....	59	275	296	256
2 Bishop's Registrar.....	354	....	....	130	....	....	....	1,008	....	....	....	....	320	....	....	....	....
3 City Commissioners.....	64	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
4 Court of Claims.....	54	....	....	....	....	6,346	....	....	....	162	....	55	1,574	154	216	....	328
5 Colonial Secretary.....	7,407	5,233	....	2,520	259	7,928	3,596	1,006	2,016	....	....	384	330	....	....	....	882
6 Colonial Storekeeper.....	144,109	52,784	2,006	493	504	642	....	....	....	....	....	186	....	....	....	....	54
7 Colonial Treasurer.....	23,967	7,746	....	2,829	....	4,644	....	....	1,972	....	504	....	....	....	....	....	....
8 Collector of Customs.....	4,327	2,174	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
9 Chief Commissioner of Crown Lands.....	1,258	6	....	....	....	....	....	354	....	....	....	....	....	....	....	....	....
10 Civil Engineer.....	157	154	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
11 Civil Crown Solicitor.....	127	77	....	....	....	326	....	....	....	....	....	....	....	....	....	....	....
12 Colonial Architect.....	53	254	....	312	....	....	....	....	....	....	....	....	....	....	....	....	....
13 Central Police.....	94	....	....	....	....	216	....	....	....	....	....	....	....	....	....	....	216
14 Church and School Estates Agent.....	....	....	....	....	....	256	....	....	....	....	....	....	....	....	....	....	....
15 Clerk of the Peace.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	208	....
16 Denominational Education Board.....	54	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
17 Education Commissioners.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
18 Executive Council.....	79	53	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
19 Gazette.....	247,360	6,646	....	....	....	....	....	....	....	....	....	....	....	27	....	....	....
20 Govt. Printer { Papers for Sale.....	59,698	1,599	....	....	....	....	....	....	....	....	....	....	....	4,572	....	....	....
21 { Official Forms.....	2,835	3,004	....	960	444	95	....	79	....	....	....	....	....	....	....	....	254
22 Inspector General of Police.....	24,240	6,479	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
23 Immigration Agent.....	26,944	6,071	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
24 Legislative Council.....	243,714	6,940	....	27	....	....	....	....	....	....	....	....	....	....	....	....	....
25 Master of Mint.....	284	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
26 Postmaster General.....	5,265	2,119	....	651	....	2,020	....	308	506	....	....	....	....	2,745	....	....	....
27 Shipping Master.....	383	456	....	....	....	492	104	178	....	....	....	....	....	1,144	....	....	....
28 Steam Navigation Board.....	579	....	....	....	789	....	....	....	....	....	....	....	....	....	....	....	....
29 Supreme Court.....	1,130	410	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
30 Vaccine Institution.....	256	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
31 Water Police.....	509	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
	807,096	106,147	2,006	7,922	2,250	27,447	3,901	3,089	4,575	162	756	3,904	11,172	213	491	2,520	3,494

WM. HANSON,
Government Printer.Government Printing Office,
Sydney, 15 June, 1858.

STATEMENT shewing the quantity and description of PAPER used for Printing for the various GOVERNMENT DEPARTMENTS in the year 1855.

DEPARTMENT.	FOOLSCAP.		DEMY.					IMPERIAL.	MEDIUM.	POST.			ROYAL.					PARCHMENT.
	Double.	Colored.	Blue.	Colored.	Printing.	Ruled.	Writing.	Writing.	Writing, Plain.	Bank.	Quarto.	Printing.	Double.	Single.	Writing.	Super.	Cartridge.	
	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	sheets.	skins.
1 Auditor General	15,764	....	....	....	....	....	....	1,342	....	....	....	166	....	....	324	620	....	....
2 Central Police	2,163	....	....	....	....	....	....	1,959	116	....	....	....	....	106	....	....	....	....
3 Civil Crown Solicitor	1,971	....	....	....	....	....	....	306	....	....	....	....	....	....	....	....	....	....
4 Colonial Architect	1,747	....	....	....	....	....	....	7,105	....	106	128	113	304	1,834	....	54	349	26
5 Colonial Secretary	10,687	....	....	....	....	....	....	1,786	....	....	....	....	....	....	....	....	....	....
6 Colonial Storekeeper	98,388	....	2,508	1,920	2,016	....	....	860	....	....	4,933	127	....	....	480	....	469	....
7 Colonial Treasurer	34,513	....	....	....	121	....	....	....	....	....	....	....	....	....	....	....	....	....
8 Court of Claims	54	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
9 Court of Requests	1,512	....	....	....	....	....	....	....	....	....	....	....	....	6,975	160	....	508	100
10 Chief Commissioner of Crown Lands ..	5,135	....	....	....	718	....	....	1,737	....	....	....	....	....	....	....	....	....	....
11 Collector of Customs	3,663	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
12 Executive Council	69	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
13 Govt. Printer. { Gazette	338,265	....	....	....	....	24	254	....	....	....	....	27	....	1,360	....	....	....	....
14 { Papers for Sale	77,795	....	....	....	....	....	408	....	....	....	....	....	....	....	....	1,648	....	....
15 { Official Forms	3,195	....	....	....	....	....	3,513	....	1,006	....	....	....	....	....	....	....	149	....
16 Immigration Agent	31,902	....	....	....	310	....	1,006	....	2,008	....	....	407	....	....	....	....	1,735	....
17 Inspector General of Police	31,117	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
18 Legislative Council	276,896	....	....	....	....	....	....	....	....	....	....	876	....	501	262	....	170	....
19 Medical Board	52	....	....	....	56	....	1,441	....	....	....	....	....	....	....	....	....	....	....
20 Master of Mint	3,206	....	....	....	....	....	56	....	....	....	....	....	....	....	....	....	32	285
21 Orphan Schools .....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
22 Postmaster General	35,799	337	....	....	1,917	....	2,621	....	....	....	....	1,142	1,724	2,516	....	....	....	....
23 Railway Commissioners	812	....	....	....	....	....	102	....	108	....	....	....	....	....	....	....	....	....
24 Steam Navigation Board	53	....	....	....	256	....	....	....	....	....	....	....	....	....	....	....	....	....
25 Sheriff	2,488	....	....	....	....	....	52	....	612	....	....	....	....	303	....	....	....	....
26 Supreme Court	1,663	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
27 Surveyor General	1,565	....	....	....	....	....	53	....	....	....	....	....	....	....	....	....	....	....
28 Vaccine Institution .....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
29 Water Police	127	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
	980,601	337	2,508	1,920	5,394	24	24,591	224	4,888	106	5,061	3,112	2,028	14,316	2,234	2,322	3,747	411

NOTE.—In the month of September this year the custody and issue of Official Forms was transferred from Colonial Storekeeper to the Government Printer.

Government Printing Office,
Sydney, 15 June, 1858.

WM. HANSON,
Government Printer.

STATEMENT shewing the quantity and description of PAPER used for Printing for the various GOVERNMENT DEPARTMENTS in the year 1856.

DEPARTMENT.	FOOLSCAP.		DEMY.				IMPERIAL.		MEDIUM.		POST.		ROYAL.					PARCELS.
	Double.	Double yellow wove.	Writing.	Blue.	Colored.	Printing.	Cartridge.	Writing.	Ruled.	Plain.	Bank.	Printing.	Double.	Single.	Writing.	Super.	Cartridge.	
1 Auditor General	11,720	64	281	.....	.....	14	.....	126	.....	.....	.....	129	.....	.....	.....	.....	.....	skins
2 Bishop's Registrar	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3 Church and School Estates Agent	1,688	.....	.....	.....	.....	.....	.....	.....	.....	206	.....	.....	.....	.....	.....	.....	.....	.....
4 Colonial Architect	13,996	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5 Central Police	40,505	.....	7,016	.....	.....	708	.....	1,458	.....	1,418	.....	1,754	.....	.....	.....	.....	.....	.....
6 Census (Registrar General)	524	.....	156	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,512	.....	2
7 Civil Engineer	25,243	.....	4,263	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	761	.....	.....	.....	.....
8 Colonial Secretary	8,244	.....	1,514	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
9 Colonial Storekeeper	42,495	360	2,606	.....	.....	.....	67	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10 Colonial Treasurer	5,328	.....	5,083	.....	.....	.....	461	.....	80	.....	1,266	7,536	.....	.....	.....	74	52	100
11 Collector of Customs	2,923	.....	52	.....	.....	504	208	.....	.....	504	.....	757	.....	922	.....	882	.....	3,820
12 Chief Commissioner of Crown Lands	822	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	56	.....	Debitures.
13 Court of Requests	531	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
14 Civil Crown Solicitor	304	.....	.....	.....	.....	77	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
15 Criminal Crown Solicitor	128	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16 City Commissioners	490	.....	26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
17 Darlinghurst Gaol	33	.....	.....	.....	.....	.....	47	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
18 Executive Council	312,235	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
19 Govt. Printer. { Gazette	40,530	5,139	.....	.....	.....	.....	.....	.....	.....	.....	.....	64	.....	.....	.....	.....	.....	.....
20 Govt. Printer. { Papers for Sale	74,531	80	1,612	.....	.....	1,208	.....	326	.....	.....	.....	93	7,229	.....	.....	.....	.....	.....
21 Govt. Printer. { Official Forms	80	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
22 Govt. Printer. { Stamp Office	23,488	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
23 Inspector General of Police	363	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
24 Inspector of Distilleries	23,312	.....	334	.....	.....	506	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
25 Immigration Agent	591	.....	.....	.....	.....	.....	.....	.....	.....	104	.....	1,006	.....	1,010	1,008	.....	.....	.....
26 Insolvency Commissioner	38,161	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
27 Legislative Council (Old)	31,897	3,167	317	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
28 Legislative Council (New)	123,630	13,744	26	.....	.....	.....	128	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....
29 Legislative Assembly	71	.....	.....	.....	.....	.....	76	.....	.....	.....	.....	967	.....	.....	.....	.....	.....	.....
30 Lunatic Asylum	870	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,516	.....	580	.....	.....	.....	.....
31 Land and Public Works	7,398	.....	2,537	.....	.....	.....	401	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
32 Master of Mint	74,290	218	2,522	109	.....	9,336	412	.....	.....	.....	.....	64	.....	.....	.....	.....	.....	.....
33 Postmaster General	348	.....	81	.....	.....	.....	.....	.....	.....	5,392	254	381	.....	4,128	.....	.....	.....	.....
34 Port Master	1,808	.....	1,372	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
35 Railway Commissioners	22,686	504	13,502	.....	960	3,313	5,968	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
36 Registrar General	1,600	.....	.....	.....	.....	.....	.....	.....	.....	262	.....	77	256	.....	508	.....	.....	.....
37 Shipping Master	52	.....	78	.....	.....	.....	.....	200	.....	438	.....	754	.....	2,084	3,434	3,312	19,758	.....
38 Steam Navigation Board	989	.....	77	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,264	.....
39 Supreme Court	6,633	.....	13,604	.....	.....	1,183	1,324	.....	.....	12	.....	106	.....	.....	.....	.....	.....	.....
40 Surveyor General	7,854	.....	363	.....	.....	.....	.....	.....	.....	.....	.....	.....	156	.....	1,240	.....	.....	.....
41 Sheriff	.....	.....	140	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8,878
42 Vaccine Institution	2,283	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
43 Water Police	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	950,499	23,212	57,818	109	960	16,854	9,092	2,110	80	8,336	1,520	22,194	7,641	9,488	6,243	6,916	22,391	12,800

Government Printing Office,
Sydney, 15 June, 1858.

WM. HANSON,
Government Printer.

STATEMENT, shewing the quantity and description of PAPER used for Printing for the various GOVERNMENT DEPARTMENTS in the Year 1857.

301-B

DEPARTMENT.	FOOLSCAP.			DEMY.				IMPERIAL.		MEDIUM.		POST.			ROYAL.			PARCH- MENT.		
	Double. sheets.	Colored. sheets.	Loan Paper. sheets.	Writing. sheets.	Blue. sheets.	Ruled. sheets.	Printing. sheets.	Writing. sheets.	Cartridge. sheets.	Writing. sheets.	Ruled. sheets.	Blank. sheets.	Printing. sheets.	Cream Laid 4to. sheets.	Cream Laid folio. sheets.	Medium folio. sheets.	Writing. sheets.		Writing Super. sheets.	Printing. sheets.
1 Auditor General.....	12,770	..	..	1,551	..	..	..	434	..	..	..	..	15	..	..	..	2,009	664	..
2 Astronomer.....	629	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	160	..
3 Botanic Gardens Director	10	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
4 Bishop's Registrar.....	14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	54	..	..	51
5 Church and School Estates Agent	102	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
6 Colonial Architect.....	1,173	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
7 Central Police.....	8,793	..	..	1,888	..	..	..	1,616	..	..	..	..	..	..	..	..	..	150	..
8 Colonial Secretary.....	5,829	23	..	312	..	..	..	..	104	960	..	..	140	..	..	..	..	..	158
9 Colonial Storekeeper.....	2,951	..	..	554	..	..	..	404	..	400	..	..	..	..	127	..	..	..	755
10 Colonial Treasurer.....	37,169	..	528	1,422	..	..	..	1,126	617	1,364	..	3,153	573	326	27	6,184	60	1,216	..
11 Collector of Customs.....	8,577	..	..	1,718	..	..	1,062	1,568	..	3,154	..	..	93	..	..	..	56	..	..
12 Chief Commissioner of Crown Lands..	7,154	..	..	48	..	..	..	..	..	423	62	..	27	..	..	..	..	..	..
13 Court of Requests.....	3,943	..	..	106	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
14 Civil Crown Solicitor.....	660	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15 Criminal Crown Solicitor.....	252	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
16 Commissariat.....	576	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
17 Clerk of the Peace.....	26	..	..	..	..	..	..	..	78	..	..	..	..	..	..	..	..	..	..
18 Convict Department.....	76	..	..	65	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19 Darlinghurst Gaol.....	168	..	..	..	..	..	..	..	50	152	..	..	..	..	..	..	..	..	..
20 Executive Council.....	76	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
21 Gazette.....	254,837	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	9,636
22 Govt. Printer. { Papers for sale	89,109	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
23 { Official forms	74,596	12	..	4,970	528	100	1,832	..	468	480	..	..	377	..	..	..	..	2,957	..
24 { Stamp Office	136	..	..	54	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
25 Government Resident, Brisbane.....	21	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
26 Governor General's Private Secretary.	18	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
27 Harbour Defences.....	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
28 Inspector General of Police.....	21,929	..	..	..	..	..	..	344	408	..	..	..	..	..	..	..	..	..	..
29 Inspector of Distilleries.....	513	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
30 Immigration Agent.....	15,578	..	..	610	..	..	..	..	..	..	..	..	253	..	..	..	606	..	26
31 Insolvency Commissioner.....	532	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
32 Light, Navigation, and Pilot Board ..	428	..	..	102	..	..	..	..	102	..	..	..	..	..	..	..	..	..	..
33 Legislative Council.....	166,946	..	..	..	..	..	77	..	111	..	..	..	1,108	88	..	..	..	..	252
34 Legislative Assembly.....	299,291	..	..	128	..	..	3,350	..	..	..	..	..	919	..	17	..	..	..	5,002
35 Lunatic Asylum.....	165	..	..	554	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
36 Land and Public Works.....	2,240	..	..	256	35	..	..	..	1,020	960	..	..	244	..	..	..	..	..	501½
37 Law Officers.....	117	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
38 Medical Board.....	..	..	..	..	..	..	..	..	..	..	..	..	128	..	..	..	..	..	..
39 Master of Mint.....	7,038	..	..	1,998	..	..	..	..	..	..	..	..	..	..	..	..	126	78	..
40 Post Master General.....	111,065	1,337	..	3,881	..	..	7,866	..	1,014	1,350	..	..	6,037	..	..	..	203	..	7,220
41 Port Master.....	876	..	..	16	..	..	..	..	..	..	..	..	..	..	..	..	..	..	212
42 Railway Commissioners.....	5,012	..	..	1,280	..	..	..	..	..	..	..	..	128	..	27	..	..	..	206
43 Registrar General.....	16,858	..	..	1,897	..	..	..	..	..	2,626	..	..	63	..	..	..	2,040	11,912	586
44 Supreme Court, Sydney.....	281	..	..	1,700	..	..	..	..	406	70	..	..	..	..	..	..	234	..	..
45 Supreme Court, Moreton Bay.....	..	..	..	..	..	..	..	..	102	..	..	..	..	..	..	..	984	..	..
46 Shipping Masters.....	3,348	..	..	..	..	..	..	4,028	4,008	..	..	..	..	..	..	..	..	..	..
47 Steam Navigation Board.....	114	..	..	..	..	..	..	..	106	..	..	..	387	..	..	..	..	..	..
48 Surveyor General.....	31,267	..	..	8,721	..	..	..	..	254	..	..	..	..	..	..	..	1,008	..	1,462½
49 Sheriff.....	1,937	..	..	304	..	..	53	..	..	..	..	..	..	..	..	..	..	..	14
50 Vaccine Institution.....	167	..	..	203	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
51 Roman Catholic Orphan School.....	..	..	..	..	..	..	..	..	..	..	..	..	63	..	..	..	..	..	..
52 Water Police.....	986	..	..	..	..	..	..	..	..	..	..	..	27	..	..	..	..	..	..
	1,196,359	1,372	628	34,338	563	100	14,240	7,635	8,538	14,199	62	3,153	10,582	414	198	6,238	7,226	14,020	28,602	2,764½

Government Printing Office,
Sydney, 15 June, 1858.

WM. HANSON,
Government Printer.

QUANTITY OF PAPER (IN REAMS) USED IN THE GOVERNMENT PRINTING
OFFICE, FROM 1854 TO 1857, INCLUSIVE.

DESCRIPTION.	1854.	1855.	1856.	1857.
	Reams.	Reams.	Reams.	Reams.
Blotting Paper				1
Cartridge—Royal	13	12	42	4
Do. Imperial			16	45
Crown—Double Printing				4
Demy—Writing	56	51	121	94
Do. Ruled	3			4
Do. Printing, Single	21	25	50	30
Do. Colored, do.	5	7	2	
Do. Blue		3	1	6
Do. Double, Colored				$\frac{1}{2}$
Do. do. Printing				10
Foolscap—Double, B.W.	1,543	2,004	2,177	2,587
Do. Single	229			55
Do. Double, Colored		1	2	
Do. Double, Yel. Wove				54
Imperial—Ruled	7			
Do. Writing	8	5	$2\frac{1}{2}$	18
Loan Paper—D. Cap., Yel. Wove ..				1
Medium—Ruled, Writing	$9\frac{1}{2}$			2
Do. Writing	$6\frac{1}{2}$	12	$18\frac{1}{2}$	46
Post—Bank	$\frac{1}{2}$	16	4	9
Do. Printing, Folio	9	10	30	19
Do. Medium, do.			16	10
Do. Quarto	3	1		
Do. Cream Laid, Folio				3
Do. do. do. 4to.				3
Royal—Printing, Double	$40\frac{1}{2}$	$8\frac{1}{2}$		30
Do. do., Single		63	64	
Do. Writing	1	6	12	12
Do. do., Ruled	$\frac{3}{4}$			
Do. do., Super	$5\frac{1}{2}$	7	$12\frac{1}{2}$	32
Tissue Paper				1
	1,961 $\frac{1}{2}$	2,321 $\frac{1}{2}$	2,570 $\frac{1}{2}$	3,086 $\frac{1}{2}$
Cards—Printing, Packs				36
Parchment—Skins	16	461	106	2,024

*Government Printing Office,
Sydney, 15 June, 1858.*

WM. HANSON,
Government Printer.

MSO